

LICENSING SUB-COMMITTEE 4

Tuesday 29th September, 2009 at 10.10 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Taylor (Chairman)
Councillors Mrs Coulter and A Finch

Officers

Principal Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and
Miss K Wilson – Directorate of Law, Property and Human Resources

1 DECLARATIONS OF INTEREST

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

2 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on
28th April 2009, be approved as a correct record and signed.

3 APPLICATION FOR RENEWAL OF THE CONSENT TO ENGAGE IN
STREET TRADING IN HALESOWEN TOWN CENTRE ISSUED TO THE
HALESOWEN STREET MARKET

A report of the Interim Director of Law, Property and Human Resources
was submitted on an application received from Mr McGillicuddy, LSD
Promotions, for the renewal of the consent to engage in street trading in
Halesowen Town Centre, issued to the Halesowen Street Market.

Mr D McGillicuddy, LSD Promotions, was in attendance at the meeting.

It was noted that a letter had been received on behalf of Mr S Perry, Town
Centre Manager, for his absence to the meeting due to ill health. Mr
Perry's written representations were outlined in Appendix 2 to the report
submitted. There were no other objectors to the application in attendance
at the meeting.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human
Resources, presented the report on behalf of the Council.

Mr McGillicuddy, LSD Promotions, stated his case and in doing so, commented that the objections received were similar to those brought to a previous Sub-Committee hearing and queried why the application had been brought to the Sub-Committee.

In responding to a question from a Member, Mr McGillicuddy confirmed that a concern relating to the positioning of table and chairs by a trader had now been resolved.

Members raised the concern of the number of gas bottles used by a 'Sausage and Burger stall', as outlined in Appendix 2 to the report submitted. Mr McGillicuddy stated that the information was incorrect and all traders who use gas bottles had been issued with gas safety certificates.

Mr McGillicuddy requested the opportunity to redefine Halesowen Market to become a general market similar to those in other Town Centres, Mrs Elliott advised Mr McGillicuddy to contact Julie Jones, Commercial Operations Manager to seek further guidance.

In responding to a question from a Member, Mr McGillicuddy confirmed that three employees of LSD Promotions arrival at Halesowen Market in the morning to set up the stalls; leaving one employee to oversee and safeguard the working day.

The parties then withdrew from the meeting in order to enable the sub-committee to determine the application.

Following a discussion by the Sub-Committee, having made their decision, all the remaining parties were invited to return and the Chairman outlined the decision.

RESOLVED

That the application for renewal of the existing consent to engage in street trading in Halesowen Town Centre be granted with the condition that there be no seating provided for the consumption of food and drink in the Market.

A report of the Interim Director of Law, Property and Human Resources was submitted on an application received from Mr Grice, for the revision of the consent/prohibited streets in Dudley Borough to include Manor Way, Halesowen as a consent street for the purpose of street trading.

In attendance and objecting to the application were PC M Boyd, West Midlands Police and Mr P Vangeersdae, Directorate of Urban Environment.

The applicant was not in attendance at the meeting.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council.

PC M Boyd expanded on the representations outlined in Appendix 3 made to the report submitted by PC A McDermott, and in doing so stated that there was no public footway on the lay-by in Manor Way, which could cause a serious health and safety risk to potential customers and referred to the dangers of exiting the lay-by.

Reference was made to the number of motoring incidents at Manor Way over a period of four years, in particular that there had been two serious incidents and eighteen accidents caused by the failure to judge the speed of other vehicles.

Mr P Vangeersdae, whose written representations were outlined in Appendix 4, made particular reference to the traffic congestion in Manor Way, Halesowen and to previous health and safety precautions made when works have been carried by Council Officers on the lay-bys on Manor Way.

RESOLVED

That the application received for the revision of the consent/prohibited streets in Dudley Borough to include Manor Way, Halesowen as a consent street for the purpose of street trading be refused, for the following reasons;

Trading from this lay by would pose a real risk to the health and safety of any pedestrians using the lay by and to drivers of vehicles either leaving or passing the lay by

The Meeting ended at 11.40 am

CHAIRMAN