

LICENSING SUB-COMMITTEE 2

Tuesday 27th November, 2012 at 10.10 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Cowell (Chair)
Councillors Mrs Ameson and Russell

Officers

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Directorate of Corporate Resources)

14 DECLARATIONS OF INTEREST

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

15 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 18th September, 2012, be approved as a correct record and signed.

16 APPLICATION FOR VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT – STAG AND THREE HORSESHOES, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the variation of a Licensed Premises Gaming Machine permit for three category C machines and one category D machine in respect of the Stag and Three Horseshoes, Halesowen.

Mr D Taylor, Applicant, was in attendance at the meeting together with a member of the press.

Following introductions, Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Clarification was sought with regard to the current siting of the machines, and the proposed locations for the machines requested. Mr Taylor identified the locations on a map displayed to the Sub-Committee and stated that all machines were visible from the bar area.

Following a brief discussion it was

RESOLVED

That the application received from Poppleston Allen, for the variation of a Licensing Premises Gaming Machine permit for three category C machines and one category D machine in respect of the Stag and Three Horseshoes be approved on the grounds that the Sub-Committee were satisfied with the positioning of the four machines.

17

APPLICATION FOR RENEWAL AND VARIATION OF THE CONSENT TO ENGAGE IN STREET TRADING – BESCOTT PROMOTIONS – HALESOWEN FARMERS AND CRAFT MARKET

A report of the Director of Corporate Resources was submitted on an application received from Mr S Evans on behalf of Bescott Promotions for the renewal and variation of the consent to engage in street trading in Halesowen Town Centre, issued to the Halesowen Farmers and Craft Market.

Mr Evans together with his son Mr S Evans, both Bescott Promotions, were in attendance at the meeting.

Also in attendance and objecting to the application were Councillor K Turner, Mr S Fitzpatrick (Chamber of Trade), Ms E O'Connor (Vale Retail) and a member of the press.

Following introductions, the Licensing Officer presented the report on behalf of the Council, and in doing so listed the nature of items sold by market traders.

Mr Fitzpatrick then made his representation and in doing so stated that should the variation be granted to allow the market to trade in the week leading up to Christmas, this would be taking trade from retailers within the town that was already experiencing difficulties during the current economic climate.

Mr Fitzpatrick further commented that when the market was operational on every second, fourth and fifth Saturday of the month, it did not increase trade and did not benefit existing retailers.

Concerns were raised regarding the obstructions caused by the market to shop frontages between the Cornbow Centre and Peckingham Street.

Reference was made to a previous Licensing Sub-Committee on 11th October, 2011 where the Sub-Committee agreed that the consent be varied to allow an extra ten stalls, to a maximum of thirty-five stalls in total that may be of general format. Mr Fitzpatrick stated that concerns were raised in respect of the large number of stalls that were currently being used, and identified that one stall measured 32ft in total.

Councillor K Turner then presented his objections to the application and in doing so informed the Sub-Committee that he had been approached by retailers in Peckingham Street, due to the detrimental effect the market had caused to their business.

Councillor Turner then made reference to Mr Fitzpatrick's comments in respect of the size of the stalls, and raised concerns that some stalls were measuring 32ft, but classed as one stall. He stated that he had no objection to the proposal to dress the stalls with a Christmas theme, however should the market be granted to trade between 18th December and Saturday 22nd December, 2012, it could have a damaging effect on existing traders.

In responding to comments made in respect of the size of the stalls, Mr Evans stated that there were thirty-five stalls in total, with each stall measuring 8ft, and that should market stall traders arrange additional furniture then the matter would be addressed. He also stated that the market had been at Halesowen for ten years, in particular that it had been in the current format for a couple of years, and that he had not personally received any objections from traders.

Mr Evans then submitted letters from a number of retailers including Warwick Butchers, who stated that their business had not suffered a loss on the days when the market operated, but did comment that the stalls did block the shop frontage. Mr Evans informed the Sub-Committee that he had intended to decrease the size of the stalls to 5ft in January, 2013 in the area by the butchers to allow members of the public to walk along the pathway.

In responding to a question by Councillor Turner, Mr Evans confirmed that the size of the stalls was 8ft by 8ft, with a counter size of 8ft by 4ft.

Ms O'Connor then made her representation and informed the Sub-Committee that she had concerns over the viability of existing businesses and that the market had obliterated trade on Saturdays, when the market was in operation.

In responding to Ms O'Connor's representations, Mr Evans stated that he had not received any objections from the traders, and that should any concerns be raised to him, he would be willing to discuss further in order to resolve any issues.

In responding to Mr Fitzpatrick's comments in respect of the consequences should the market trade between 18th December and Saturday 22nd December, 2012, Mr Evans stated that a number of other Town Centres such as Wolverhampton, Oldbury and Merry Hill had operated a successful market on the dates requested.

Councillor Turner suggested that Mr Evans arrange to meet with the traders who had approached Councillor Turner to discuss their concerns.

In responding to a question by a member following comments made in respect of businesses suffering a loss, Ms O'Connor stated that she could identify trends of patterns of customers, and that it was apparent that trade did not increase when the market was in operation.

Mr Fitzpatrick further stated that in his opinion the market did not attract additional customers.

In responding to a question by a member, the Licensing Officer informed the Sub-Committee that the market had initially operated as a Farmers Market, and in 2006 the previous owners, LSD Promotions, were granted a variation of licence in order to sell general items. Ms O'Connor stated that the Farmers Market was welcomed by shop-owners, but following a number of variations of licence it had since evolved into a general market.

In responding to a question by the Legal Advisor, Ms O'Connor confirmed that her evidence presented had been in respect of the Cornbow Centre, and that Halesowen had received four to six thousand visitors on a Saturday, and that the figures did not vary whether the market was operational or not.

In responding to a question by the Legal Advisor following the submission of letters from retailers such as Warwick Butchers, Mr Fitzpatrick stated that he had spoken to a previous manager of the butchers who had stated that the market had affected business.

In summing up, Mr Fitzpatrick stated that he strongly opposed the application to trade in the week before Christmas; due to the damaging affect it would have on existing traders.

In summing up, Councillor K Turner asked that the Sub-Committee consider the representations made on behalf of traders.

In summing up, Mr Evans stated that he considered that by extending the market to trade in the week leading up to Christmas, it would benefit the town centre.

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, invited the parties to return and the Chairman outlined the decision.

RESOLVED

That the application for the renewal of the consent to engage in street trading in Halesowen Town Centre, issued to Halesowen Farmers and Craft Market be approved together with the following variation:-

- (1) The Halesowen Farmers and Craft Market to trade on Friday 21st December, 2012 and Saturday 22nd December, 2012.

Reasons for Decision

The Sub-Committee are happy to renew the consent to engage in street trading in Halesowen Town Centre for the next twelve months.

In regard to the Christmas extension, the Sub-Committee have heard evidence from both parties.

The Sub-Committee are aware of the need to balance the interests of market traders, the shops and shoppers, therefore the Sub-Committee are happy to allow trading on Friday 21st December, 2012 and Saturday 22nd December, 2012.

Both parties have said that they are happy with the definition of a stall size of 8ft by 8ft with a counter size of 8ft by 4ft.

Bescott Promotions have also agreed to reduce the stall size to 5 ft wide between the Cornbow Centre and Peckingham Street.

The meeting ended at 11.40 am

CHAIR