

Minutes of the Licensing Sub-Committee 3

Tuesday 1st November, 2015 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor M Evans (Chair)
Councillors K Finch and G Simms

Officers:-

R Clark (Principal Solicitor), S Smith Team Manager (Licensing and Waste Enforcement) and K Buckle (Democratic Services Officer) – All Chief Executive's Directorate.

23 **Apology for Absence**

An apology for absence from the meeting was received on behalf of Councillor J Cowell.

24 **Appointment of Substitute Member**

It was reported that Councillor K Finch had been appointed as a substitute Member for Councillor J Cowell for this meeting of the Sub-Committee only.

25 **Declarations of Interest**

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

26 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 23rd August, 2016, be approved as a correct record and signed.

27 **Application for the Renewal and Variation of Consent to Engage in Street Trading LSD Promotions Limited – Food/Craft Market in Stourbridge**

A report of the Strategic Director Place was submitted on an application for the renewal and variation of the consent to engage in street trading at a site in Stourbridge. .

The following persons attended the meeting in respect of the application:-

Mr D McGillicuddy - LSD Promotions Limited – Applicant
Mr M Morgan – LSD Promotions Limited
Mr D Harcourt – Stourbridge Trade of Commerce
Mr L Lenihan – Dudley Market Traders Limited – Objector
Mr P Paker – Head of Communications and Public Affairs – Dudley Council.

The Team Manager – Licensing and Waste Disposal referred to the report submitted and the supporting documentation that had been forwarded to Members only for their consideration and made reference to the objections that had been received to the application.

Objections to the application were made by Mr L Lenihan in relation to the legal aspects of using a Street Traders Licence for the purposes of allowing various third parties to trade under that licence, urging the Council to re-visit their application procedures for Street Trading Licences.

Mr L Lenihan also raised concerns in relation to the fees paid by Dudley Market Traders in comparison with the fees that the Applicant would be requested to pay.

Mr P Parker referred to the ongoing income generation in relation to events that will be and would be taking place in the various streets that covered the Application and requested that should the licence be granted that the licence reflect the requirement for the conditions in order that those events could proceed.

Mr McGillicuddy confirmed that he would have no objections to such a condition being imposed and would continue to work closely with the Council in order that events such as the Summer Carnival and Christmas market could take place.

Arising from the presentation of the report submitted, objections and representations made, Mr McGillicuddy responded to questions from Members, specifically in relation to the benefits the market would bring to the residents of the Borough. It was also noted that those who operated market stalls displayed various certificates in order to ensure that health and safety and various policies and conditions were being complied with.

Mr McGillicuddy confirmed that as a matter of Policy all of his staff were trained to clear up litter and LSD Promotions Limited were registered waste carriers.

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

The Sub-Committee having made their decision invited the parties to return and the Principal Solicitor outlined the decision together with the reasons for the decision.

Resolved

That the application made by Mr D McGillicuddy of LSD Promotions Limited for the renewal and variation of the consent to engage in street trading at a site in Stourbridge be approved subject to the condition that Applicant works in partnership with the Council and their Communications and Public Affair Section, always making available, on any Saturday, adequate space in the consent area, for any commercial bookings. LSD Promotions will also ensure that residents and businesses on Coventry Street have clear access to their properties and parking at all times.

Reasons for the Decision

This is an application by Mr. Dermot McGillicuddy of LSD Promotions for the grant of a street trading consent each Saturday, 9-4pm, for Lower High Street, Coventry Street and the area around the town clock in Stourbridge. David Harcourt of Stourbridge Chamber of Commerce stated that the two big occasions of the year were the Carnival which was on a Sunday and the Christmas lights, which had always been managed with street traders in past years. These were therefore not an issue in terms of this application. Mr. Lenihan on behalf of Dudley Market Traders Limited stated that a grant of a street traders consent cannot be assigned to a third party, and that Street Trading legislation was never intended for the running of a market. Further, the council would therefore have no right to ask each individual stall holder for any information.

Mr. Phil Parker of Dudley Communications and Public Affairs stated that the Town Clock area in Stourbridge is frequently rented out for bookings, and would want the condition attached to any consent that space is always made available for any commercial bookings.

LSD was formed in Stourbridge in 1989, and operated in Stourbridge from 2002 until 2008 on 1st and 3rd Saturday of the month, around Coventry Street and around the clock. Mr. McGillicuddy did not address the legal issues regarding the running of a market under a street trading consent. He explained that the current area around The Ryemarket was very restricted in space. Mr. McGillicuddy stated that LSD provided the market stalls but individual stall holders are responsible for their products and their storage. He stated that he obtained food hygiene certificates for all food vendors, and these were displayed on all relevant stalls. He also stated that the company was a registered waste carrier and always cleared up litter at the end of each market day, and that this was a priority.

On the basis of the information provided today, the committee grants a street trading consent to LSD Promotions for a period of 12 months for the areas specified in the application and between 9.00am and 4.00pm. The committee attaches the condition that LSD Promotions must work in partnership with the council and Dudley Communications and Public Affairs and that it will always make available, on any Saturday, adequate space in the consent area, for any commercial bookings. LSD Promotions will also ensure that residents and businesses on Coventry Street have clear access to their properties and parking at all times.

28 **Application for the Grant of Consent to Engage in Street Trading – Mr Richard Lee Anthony Palethorpe – Halesowen Town Centre**

A report of the Strategic Place was submitted on an application for the grant of consent to engage in street trading at a site in High Street/Hagley Street, Halesowen.

The Team Manager referred to the report submitted and supporting documentation that had been forwarded to Members only for their consideration and made reference to the objections that had been received.

The applicant, Mr R L A Palethorpe was in attendance at the meeting and responded to questions from Members and in particular stated that he was catering for the people working in Halesowen and was only seeking to operate during week days. It was noted that there was a receptacle in place for rubbish and all packaging used was recyclable.

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

The Sub-Committee having made their decision invited the parties to return and the Senior Solicitor then outlined the decision and the reasons for the decision.

Resolved

- (1) That the application made by Mr R L A Palethorpe for the grant of consent to engage in street trading in High Street/Hagley Street, Halesowen, be approved for a period of six months.
- (2) That upon the expiry of six months should a further application be received the application be referred for consideration to this Sub-Committee.

Reasons for the Decision

This is an application for a street trading consent in Halesowen between the hours of 9am and 3.30pm Monday to Friday each week. The application is to sell jacket potatoes, soup and tea and coffee from a van. The proposed location is in Halesowen High Street, in the main square. The food was presented as a healthy option and all home made, and there was seating for 8 with tables. They were aiming at business lunches and were not seeking to trade at weekends. There were four local objections to the grant. A common theme was that there were already a large number of food outlets in the town, including a recently established baguette shop, and that a further food outlet was not required.

There was also a concern that the proposed site was in a pedestrianised area and an entertainments square and that the van would detract from the ambience of the area.

The committee notes that none of the objectors has attended today. The committee grants the consent, as sought, for a period of 6 months, in order to see what impact this has on the trade of shops in the area. The committee notes that the application made no reference to seating or tables, and therefore, use of tables and chairs will not be permitted under this consent.

The committee also requests following the six month trial period, any further application is referred back to this sub-committee.

The meeting ended at 11.45 am

CHAIR

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