

LICENSING SUB-COMMITTEE 5

Tuesday, 20th June, 2006 at 11.30 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Taylor (Chairman)
Councillors Bradney and Donegan

Officers

Assistant Director of Legal and Democratic Services (Legal Advisor) and
Mr R Jewkes – Directorate of Law and Property

1 APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of
Councillor Ms Craigie.

2 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Donegan had been appointed as a substitute
member for Councillor Ms Craigie for this meeting of the Sub-Committee
only.

3 DECLARATIONS OF INTEREST

No declarations of interest were made in accordance with the Members'
Code of Conduct.

4 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on
the 9th May 2006 be approved as a correct record and signed.

5 APPLICATION FOR THE GRANT OF A PREMIISES LICENCE, THE
ESSENCE RESTAURANT, 39 DUDLEY STREET, SEDGLEY

It was reported that due to the withdrawal of objections to this application, the matter had been withdrawn from the agenda.

6 APPLICATION TO ENGAGE IN STREET TRADING, MR ALAN
GARNER AND MRS CHRISTINE GARNER, STOURBRIDGE TOWN
CENTRE

A report of the Director of Law and Property was submitted on an application received from Mr A Garner and Mrs C Garner for the grant of a consent to engage in street trading in Foster Street, Stourbridge.

The applicants, Mr and Mrs Garner, were in attendance at the meeting. Also in attendance as objectors to the application were Mr G Timmins, Senior Highways Inspector, Ms A Jones, Dudley Town Centre Manager and Mr R Eames of the Well Trust Charity.

Following introductions by the Chairman of the Sub-Committee the Legal Advisor outlined the procedure to be followed.

Mrs Elliott, Licensing Officer, Directorate of Law and Property, then presented the report on behalf of the Council.

The objectors to the application then set out the basis of their objections referring to the proposed position of the trailer from which Mr and Mrs Garner planned to sell hot baked potatoes. The proposed site was at the exit to the Foster Street subway, through which large numbers of visitors entered the town. The objectors felt that the positioning of the trailer there would spoil their first sight of the town. The area surrounding the subway exit had been identified as a main focus for the annual 'Stourbridge in Bloom' flower festival and the positioning of a trailer in the area would be likely to obscure the view of many of the flowers, to the detriment of visual amenity in the area.

With regard to safety, the objectors expressed the view that that the inclusion of a further mobile food unit, in addition to the 'Mr Sizzle' van which was already permitted to trade on the site, would obscure the subway exit from view as neither the police CCTV cameras which were based on the Barclays Bank adjacent to the site, or members of the public walking on the High Street, would be able to see what was happening in the area. This was a major concern, as the vicinity of the subway was already known to be a crime and disorder 'hot spot'.

Other objections raised included the fact that there was already a baked potato seller operating in Stourbridge Town Centre at the entrance to the Ryemarket, approximately 80 metres away from the proposed site. It was also commented that permitting another street trader at the proposed site could cause conflict with the management of the Glass public house, as outside tables and chairs belonging to that establishment, which was situated next to the proposed site, would inevitably be used by the patrons of the jacket potato van, with the resulting potential for littering and overcrowding. Ms Jones confirmed that it was the view of the Stourbridge Town Centre Manager, on behalf of whom she was in attendance, that the Town Centre was now saturated with street traders and that the granting of any further permits would be detrimental to the town.

Arising from the comments made by the objectors, members of the Sub-Committee then asked questions regarding the proposed position of the trailer and the extent to which it would block the view of CCTV cameras in the area. The recent installation of a surface level crossing nearby was also discussed, and it was commented that this could potentially remove most of the pedestrian traffic in the subway area.

Mr Garner then outlined the details of the application and in so doing referred to comments made by the objectors. He questioned the amenity of the view visitors to the town currently experienced upon exiting the subway, given the nature of the shop frontages visitors initially came across, and stated that the trailer was brand new and very attractive to look at. He also explained that he was prepared to consider positioning the trailer at a different angle to try to reduce the impact on the visibility of the subway entrance. With regard to litter, he confirmed that he would be providing litterbins and would do his best to minimise any littering in the area.

In responding to Mr Garners comments, Ms Jones reiterated the position of Town Centre Management that Stourbridge Town Centre was already saturated with street traders and that therefore positioning the trailer at a different angle was still not acceptable.

In response to a question from Councillor Donegan, Mr Garner confirmed that prior to the application being submitted, he had not discussed the positioning of the trailer with Town Centre Management and consequently was not aware that they held the view that Stourbridge could not accommodate any further street traders anywhere in the Town Centre.

At the close of questions and following a short adjournment, the parties were invited to return and the Chairman then outlined the decision.

Accordingly, it was

RESOLVED

That, in the light of the objections received, the application received from Mr A Garner and Mrs C Garner for the grant of a consent to engage in street trading in Foster Street, Stourbridge, be refused.

The meeting ended at 12.35 pm

CHAIRMAN