

**Minutes of the Licensing Sub-Committee 2
Tuesday, 30th March, 2021 at 10.00 am
on Microsoft Teams**

Present:

Councillor M Evans (Chair)
Councillors P Drake and E Taylor

Officers:-

B Hughes – Assistant Team Manager - Licensing and Waste Enforcement (Directorate of Public Realm), S Wright – Solicitor, H Shepherd – Democratic Services Officer and K Griffiths - Democratic Services Officer (Directorate of Finance and Legal).

Together with one member of the public.

10 **Apology for absence**

An apology for absence from the meeting was submitted on behalf of Councillor J Baines.

11 **Appointment of Substitute Member**

It was noted that Councillor E Taylor had been appointed as a substitute for Councillor J Baines, for this meeting of the Sub-Committee only.

12 **Declarations of Interest**

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

13 **Minutes**

Resolved

That the minutes of the meeting held on 15th December, 2020, be approved as a correct record and signed.

14 **Application for Grant of Consent to Engage in Street Trading**

A report of the Acting Director of Public Realm was submitted on an application for grant of consent to Engage in Street Trading.

The following persons were in attendance at the meeting in respect of the application:-

Mr T Lawson – Applicant

Mr D Jacobs – Project Engineer (Street and Green Care) - Objector

Following introductions, the Assistant Team Manager - Licensing and Waste Enforcement presented the report on behalf of the Council and advised that additional late submissions had been received from local Ward Councillors in support of the application, copies of which had been circulated to all parties in advance of the meeting.

Mr D Jacobs then outlined the reasons for the objection on behalf of the Street and Green Care Team, and in doing so stated that the proposed initial location would have obstructed the emergency vehicle access route, connecting Coventry Street to High Street, which could not be supported. Reservations to the subsequent amended location were also expressed, in that licences had previously been granted to The Old Bank and the ex Rimski's Café for outdoor dining in that same area, as well as the monthly Tudor Market and the impact the consent of licences to individual vendors would have on the environment of the square and the already congested pedestrian flow across that area. It was, however, acknowledged that there were no current consents or licences granted for that area.

Mr D Jacobs responded to all questions asked and concurred that should the applicant be located in a safe area; the emergency vehicular access uncompromised and that the applicant would be willing to work in conjunction with the Tudor Market and any other vendors should further licences be granted in the future, then this would address the concerns.

Mr T Lawson then presented his case, and in doing so, stated that should the application be granted for him to trade from the first proposed location, and emergency access be required, the mobile tricycle could easily be moved out of the way quickly and that he would be able to assist with the lowering of the bollards in readiness for the vehicle to approach. Should this not be considered appropriate, he would be content to explore alternative locations and would be willing to work with other vendors and the market should licences be renewed/granted in the future. He confirmed that improvements to the tricycle had been undertaken in that hazard stickers and clear messaging to highlight caution of the hot plates were clearly visible and a parasol had been installed.

Although Members acknowledged local businesses should be encouraged, concerns were expressed with regard to the initial proposed location of the tricycle, in that an emergency access route would be obstructed and the safety of the public compromised. Possible alternative locations were discussed at length, which included the wall of The Old Bank, between the electricity box and flower box, as well as an area on the ramp leading up to the Crown Centre next to the building formerly known as Rimski's Café.

In responding to a question raised by a Member with regards to whether the conditions to a street trading consent could be varied should further applications be received, the Legal Advisor referred all parties to Paragraphs 7 to 11 of the report submitted, which outlined the law on Street Trading.

The Legal Advisor to the Sub-Committee then advised on the law relating to the determination of applications for the grant of consent to engage in street trading and in doing advised that the Council may grant a consent as they deemed fit and with such conditions as considered reasonably necessary. In addition, the Legal Advisor advised that the holder of a street trading consent required permission to trade, where 'an other vehicle' would be used to trade from a consent street. Any such permission may be subject to conditions as to where the holder of the street trading consent may trade and as to the times between or the periods for which they may trade. In concluding the Legal Advisor confirmed that the law also allowed the Council to vary a street trading consent at any time.

All parties then withdrew from the meeting to enable the Sub-Committee to determine the application, the decision of which would be conveyed to all parties after the meeting had concluded.

Resolved

That following careful consideration of the information contained in the report submitted and provided at the meeting, in pursuance with Part 3 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, the application for grant of consent to engage in street trading, be approved and permission provided to trade in a consent street from 'an other vehicle', subject to the following conditions:-

- 1) The tricycle to be located between the electricity box and the plant box situated against the building known as The Old Bank, Coventry Street/High Street, Stourbridge.
- 2) Trading may take place Monday to Sunday (inclusive), between the hours 8am and 8pm.

Members noted that the location in question was a consent street and as the product would be sold from a tricycle, Members considered this to be 'an other vehicle'.

The meeting ended at 11.31 am.

CHAIR