

Licensing Sub-Committee 2 – 26th June 2007

Report of the Director of Law and Property

Application for Variation of Street Trading Consent – Stourbridge Street Market

Purpose of Report

1. To consider the application made by Mr Dermot McGillicuddy LSD Promotions for the variation of the consent to engage in street trading in Stourbridge Town Centre issued to the Stourbridge Street Market.

Background

2. On the 16th 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.
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 9th February 2001, a memorandum was received from Mr David Foote, Chief Surveyor, making various observations which, were brought to the attention of the Committee.
8. This matter came before the then Policy (Licensing) Sub-Committee on the 3rd 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 24th 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 18th July 2001, Mr. Dermot McGillicuddy of LSD Promotions Limited, on behalf of the then Farmers Market, made application for the grant of a consent to engage in street trading.
11. This application was circulated as in paragraph 3 of this report.
12. On the 24th 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 11th February 2002.

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

6th April 2002
4th 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 8th April 2002, Mr. Dermot McGillicuddy 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 20th May 2002.
20. The Committee resolved that the application be granted, subject to the same conditions as previously issued.

21. On the 13th 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 30th 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 27th 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 29th May 2003. The Committee resolved that the consent be renewed for a period of twelve months.
27. On the 14th January 2004, Mr. McGillicuddy 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 25th 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 29th July 2004. The Committee resolved that the licence be granted for 12 months, but that the variation be refused.
31. On the 4th February 2005, Mr McGillicuddy 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 2nd and 4th 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 19th 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 28th October 2005, an application was received from Dermot McGillicuddy 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 19th 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 27th January 2006, Mr. McGillicuddy made application for the combination of the two markets.
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 were brought to the attention of the Committee.
44. Matthew Caddick, Town Centre Manager supported the application.
45. This application was considered by the Committee on the 11th April 2006. The Committee resolved that the application be granted.
46. On the 25th April 2007, Mr McGillicuddy made application for the variation of the Stourbridge Street Market to include the three 5th 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.
47. This application was circulated as in paragraph 3 above. None of the agencies raised objections.
48. On 7th June 2007, Mr McGillicuddy 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.
49. 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.

Finance

49. There are no financial implications.

Law

50. 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.

51. 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.

52. 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.

53. 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.

54. 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

55. This report takes into account the Council's policy on equal opportunities.

56. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

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

John Poyles

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

58. Application form.