

**Licensing and Safety Sub-Committee 5 - 11<sup>th</sup> April, 2006**

**Report of the Director of Law and Property**

**Application for Variation of Street Trading Consent**

**Purpose of Report**

- 1 To consider the application made by LSD Promotions for the variation of consent by the combination of the Farmers Market and the Arts and Crafts Market.

**Background**

2. On the 16<sup>th</sup> February, 2001, Mr. Skett made application for the grant of a street trading consent to sell various farm products in the form of a Farmers Market with stalls in High Street/Lower High Street, Stourbridge on the 8<sup>th</sup> May, 2001 between the hours of 9.00 a.m. to 3.00 p.m.
3. This application was circulated to the West Midlands Police, Directorate of the Urban Environment and the Town Centre Manager.
4. The Engineers Department made no objections but requested that “doors from the Town Hall near the clock must be kept clear”.
5. The Environment, Engineering and Transportation Department made various comments which were brought to the attention of the Committee.
6. Prior to the receipt of the application a letter of objection was received from Walter Smith B’ham Ltd.
7. On the 9<sup>th</sup> February, 2001, a memorandum was received from Mr. David Foote, Chief Surveyor, making various observations which was brought to the attention of the Committee.
8. This matter came before the then Policy (Licensing) Sub-Committee on the 3<sup>rd</sup> April, 2001, the Sub-Committee resolved that the matter be deferred to their next meeting in the absence of Mr. Skett.

9. This matter was again considered by the then Policy (Licensing) Sub-Committee on the 24<sup>th</sup> May, 2001. The Sub-Committee resolved that the application be refused due to the non-attendance of the applicant, Mr. Skett for the second time.
10. On the 18<sup>th</sup> July, 2001, Mr. Dermot McGillcuddy of LSD Promotions Ltd. on behalf of the Farmers Market made application for the grant of a consent to engage in street trading. The dates specified were 5<sup>th</sup> January, 2002, 2<sup>nd</sup> February, 2002, 2<sup>nd</sup> March, 2002, 6<sup>th</sup> April, 2002 and 4<sup>th</sup> May, 2002.
11. This application was circulated as in paragraph 3 of this report.
12. On the 24<sup>th</sup> July, 2001, a memorandum was received from Mr. David Foote, Chief Surveyor, making various comments which were brought to the attention of the Committee.
13. The then Environment, Engineering and Transportation Department made various comments which were brought to the attention of the Committee.
14. Various letters of support were received.
15. Various letters of objection to the application were also received.
16. This matter was considered by the then Policy (Licensing) Sub-Committee on the 11<sup>th</sup> February, 2002.

The Sub-Committee resolved that a consent be granted for the following days:-

6<sup>th</sup> April, 2002  
4<sup>th</sup> May, 2002

and subject to the following condition:-

“plans shall be submitted to the Licensing Office 14 days before the date on which street trading will take place”.

The Sub-Committee further resolved that all applications for consent to engage in street trading in Coventry Street be determined by them.

17. On the 8<sup>th</sup> April, 2002, Mr. Dermot McGillcuddy of LSD Promotions Ltd. made application for consent to engage in street trading in High Street/Coventry Street, Stourbridge on the following days:-  
  
01.06.02; 06.07.02; 03.08.02; 07.09.02; and 05.10.02;  
  
for the following hours:-  
  
9.00 a.m. - 5.00 p.m.
18. This application was circulated as in paragraph 3, no objections were raised by any of the agencies.

