

Licensing Sub-Committee 2 – 31st October 2017

Report of the Strategic Director Place

Application for Consent to Engage in Street Trading

Ms Samantha Russell – Gornal Crematorium

Purpose

1. To consider the application made by Ms. Samantha Russell for the grant of a consent to engage in street trading at Gornal Crematorium, Chase Road, Gornal Wood, Dudley, West Midlands, to sell Cut Flowers, Flower Arrangements and Wreaths.

Recommendation

2. That the Committee consider the application on behalf of Ms Russell for the grant of a consent to engage in street trading at Gornal Crematorium.

Background

3. For many years there have been flower sellers outside both the Crematoria at Gornal Wood and Stourbridge. This was by agreement with Bereavement Services.
4. The agreements concluded in March and May 2012, respectively.
5. In order to be fair to all, Bereavement Services decided to request the formalisation of these pitches to allow street trading consents to be issued to the traders.
6. Accordingly, on the 14th December, 2011, Mr Ian Bailey, Principal Bereavement Services Officer made application for the revision of the consent/prohibited streets in the Dudley Borough.
7. This matter was considered by the Licensing Sub-Committee on the 17th January, 2012. The Committee resolved that the application to include Chase Road, Gornal Wood and South Road, Stourbridge, as consent streets for the purpose of Street Trading be approved.
8. On the 8th September 2017, Ms Russell made application for the grant of a consent to sell Cut Flowers, Flower Arrangements and Wreaths as appropriate for a Crematorium, at the Gornal Crematorium, Chase Road, Gornal Wood, Dudley on Saturdays, Sundays and Bank Holidays between the hours of 8.00 a.m. and 1.00 p.m. A copy of that application has been forwarded to Committee Members prior to the hearing.

9. The application was also circulated to all interested parties and advertised on the Licensing Web Pages. No objections have been raised to the application.
10. This application falls within the Council's recent responsibility for licensing which has direct link to the Council's key corporate priority that safety matters.

Finance

11. There are no financial implications.

Law

12. The grant of consents to engage in street trading is governed by Part III of Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982, Chase Road is a consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
13. Paragraph 7(2) of Schedule IV of the 1982 Act, states that the Council may grant a consent if it thinks fit and, when granting or renewing a consent, the Council may attach such conditions as it considers necessary.
14. Paragraph 10 of Schedule IV of the 1982 Act, states that a street trading consent may be granted for one period not exceeding 12 months but may be revoked at any time.
15. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which the trade/may trade and the times between which or periods for which he may trade.
16. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or refusal to grant or renew a street trader's consent.

Equality Impact

17. This report takes into account the Council's policy on equal opportunities.
18. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Transformation

19. There are no human resources/transformation implications



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STRATEGIC DIRECTOR OF PLACE

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Background Papers