

**Licensing Sub-Committee 2 – 26<sup>th</sup> June 2007**

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

**Halesowen Street Market**

**Purpose of Report**

1. To consider the application made by Mr. Dermot McGillicuddy on behalf of LSD Promotions for the 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 a licence on the 23rd November, 2002, for each second Saturday of each month.
3. On the 5th November, 2003 Mr. Stephen Evans made 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. Mr Evans also made 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 28<sup>th</sup> 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 28<sup>th</sup> April 2004, various letters were received by the Licensing Office, making objections to the street trading consent.
8. This application was considered by the Committee on the 29<sup>th</sup> July 2004. The Committee resolved that the application for variation be refused. That licence has subsequently been renewed and bears the expiry date of the 25<sup>th</sup> July 2007.
9. On the 24<sup>th</sup> 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 5<sup>th</sup> 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 25<sup>th</sup> April 2007, Mr McGillicuddy made application for the variation of the Halesowen Street Market consent to include the three 5<sup>th</sup> Saturdays of the months of March, June and September when they occur. A copy of that letter of application is attached to this report as Appendix 1.
15. This application was circulated as in paragraph 4 above. None of the agencies raised objections.
16. On 7<sup>th</sup> June 2007, Mr Gillcuddy made application for the renewal of his consent to engage in street trading, that application was circulated to the relevant agencies. At the time of preparation of this report, no adverse comments had been received.
17. 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**

17. There are no financial implications.

## **Law**

18. 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. The sites as set out in Appendix 1 are consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
19. 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.
20. 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.

21. 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.
22. 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**

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

### **Recommendation**

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

*John Poyden*

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DIRECTOR OF LAW AND PROPERTY

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### **List of Background Papers**

26. Application form.