

# REGULATORY PANEL

Friday, 28 April 2023

Present:

Councillors M Booth  
K Greaney  
S Williams

159 **APPOINTMENT OF CHAIR**

**Resolved** – That Councillor S Williams be appointed Chair for this meeting.

160 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Panel were asked to declare any disclosable pecuniary and non-pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

161 **APPLICATION FOR A MARKET RIGHTS LICENCE**

The Director of Law and Governance reported upon an application received for the grant of a Market Rights Licence. The application had been made by Kimberley Harper and related to the premises known as Heswall Royal British Legion, 78 Pensby Road, Heswall, CH60 7RF.

The applicant attended the meeting together with a representative from the Heswall Royal British Legion.

The Birkenhead Market Manager and the Senior Network Manager, Highways and Infrastructure were also in attendance.

The Licensing Manager outlined the report.

It was reported that representations had been received from Highways regarding the impact the market would have on the safety of parking and traffic conditions in the area and also from the Commercial Team regarding the size of the proposed market which may have a negative impact on the town centre and local residents. Copies of the representations were available.

The applicant advised that the intention would be to hold a maximum of 25 stalls for a small farmer's market on one Sunday a month and to also to hold a Fun Day once a year with a maximum of 50 stalls which would take place on one weekend during the calendar year.

The applicant responded to questions from Members of the Regulatory Panel and their legal advisor and confirmed that they would be content for the application to be amended to reflect the intention to have a significantly reduced number of stalls and reduced number of days than requested in the original application.

The Senior Network Manager, Highways and Infrastructure addressed the Panel in respect of their concerns regarding the safety of parking and traffic conditions in the area during the proposed times that the market would take place. It was the view of the Senior Network Manager that should the application be granted a traffic marshalling plan would be required.

In response, the applicant advised that a traffic management plan would be in place which would include temporary parking restrictions and marshalling to mitigate the impact on the local highway.

The Birkenhead Market Manager addressed the Panel and acknowledged that due to the proposals outlined at the hearing, which were significantly reduced from the initial application that had been submitted, the impact on Birkenhead Market would consequently be significantly reduced.

Members of the Panel considered the significant amendments made to the application during the hearing.

Members had regard to the submissions made on behalf of Highways and Birkenhead Market.

In coming to their decision, Members took into account that due to the amended application which both reduced the number of stalls and the number of days that the market would operate, it had been recognised that the potential impact on Birkenhead Market had been significantly reduced.

Members had regard to the fact that measures could be put in place to manage the traffic flow when the market takes place.

**Resolved – That the application to grant a Market Rights Licence to allow a permanent market to take place at Heswall Royal British Legion be granted with effect from 1 July 2023 with the following conditions:**

- **The market will be restricted to the sale of food and drink only which can take place on no more than one Sunday per calendar month with a maximum number of 25 stalls;**

- **The market will be permitted to sell food, drink and other goods on one occasion per calendar year which can take place on no more than two consecutive days with a maximum number of 50 stalls;**
- **The Licence Holder must put in place a robust traffic management plan which includes temporary parking restrictions and marshalling to mitigate the impact on the local highway; and**
- **Traders are permitted to set up from 09:00 and the site must be cleared no later than 17:00.**