

## **LICENSING AND SAFETY COMMITTEE**

**Wednesday, 10<sup>th</sup> September, 2008 at 6.00 p.m.**

**In a Conference Room at the Council House, Walsall**

### **Present**

Councillor Sears (Chairman)  
Councillor Micklewright (Vice-Chairman)  
Councillor Anson  
Councillor Ault  
Councillor Barton  
Councillor Bird  
Councillor P. Hughes  
Councillor Johnson  
Councillor Wilkes

#### **1169/08 Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Clarke and Sarohi.

It was noted that Councillor Ault was attending as a substitute for Councillor Clarke.

#### **1170/08 Minutes**

##### **Resolved**

That the minutes of the meeting held on 30<sup>th</sup> July, 2008, a copy having been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

#### **1171/08 Declarations of Interest**

There were no declarations of interest.

#### **1172/08 Local Government (Access to Information) Act, 1985 (as amended)**

There were no items on the agenda that the Committee considered should be dealt with in private session.

The report of the Head of Public Protection was submitted together with a copy of Appendix 21 which was not available when the agenda was despatched:-

(see annexed)

It was **MOVED** and duly **SECONDED**:-

That Council be recommended to approve Appendix 10 to the report subject to deletion of bullet points 7 and 9 and to the amendment of bullet point 1, by the insertion of the words 'any higher to be suitably secured to the satisfaction of Council Officers', after the words '1 metre high'.

An Amendment was **MOVED** and duly **SECONDED**:-

That Council be recommended to approve Appendix 10 to the report subject to deletion of bullet points 7 and 9 and to the amendment of bullet point 1, by the insertion of the words 'safe and not present any danger to the public' after the words 'All displays must be stable'.

On being put to the vote the Amendment was declared **carried**, 8 Members voting in favour and 1 against.

The Amendment was then put as the Substantive Motion and declared **carried**, 8 Members voting in favour and 1 against.

### **Resolved to recommend to Council**

- A) That the Statement of Street Trading Policy detailed at **Appendix 3** to the report be approved;
- B) That the Statement of Street Trading Policy be reviewed on a regular basis at intervals not exceeding two years;
- C) That in pursuance of the powers conferred upon it by virtue of Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982, approval be given to the following:-
  - i) That all streets currently designated as licensed for the purposes of street trading be redesignated as consent streets, such designation coming into force on a date to be determined by Council and that the Head of Public Protection be authorised to make the necessary statutory advertisements (a list of all streets currently designated as licensed streets is attached as **Appendix 4**);
  - ii) That the whole of Walsall Town Centre be designated as prohibited for the purpose of street trading except for certain sites listed within **Appendix 5** and detailed in the plans 20 to 44A (excluding 23, 25 and 32) of the attached **Appendix 6** which sites be designated consent streets (street being defined as part of a

- street) for the purposes of street trading, such designations coming into force on a date to be determined by Council and that the Head of Public Protection be authorised to make the necessary statutory advertisements (this proposal being subject to the temporary relocation of Walsall Market);
- iii) That the streets listed at **Appendix 7** be designated as prohibited for the purpose of street trading except for certain sites identified at plans 1 to 5, 8 to 16 and 18, of the attached Appendix 6, which sites be designated consent streets (street being defined as part of a street) for the purposes of street trading, such designation coming into force on a date to be determined by Council and that the Head of Public Protection be authorised to make the necessary statutory advertisements;
  - iv) That Skip Lane, Pheasey, Walsall between its junction with Sutton Road and Barr Lakes Lane be redesignated from a consent street to a prohibited street for the purpose of street trading, such designation coming into force on a date to be determined by Council and that the Head of Public Protection be authorised to make the necessary statutory advertisement ( a map of the location is attached as **Appendix 8**);
  - v) That Council hereby agrees that the sites identified at plans 6, 7 and 17 of the attached **Appendix 6** be redesignated as designated sites within a consent street.
- D) That it be noted that in re-designating the streets from licence to consent, for existing licence holders, the licensing service will not propose any changes to the permit held during its lifetime (including renewals) without the agreement of the permit holder.
- E) That approval be given to:-
- i) the perimeter of all designated street trading sites being permanently indicated at their location by such means to be identified;
  - ii) the list of designated sites for street trading in the Districts being reviewed on a regular basis at intervals not exceeding two years and in the case of Walsall Town Centre on the permanent siting of Walsall market and thereafter at intervals not exceeding two years;
  - iii) the establishment of a two tier consent system as detailed at paragraph 9.3 of the report;
  - iv) the establishment of designated sites for other street activity as detailed at paragraphs 9.4 c and 9.5 of the report;
  - v) the fees outlined at **Appendix 9** of the report;
  - vi) the process for attracting expressions of interest for children's amusement rides as detailed at paragraph 9.7 of the report;
  - vii) the criteria for shop displays as detailed at **Appendix 10** of the report, subject to the deletion of bullet points 7 and 9 and to the amendment of bullet point 1, by the addition of the words 'safe and not present any danger to the public' after the words 'All displays must be stable ...';
  - viii) the criteria for licensed advertisements on the highway as detailed at **Appendix 12** of the report.

- F) That, in consequence of the foregoing,
- a) Licensing & Safety Committee be delegated the authority to:
    - i) determine applications when representations are received and not subsequently withdrawn;
    - ii) suspend or revoke a consent for street trading or other street activity;
    - iii) add, remove or amend conditions attached to street trading and other street activity consents;
    - iv) set annual fees for street trading and other street activity consents;
  - b) Officers be delegated the authority to:
    - i) amend the application process as may be set out from time to time in the Council's Street Trading Policy;
    - ii) issue a consent if an application is properly made out and no representations are received from consultees, or representations have been received but subsequently withdrawn;
    - iii) suspend a consent for breach of conditions;
  - c) In accordance with the resolution of Licensing & Safety Committee on 19th March 2008, the Trading Standards Manager be delegated the authority to devise specifications for vehicles/units but in the event of disagreement on the suitability of a particular unit, the matter be referred to the Licensing and Safety Committee for consideration.
  - d) The decision of Council from its meeting on 12<sup>th</sup> December 1983 establishing a process for the control of street trading in Walsall Borough, and all subsequent resolutions of Council varying that process be rescinded.

### **Termination of Meeting**

The meeting terminated at 7.30 p.m.

Chairman .....

Date .....