

LICENSING PANEL

Friday, 5 April 2024

Present: Councillor J Stewart Laing (Chair)

Councillors G Davies B Hall

145 APPOINTMENT OF CHAIR

In the absence of the Chair and the Vice Chair, it was –

Resolved – That, Councillor James Stuart Laing be appointed Chair for this meeting.

146 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest.

There were no declarations of interests.

147 APPLICATION FOR A MARKET RIGHTS LICENCE - LISCARD

The Licensing Manager reported that the applicant had withdrawn the application for a Markets Rights Licence to allow a short term market to take place at Liscard Way, Liscard.

148 APPLICATION FOR MARKET RIGHTS LICENCES - NEW BRIGHTON

The Licensing Manager presented the report of the Director of Law and Corporate services for consideration of applications for a Market Rights Licence submitted by RR Events Solutions Ltd to be located at Ian Fraser Walk, New Brighton. The Licensing Panel were informed that applications had been submitted for the operation of continental street markets at the proposed location on 3 to 6 May 2024 and 8 to 11 August 2024. The proposed markets would operate between the hours of 10:00 to 18:00. It was reported that the Regulatory and General Purposes Committee resolved to adopt a Market Rights Policy in September 2022 which set out several criteria for consideration when determining market rights licence applications.

The applicant on behalf of RR Events Solutions Ltd was invited to make submissions to the Panel in support of their application. The applicant reported that RR Events Solutions Ltd had previously operated a continental market at the “Dips” in New Brighton, but that this location had proven unsuccessful due to several reasons including accessibility issues at the site

hence the proposal to hold the markets at Ian Fraser Walk. It was further reported that RR Events Solutions Ltd worked with a core group of traders to operate markets providing craft and artisan produce from different countries of origin, including food and drink as well as goods such as lamps, rugs and garden furniture. The applicant explained that local traders were given the opportunity to take part in the market via advertisements on social media and a maximum of 5 free stalls were available for this. The applicant informed the Licensing Panel that in response to complaints received regarding the operation of previous markets in New Brighton, the applicant advised that there would be no stalls in operation against memorial benches, traders would not sell fish and chips which would be in particular conflict with local providers who specialised in this provision, music would be staggered throughout the day and that lessons had been learned in respect of checking the provenance of the goods to be sold by various traders. The Panel were also informed that the market would close at 4.00pm on a Sunday. The applicant advised that feedback from visitors had been positive and that the proposed markets had received no objections from businesses in the immediate vicinity of the proposed site.

The Chair exercised their discretion to invite a member of the New Brighton Coastal Community Team, who advised that they were representing 25 local businesses across four trading areas in New Brighton, to make a statement. The representative informed the Panel that the operation of a market as proposed within the applications would have an adverse impact on local businesses particularly when operating on Bank Holiday weekends. The representative explained that local traders were reliant on bank holiday trade to sustain their businesses and when events had taken place in New Brighton on Bank Holiday weekends previously, traders experienced a significant loss of trade. The representative informed the Panel that they no longer opened their own business on bank holiday weekends when events were on due to this. The representative further reported that the New Brighton Coastal Community Team considered the market offer to be a duplication of the offer local traders, such as cafes, provided and that there had been a lack of engagement with local traders in the wider New Brighton area. It was submitted to the Licensing Panel that the New Brighton Coastal Community Team would welcome the opportunity to work with the applicant in respect of the operation of a market that was not in direct competition with local traders on Bank Holiday weekends.

In determining both applications for Market Rights Licences, the Licensing Panel gave consideration to the submissions made by the applicant and the statement made by a representative of the New Brighton Coastal Community Team and had regard to the Council's Market Rights Policy, in particular paragraph 4.1 which set out the criteria to be considered when determining whether to grant a licence. The criteria was considered against both the submissions made by the applicant and those made by the representative of

the New Brighton Coastal Community Team as well as the potential impact of the operation of a market at the proposed location on Birkenhead Market.

The Licensing Panel noted that the applicant and the representative of New Brighton Coastal Community Team were willing to work together in respect of the operation of markets in New Brighton and that the primary concern regarding markets taking place in New Brighton was that they have had a negative impact on local businesses when operating on Bank Holiday weekends.

Having considered all of the above the Licensing Panel subsequently:

Resolved – That

- 1. The application for a Market Rights Licence to operate a market between 3 May to 6 May 2024 be refused.**
- 2. The application for a Market Rights Licence to operate a market between 8 August to 11 August 2024 be granted with the following hours:**
 - Thursday 8 August 2024 to Saturday 10 August 2024: 10:00 to 18:00**
 - Sunday 11 August 2024: 10:00 to 16:00**
- 3. The following conditions be attached to The Market Rights Licence between 8 August to 11 August 2024:**
 - There must be no stall selling ready to eat fish and chips which would conflict with local speciality businesses.**
 - Music must not be heard playing from market stalls.**
 - The organiser must check the provenance of products to be sold at the market.**