19. This matter was considered by the Licensing and Safety Committee on the 20<sup>th</sup> May, 2002.
20. The Committee resolved that the application be granted, subject to the same conditions as previously issued.
21. On the 13<sup>th</sup> September, 2002, Mr. Stephen Evans made application on behalf of LSD Promotions Ltd. for the grant of a further consent to engage in street trading in High Street/Coventry Street, Stourbridge in respect of the Farmers Market for the first and third Saturday of every month.
22. This application was circulated as in paragraph 3 above. None of the agencies raised any objections.
23. This matter was considered by the Licensing and Safety Committee on the 30<sup>th</sup> October, 2002. The Committee resolved that the licence be granted for a period of six months. They further resolved that any application for the renewal of that licence shall be determined by them.
24. On the 27<sup>th</sup> March, 2003, Mr. Stephen Evans made application for the renewal of the street traders consent issued in respect of High Street/Coventry Street, Stourbridge.
25. This application was circulated as in paragraph 3 above. None of the agencies raised any objections.
26. This matter was considered by the Committee on the 29<sup>th</sup> May, 2003. The Committee resolved that the consent be renewed for a period of twelve months.
27. On the 14<sup>th</sup> January, 2004, Mr. McGillcuddy made application for the variation of the goods to be sold, a copy of the brochure was circulated at the meeting.
28. The application was circulated as in paragraph 3 above. None of the agencies raised any objections.
29. On the 25<sup>th</sup> May, 2004, Mr. Stephen Evans of LSD Promotions Ltd. made application for the renewal of the consent to engage in street trading. His application was circulated as in paragraph 3 above. None of the agencies raised any objections.
30. This application was considered by the Committee on the 29<sup>th</sup> July, 2004. The Committee resolved that the licence be granted for 12 months, but that the variation be refused. That licence has subsequently been renewed and bears the expiry date of the 27<sup>th</sup> May, 2006.
31. On the 4<sup>th</sup> February 2005, Mr McGillcuddy made application for the grant of a consent to engage in street trading in respect of an Arts and Crafts Market in High Street/Coventry Street, Stourbridge for the 2<sup>nd</sup> and 4<sup>th</sup> Saturday of each month.
32. That application was circulated to the West Midlands Police, Directorate of the Urban Environment, Democratic Services, Stourbridge Town Centre Manager and the Manager of Spencers Indoor market, Stourbridge.

33. Julie Jones, Commercial Operations Manager, Corporate Estates made various comments which were brought to the attention of the Committee. None of the other agencies raised objections.
34. A letter of support was received from Debra Shipley, Labour MP for Stourbridge.
35. On the 1st April 2005, a letter of objection was received from UK Markets Ltd (Spencers Indoor Market).
36. This matter was considered by the Committee on the 19<sup>th</sup> April 2005. The Committee resolved that a consent to engage in street trading be issued for a period of 6 months provided all goods sold are new apart from collectables and antiques.
37. On the 28<sup>th</sup> October 2005, an application was received from Dermot McGillcuddy for the renewal of his consent to engage in street trading.
38. That application was circulated as in paragraph 3 above. None of the agencies raised objections.
39. This application was also circulated to UK Markets Limited who raised no objections.
40. This application was considered by the Committee on the 19<sup>th</sup> December, 2005. The Committee resolved that the application be granted for six months providing all goods sold are new apart from collectibles and antiques.
41. On the 27<sup>th</sup> January, 2006, Mr. McGillcuddy made application for the combination of the two markets, a copy of that letter of application is attached as Appendix 1 to this report.
42. This application was circulated as in paragraph 3 above.
43. None of the agencies raised objections, however, Julie Jones, Commercial Operations Manager, made comments which are attached to this report as Appendix 2.
44. Matthew Caddick, Town Centre Manager supported the application. A copy of his e-mail is attached as Appendix 3.
45. This application falls within the Council's responsibility for licensing which has a direct link to the Council's key corporate priority that safety matters.

### **Proposal**

46. That the Committee consider Mr Dermot McGillcuddy's application for the variation of his consent to engage in street trading.

### **Finance**

47. There are no financial implications.

## **Law**

48. 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/Coventry Street, Stourbridge is a consent streets designated as such by a resolution of the Council. To trade without such a consent is an offence.
49. 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.
50. 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.
51. 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.
52. 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**

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

## **Recommendation**

55. That the Committee determine Mr. McGillcuddy's application for the variation of his street trading consents.

## **Background Papers**

56. Application Form.

*John Poyalis*

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DIRECTOR OF LAW AND PROPERTY

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