

Licensing Sub-Committee 4 – 5th December 2006

Report of the Director of Law and Property

Dudley Farmers Market

Purpose of Report

1. To consider the application on behalf of Dermot McGillcuddy of LSD Promotions Limited for the renewal/variation of the consent to engage in street trading in Dudley Town Centre.

Background

2. On the 17th March 2004 Dermot McGillcuddy of LSD Promotions Limited made application for the grant of a consent to engage in street trading in Dudley Town Centre.
3. The application was circulated to the West Midlands Police, Democratic Services, the Directorate of the Urban Environment and the Town Centre Manager.
4. The Directorate of the Urban Environment and Democratic Services made comments, which were brought to the attention of the Committee.
5. None of the other agencies raised any objections.
6. Letters of objections were received from the National Market Traders Federation which were also brought to the attention of the Committee, together with comments from Julie Jones, Commercial Operations Manager and Corporate Estate Services Division.
7. This matter was considered by the Committee on the 29th July 2004. The Committee resolved that the consent be granted for the fourth Friday in every month to sell fruit, vegetables, meat, salad (organically grown only), eggs, cheese, bread, jams and plants, following the receipt of a satisfactory site plan that consent bears the expiry date of the 26th August 2005.
8. On the 30th June 2005, Mr McGillcuddy made application for the renewal of his consent to engage in street trading in Dudley Town Centre.

9. Mr McGillcuddy also requested that the organic only restriction specified on the consent be removed.
10. That application was circulated as in paragraph 3 above.
11. The Director of the Urban Environment (Principal Officer, Food and Occupational Safety) made various comments, which were brought to the attention of the Committee.
12. The Commercial Operations Manager, Corporate Estate Services made objections which were brought to the attention of the Committee.
13. Various letters of objection were received from local traders which were also brought to the attention of the Committee.
14. This matter was considered by the Committee on the 10th October 2005. The Committee resolved that the consent be issued for the fourth Friday in every month.
15. The Committee also resolved that traders who sell organic produce must produce an organic certificate. All traders must also satisfy the request of Environment Health in the provision of hot water and maintenance of food temperature.
16. On the 8th September 2006, Mr McGillcuddy made application for the renewal and variation of his consent to engage in street trading. Mr McGillcuddy requested that the Committee consider that the farmers market licence include fair-trade, craft, hobbies, collectables, art, ceramics and unusual goods giving greater variety and choice to the public. The application is attached to this report as appendix 1.
17. This application was circulated as in paragraph 3 above.
18. Julie Jones, Commercial Operations Manager made comments which are attached to this report as appendix 2.
19. 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

20. There are no financial implications

Law

21. 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. High Street/Dudley is a consent streets designated as such by a resolution of the Council. To trade without such a consent is an offence.

22. 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.
23. 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.
24. 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.
25. 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

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

Recommendation

28. That the Committee determine Mr McGillcuddy's application for the renewal of his street trading consent.

John Poyce

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

29. Application form