

Licensing Sub-Committee 3 – 1st November 2016

Report of the Strategic Director Place

Application for the Renewal and Variation of Consent to Engage in Street Trading

LSD Promotions Ltd - Food/Craft Market

Purpose of Report

1. To consider the application on behalf of Mr. Dermot McGillicuddy of LSD Promotions, for the renewal and variation of the consent to engage in street trading at a site in Stourbridge.

Background

2. On the 14th March, 2014, LSD Promotions made application for the grant of a consent to engage in street trading for a Food/Craft Market on the 1st & 3rd Saturday of each month from 9.00 a.m. until 4.00 p.m. at a site in Ryemarket, (High Street to a point 30 metres from High Street), Stourbridge, to replace the previous Farmers and Craft Market, which ceased trading in Stourbridge on the 4th March, 2014.
3. A copy of the application together with the proposed site plan of the stall layout was forwarded to Committee Members, various agencies and interested parties. Details of the application were also posted on the Licensing Web Page. No objections were received in respect of the application.
4. This matter was considered by the Licensing Sub-Committee on the 28th May 2014, the Committee resolved that the application be approved.
5. On the 8th June 2015, Mr McGillicuddy made application for the renewal of the consent to engage in street trading.
6. On the 1st June 2015, (Prior to the application for renewal of consent to engage in street trading) a letter of objection was received from a local trader.
7. This application was considered by the Licensing Sub-Committee on the 15th September 2015, the Committee resolved that the application for renewal of the Street Trading Consent be approved.
8. On the 26th July 2016, Mr McGillicuddy made a further application for the renewal and variation of the Street Trading Consent. The application for variation is to include every Saturday to trade from Lower High Street, Coventry Street and the

area around the Clock. A site plan/stall plan is attached to this report as Appendix 1.

9. A copy of that application has been forwarded to Committee Members and Interested Parties and details of the application have been posted on the licensing web pages.
10. Representations have been received from the Communications Department, Street and Green Care Department, Traffic Highways and Transportation Department, Dudley Market Traders and the Stourbridge Chamber of Trade. Copies of which have been forwarded to Committee Members and the Applicant prior to the hearing.
11. This report has a direct link to the Council's priority for safety as the principal reason for submission is safeguarding the public.

Finance

12. There are no financial implications.

Law

13. 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 street designated by a resolution of the Council. To trade without such a consent is an offence.
14. 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.
15. 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.
16. Where the consent allows the holder to trade from 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.
17. There is no right of appeal against the Council's decision to vary a condition upon which consent is issued, or refusals to grant or renew a street trader's consent.

Equality Impact

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

Recommendation

20. That the Committee consider the application for the renewal and variation of the street trading consent issued to LSD Promotions.



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Strategic Director Place.

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List of Background Papers