

Licensing Sub Committee 2 – 27th November 2012

Report of the Director of Corporate Resources

Halesowen Farmers and Craft Market

Purpose of Report

1. To consider the application made by Mr. Steven Evans on behalf of Bescott Promotions for the renewal and variation of the consent to engage in street trading in Halesowen Town Centre, issued to the Halesowen Farmers and Craft Market.

Background

2. The Halesowen Farmers and Craft Market (formerly run by LSD Promotions) 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, Directorate of the Urban Environment and the Halesowen Town Centre Manager and Halesowen Chamber of Trade.
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, LSD Promotions made application for a further variation of the 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, LSD Promotions made application for the variation of the 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, LSD Promotions made application for the renewal of the 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, LSD Promotions 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 was subsequently renewed and bore the expiry date of the 30th July 2011.
23. On the 8th July 2011, LSD Promotions 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 was circulated to Committee members and interested parties.
24. That application was also circulated as in paragraph 4 above.
25. Letters of objection were received from Community Groups and Local Traders along with a petition, copies of which were circulated to the applicant, Committee members and interested parties.
26. Representations were also received from Curatorial Services, Corporate Property, and the Halesowen Town Centre Manager which were also circulated to Committee members, the applicant and interested parties.
27. This matter was considered by the Licensing Sub-Committee on the 11th October 2011. The Committee resolved as follows:-
 - The format shall remain the same – every second, fourth and fifth Saturday of the month.
 - The market shall still be deemed a Farmer's and Craft Market.
 - The consent shall be varied to allow an extra 10 stalls, to a maximum of 35 stalls in total which may be of general format, but must be sympathetic to the established local trade.
 - The Committee will entertain a review of these modifications in 6 months if the applicant so desires.
28. That consent was transferred on the 20th January 2012 into the name of Mr Steven Evans, Bescott Promotions and bore the expiry date of 30th July 2012.
29. On the 20th February 2012, Mr Evans made application for the variation of the consent to engage in street trading to enable the street market to operate every Saturday. A copy of that application was circulated to Committee Members and interested parties.
30. That application was also circulated as in paragraph 4 above. In accordance with policy, the Town Centre Manager contacted Halesowen Chamber of Commerce and on the 27th February 2012, objections to the proposed variation of the consent to engage in street trading was received on behalf of the Cornbow Shopping Centre and the Halesowen Chamber of trade. A copy of those representations were circulated to the applicant, Committee Members and interested parties.

31. Objections to the proposed variation were also received from a local trader, the Halesowen Town Centre Manager and Councillor K Turner.
32. Also, on the 13th March 2012, the Licensing Officer wrote to Mr Evans in respect of a number of concerns in relation to the electricity usage by the stall holders. A copy of that letter together with Mr Evans' response was circulated to the Committee Members and interested parties.
33. This matter was considered by the Licensing Sub-Committee on the 17th April 2012. The Committee resolved that the application to vary the consent to engage in street trading be refused. The reason for that decision was that the Committee finds the current frequency of market days achieves a reasonable balance between the interests of local shops, the market and its stall holders and the shoppers.
34. The Committee noted that the Sub-Committee of the 11th October 2011, stated that the market should be deemed a farmers and craft market and this is how the market should be referred to.
35. On the 13th July 2012, Mr Evans made applications for the renewal of the consent to engage in street trading. A letter was also received from Mr Evans confirming that they no longer require the use of Peckingham Street but still require the use of Great Cornbow Street for flexibility when necessary. Mr Evans also submitted a site plan. That application, letter and site plan have been circulated to Committee members and interested parties.
36. That application, letter and site plan was also circulated as in paragraph 4 above.
37. The Halesowen Chamber of Trade together with a local trader made representations which have been circulated to the Committee members, the applicant and interested parties.
38. None of the other agencies raised objections.
39. On the 5th October 2012, Mr Evans of Bescot Promotions made application for the variation of his street traders permit to enable him to run a Farmers and Craft Market in Halesowen Town Centre from Tuesday 18th December 2012 to Saturday 22nd December 2012 in the same format and to dress the stalls with a Christmas theme. This application was circulated as in paragraph 4 above.
40. On the 18th October 2012, Councillor Kenneth Turner made representations. A copy of those representations have been forwarded to the applicant, Committee members and interested parties.
41. On Saturday 27th October 2012, the Licensing Enforcement Officer visited the market and noted the type of stalls appear to be within the terms of the consent.

42. On the 30th October 2012, the Cornbow Shopping Centre and members of the Halesowen Chamber of Trade made objections to the variation application. A copy of that e-mail has been circulated to the applicant, Committee members and interested parties.
43. 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

44. There are no financial implications.

Law

45. 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.
46. 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.
47. 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.
48. 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.
49. 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

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

Recommendation

52. That the Committee consider Mr Evans' application.

A handwritten signature in black ink, appearing to be 'J. Elliott', written in a cursive style.

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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers