

Licensing and Safety Committee 3 – 11th October 2011

Report of the Director of Corporate Resources

LSD Promotions Limited (Halesowen Street Market)

Purpose of Report

1. To consider the application made by Mr. Dermot McGillicuddy on behalf of LSD Promotions for the renewal and variation of the consent to engage in street trading in Halesowen Town Centre, issued to the Halesowen Street Market.

Background

2. The Halesowen Street Market was first issued with a consent to engage in street trading on the 23rd November, 2002, for each second Saturday of each month.
3. On the 5th November, 2003 an application for renewal of the consent to engage in street trading in Halesowen Town Centre with effect from the 8th November, 2003 and the increase in trading days from one Saturday to two Saturdays per month was received along with an application for the variation of the goods to be sold.
4. This application was circulated to the West Midlands Police, Support Services, Directorate of the Urban Environment and the Halesowen Town Centre Manager.
5. None of the agencies raised any objections to the application.
6. This matter was considered by the Licensing and Safety Committee on the 28th April 2004. The Committee resolved that the consent be issued and extended. They further resolved that the application for variation be deferred.
7. Following that hearing on the 28th April 2004, various letters were received by the Licensing Office, making objections to the variation of the street trading consent.
8. This application was considered by the Committee on the 29th July 2004. The Committee resolved that the application for variation be refused. That licence was subsequently renewed.
9. On the 24th August 2006, Mr McGillicuddy made application for a further variation of his consent to engage in street trading to include crafts, hobbies, art, antiques, ceramic, fair-trade and unusual items.

10. This application was circulated as in paragraph 4 above.
11. The Town Centre Manager made comments which were brought to the attention of the Committee.
12. Various letters of objection were also received and brought to the attention of the Committee.
13. This matter was considered by the Committee on the 5th December 2006. The Committee resolved that the application for variation be granted for a period of 6 months and that it be reviewed after that period of time. The Committee further resolved that the samosa stall be removed from outside Dancers and be situated in a more convenient site.
14. On the 25th April 2007, Mr McGillicuddy made application for the variation of the Halesowen Street Market consent to include the three 5th Saturdays of the months of March, June and September when they occur.
15. This application was circulated as in paragraph 4 above. None of the agencies raised objections.
16. On 7th June 2007, Mr McGillicuddy made application for the renewal of his consent to engage in street trading, that application was circulated to the relevant agencies. None of the agencies raised objections.
17. This matter was considered by the Sub-Committee on the 26th June 2007. The Committee resolved that the application be granted.
18. On the 2nd July 2009, Mr McGillicuddy made application for the renewal of that licence for the 2nd, 4th and 5th Saturday of every month in Halesowen Town Centre.
19. That application was circulated as in paragraph 4 above.
20. The Town Centre Manager, Highways Department, Curatorial Services and Commercial Operations Manager and Local Traders all made representations which were brought to the attention of the Committee.
21. This matter was considered by the Committee on 29th September 2009. The Committee resolved that the application be granted with the following condition:-

No seating shall be provided for food and drink in the market.
22. That licence has subsequently been renewed and bears the expiry date of the 30th July 2011.
23. On the 8th July 2011, Mr Dermot McGillicuddy made application for the renewal and variation of the consent to engage in street trading. The variation was to change the format of the market from a Farmer's/Craft Market every second, fourth and fifth Saturday of the month to a General Market on every Saturday between the hours of 9.00am and 4.00pm. A copy of that application has been circulated to Committee members and interested parties.

24. That application has also been circulated as in paragraph 4 above.
25. Letters of objection have been received from Community Groups and Local Traders along with a petition, copies of which have been circulated to the applicant, Committee members and interested parties.
26. Representations have also been received from Curatorial Services, Corporate Property, and the Halesowen Town Centre Manager which have also been circulated to Committee members, the applicant and interested parties.
27. This application falls within the Council's responsibilities for licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

28. There are no financial implications.

Law

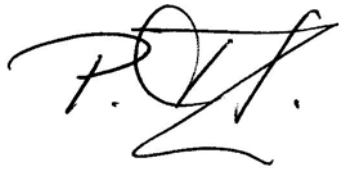
29. The grant of consents to engage in street trading is governed by Part III of Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982. To trade without such a consent is an offence.
30. Paragraph 7(2) of Schedule IV of the 1982 Act, states that the Council may grant a consent if it thinks fit and, when granting or renewing a consent, the Council may attach such conditions as it considers necessary.
31. 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.
32. 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 trader may trade and the times between which or periods for which he may trade.
33. 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

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

Recommendation

36. That the Committee consider Mr McGillicuddy's application.

A handwritten signature in black ink, appearing to be 'J. Elliott', with a large loop and a long horizontal stroke.

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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers