

LICENSING SUB-COMMITTEE 2

Tuesday, 2nd September, 2008 at 10.30am
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Woodall (Chairman)
Councillors Mrs Dunn and Mottram

Officers

Principal Lawyer (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Farrington (Directorate of Law and Property)

6 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

7 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 29th July, 2008 be approved as a correct record and signed.

8 APPLICATION FOR A STREET TRADING CONSENT – MR F A SMITH

A report of the Director of Law and Property was submitted on an application made by a Mr Frank A Smith to renew his street trading consent to sell hot dogs, burgers, fries, hot and cold drinks and ice cream in Market Place, Dudley; Birmingham Street, Dudley; Upper High Street, Dudley and Junction of Foster Street/High Street, Stourbridge.

Mr Smith was in attendance at the meeting, together with his son, Mr M Smith.

Also in attendance, objecting to the application, was Ms Andrea Jones, Town Centre Manager, Directorate of the Urban Environment.

Mr Alan Radford, Technician Engineer, Directorate of the Urban Environment was not in attendance but had submitted representations as set out in Appendix 2 to the report submitted.

Following introductions, the Chairman outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law and Property, presented the report on behalf of the Council. It was noted that the Upper High Street, Dudley and Birmingham Street, Dudley sites had received objections. The Market Place, Dudley and the Junction of Foster Street/High Street, Stourbridge site would be granted.

Mr Smith then circulated written representations to the Sub-Committee for perusal. He stated that he had traded in Dudley since Dudley Council had first adopted street trading controls around 1980 without any objections being received despite numerous applications for renewal.

Mr Smith drew the Sub-Committees attention to Appendix 2, Mr Radford's objection and sought clarification as to whether Upper High Street, Dudley was a prohibited street. Mrs Elliott responded by confirming that the aforementioned street was not a prohibited street.

Mr Smith then referred to the objection Ms Jones raised regarding the Upper High Street, Dudley site, in which she stated that the proposed area was a parking area, which had a one hour parking restriction and would probably lead a fixed penalty notice being issued if Mr Smith's vehicle remained mobile for a long period of time. In response to the objection, Mr Smith informed the Sub-Committee that he had sought guidance on the issue from Mr Peter Van Geersdaele, Group Engineer, Directorate of the Urban Environment, who had informed him that if he had the consent of the Council to trade at that location, and it did not pose a danger or unreasonable obstruction or hazard to other road users and pedestrians, he would advise Parking Management not to take enforcement action against his unit.

Mr Smith then commented on the objection from Ms Jones regarding Birmingham Street. He stated that the photographs submitted with the written representations attached at Appendix 3 were photographs of the wrong site. At this juncture, Mr Smith circulated to the Sub-Committee photographs and plans of the intended site he wished to trade from.

Ms Jones then submitted apologies for looking at the wrong location but stated that the objection was still relevant to the proposed site on the grounds of illegal access to the site. The site would only be accessible via the pedestrian area by the bus station. In responding, the Sub-Committee stated that, if the application was granted, the onus would be on Mr Smith to follow the correct rules and regulations when accessing the site.

In relation to the Upper High Street location, Ms Jones stated that she had been advised that the site was a parking area only, which had a one hour parking constraint and that parking attendants were enforcing the parking restrictions and issuing fixed penalty notices. She also stated that, in her understanding, in order for a vehicle to park in one of the spaces for over an hour, a suspension in parking would need to be in place.

In responding, Mrs Elliott informed the Sub-Committee that all relevant authorities had been notified of the application but that no further objections had been received. In view of the representations made at the meeting, Mrs Elliott asked the Chairman for a short adjournment of the meeting to clarify the situation regarding the one-hour parking restriction.

Following a short adjournment, Mrs Elliott returned to the meeting and informed the Sub-Committee that she had received clarification from Mr Peter Van Geersdaele who confirmed that if Mr Smith had the consent of the Council to trade at that site, and it did not pose a danger or unreasonable obstruction or hazard to other road users and pedestrians, he would advise Parking Management not to take enforcement action against Mr Smith's unit.

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 all the remaining parties were invited to return and the Chairman then outlined the decision.

RESOLVED

That the application made by Mr Frank A Smith to renew his street trading consent to sell hot dogs, burgers, fries, hot and cold drinks and ice cream in Market Place, Dudley; Birmingham Street, Dudley; Upper High Street, Dudley and Junction of Foster Street/High Street, Stourbridge, be approved.

The meeting ended at 10.50am.

CHAIRMAN