

LICENSING SUB-COMMITTEE 4

Tuesday 17th April, 2012 at 10.20 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Taylor (Chairman)
Councillors Mrs Aston and Mrs Roberts.

Officers: -

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor – All Directorate of Corporate Resources.

24 APOLOGY FOR ABSENCE

An apology for absence from the meeting was received on behalf of Councillor A Finch.

25 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Mrs Aston had been appointed as a substitute member for Councillor A Finch for this meeting of the Sub-Committee only.

26 DECLARATIONS OF INTEREST

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

27 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 13th March, 2012, be approved as a correct record and signed.

28 (HALESOWEN STREET MARKET) BESCOTT PROMOTIONS

A report of the Director of Corporate Resources was submitted on an application received from Mr S Evans on behalf of Bescott Promotions for the variation of the consent to engage in street trading in Halesowen Town Centre, issued to the Halesowen Street Market.

Mr Evans, Bescott Promotions and Mr McGillicuddy, supporter, was in attendance at the meeting.

Also in attendance and objecting to the application were Councillor K Turner, Mr S Fitzpatrick (Chamber of Trade), Ms E O'Connor (Vale Retail) and a member of the press.

Following introductions, the Licensing Officer presented the report on behalf of the Council, and in doing so listed the streets within the proximity of the market and the nature of items sold by traders. She also reported that the issue in regard to electricity usage had been referred to the Directorate of the Urban Environment for consideration.

Mr Fitzpatrick then made his representation and in doing so stated that if the market were to stand on a weekly basis, this would have a detrimental effect on the events that were organised to take place in the Town Centre, and that it would be taking trade from retailers within the town.

Reference was made to a previous Licensing Sub-Committee on 11th October, 2011 where the Sub-Committee agreed that the consent be varied to allow an extra ten stalls, to a maximum of thirty-five stalls in total that may be of general format. Mr Fitzpatrick stated that concerns were raised with regards to the large number of stalls that were currently being used.

Ms O'Connor then made her representation and informed the Sub-Committee that she had concerns over the viability of existing businesses and that having a regular market would change the characteristics of the town. She stated that the positioning of the market restricted access to shops and that it would obliterate trade on Saturdays.

Mr Fitzpatrick stated that 4% of businesses in Halesowen had become vacant, and that the effect of the market extending could cause more businesses to close down.

Councillor K Turner submitted copies of letters received from local residents and retailers outlining their objections. Due to the late submission of the letters, all parties agreed that they were happy for the letters to be submitted and considered.

Councillor K Turner then presented his objections to the application and in doing so informed the Sub-Committee that he had visited the market on Saturday 14th April, 2012 and witnessed that an ice-cream wagon had restricted access to Peckingham Street. He also stated that he had noted that there were twenty-six general trade stalls and six produce stalls.

Reference was made to the Dudley Market Charter, which excluded markets within a statutory distance; Councillor K Turner believed that this applied to Halesowen.

Councillor K Turner further stated that he had been informed that four retailers were considering leaving the town due to the detrimental effect the market has had to their business. He stated that Halesowen was a great town, and that he would ask that the market reduce the trade to once a month and reduce the number of stalls used.

In response to comments made regarding the ice-cream wagon at Peckingham Street, the Licensing Officer stated that it was a misunderstanding on Mr Evans behalf and that Mr Evans had apologised for the inconvenience and assured that it would not happen again.

In response to a question raised by Mr McGillicuddy, Ms O'Conner confirmed that the stock sold in the Cornbow Centre was different to the market.

Mr McGillicuddy then presented the case on behalf of Mr Evans and stated that he was in attendance to support Mr Evans, and that evidence given that may have suggested that Mr Evans had breached his conditions were incorrect.

He stated that the name of the market had been changed to 'street market' due to the market being situated on a street, in order to not mislead people about the general items that were being sold, rather than farmer and craft items.

Mr McGillicuddy confirmed that the Market would work collectively with the events that would take place within the Town Centre, and that if the market conflicted with any events then it would not trade.

He also confirmed that feedback received from traders identified that customers were confused as to the days when the market operated.

Reference was made to a recent government report where Mary Portas had emphasized the importance of markets to the high street, and that Mr Evans would like to let stalls at a lower price to enable people to start a business, however this would not be achievable under the current operation. Mr McGillicuddy stated that the market, in its current format, would make it difficult to regenerate the town.

Reference was made to a statement in regard to Dudley Market on Dudley MBC's website in particular that Dudley Market provided a high quality shopping service to members of the local community. Mr McGillicuddy stated that Mr Evans was keen to adopt this policy and continue to trade but to increase to every Saturday.

Mr Fitzpatrick made reference to the comments made in regard to regeneration, and stated that Halesowen was doing well and did not need regeneration. He also stated that Halesowen was supposed to be a Farmers and Crafts Market with an additional ten stalls on the 2nd, 4th and 5th Saturday of each month and was not a street market, and that he did not agree that markets were beneficial to towns.

He also informed the Sub-Committee that the size of a standard single stall was 8ft by 4ft, however he had witnessed that one trader had four stalls which measured 32ft in total. Mr Evans confirmed that in this instance, the trader would be classed as using one stall rather than four due to the large quantities of stock the trader had.

Mr Fitzpatrick raised concerns regarding the obstructions caused by the market to shops and attractions in Halesowen.

In response to comments made regarding the regeneration of Halesowen Town Centre, Councillor K Turner confirmed that an Area Action Plan had been discussed at a meeting of the Halesowen Area Committee, and that regeneration of the Town Centre was being looked at.

Councillor K Turner informed the Sub-Committee that the Victorian Street Fair, which took place in Halesowen Town Centre, worked in conjunction with the Market.

Clarification was sought with regard to the misconception of the size of the stalls. The Sub-Committee was informed by the Licensing Officer that based on the collective agreement with the planning section and road traffic division, the standard size for a stall was 8ft, and that this would be classed as one stall. If a trader utilised four stalls then this would be classed as four stalls.

In summing up Mr McGillicuddy reiterated the comments he had made and stated that the name of the market was irrelevant and that the reference to street market was a description only.

In response to comments made regarding the rent of the stalls if the trader requested additional stalls, the Chairman confirmed that the concerns raised were not in regard to rent, but of the potential size of the market if all traders were given additional stalls.

In response to comments made regarding the name of the market, the Licensing Officer stated that should the applicant's wish to change the name from Farmer's and Craft Market, then a resolution would need to be considered.

In summing up, Mr Fitzpatrick stated that Halesowen Town Centre was trading well in the weeks that the market was not operating.

In summing up, Ms O'Connor stated that Halesowen received four to six thousand visitors on a Saturday, and that the figures did not vary whether the market was operational or not.

In summing up, Councillor K Turner asked that the Sub-Committee consider the representations made, and that he would prefer a reduction in the amount of times the market operated.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee, having made their decision, invited the parties to return and the Chairman outlined the decision.

RESOLVED

That the application received from Mr S Evans on behalf of Bescott Promotions for the variation of the consent to engage in street trading in Halesowen Town Centre, issued to the Halesowen Street Market be refused.

Reasons for Decision

The Sub-Committee finds that 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.

The Sub-Committee does note that the Sub-Committee of 11 October 2011 stated that the market should be deemed a Farmers and Craft market, and this is how the market should be referred to.

The meeting ended at 11.30 am

CHAIRMAN