

# **REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES**

**REGULATORY COMMITTEE – 29 MARCH 2010**

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

### **AMENDMENT TO THE POLICY WITH REGARD TO STREET TRADING IN THE VICINITY OF THE STADIUM OF LIGHT ON DAYS UPON WHICH CONCERTS ARE BEING STAGED**

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 To request Members to consider an amendment to their policy with regard to street trading on consent streets in a designated area in the vicinity of the Stadium of Light for high profile non-football events such as concerts.

#### **2.0 DESCRIPTION OF DECISION (RECOMMENDATION)**

- 2.1 The Committee is recommended to give consideration to the adoption of an amended policy with regard to the consideration of applications for street trading on days where there are to be high profile non-football events such as concerts with regard to certain specified streets in the vicinity of the Stadium of Light designated under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

#### **3.0 INTRODUCTION/BACKGROUND**

- 3.1 Members will be aware that certain streets in the vicinity of the Stadium of Light are designated as 'consent streets' under the above-mentioned Act. For the purposes of this report, these streets will be described as comprising 'the designated area' as defined in paragraph 3.2 below. Any person wishing to trade on those streets requires the approval of the Committee.
- 3.2 The designated area comprises those streets bounded by and including Millennium Way (formerly Wreath Quay Road) from the Quayside to its junction with Hay Street, Hay Street in its entirety, Sheepfolds North in its entirety, Dame Dorothy Street between its junction with Charles Street and North Bridge Street, Charles Street from its junction with Dame Dorothy Street to its junction with Howick Road, Howick Road from its junction with Charles Street to its junction with Bonnersfield, Bonnersfield from its junction with Howick Park to its junction with Palmers Hill Road and Southwick Road from its junction with Stadium Way (formerly Black Road) to its junction with North Bridge Street. The following streets are those within the perimeter of the area detailed above and are included in their entirety as consent streets; Stobart Street, Back Stobart Street, Richmond Street, Wilson Street North, Easington Street, Easington Street North, Cross Sheepfolds North, Back Richmond Street, Back Wilson Street North, Stadium Way (formerly Black Road), Back North Bridge Street and Brooke Street.
- 3.3 Members will also be aware that there were three concerts held at the Stadium of Light in June 2009 and each attracted around 50,000 members of the public to the area. In the advance of these concerts, the Committee, at its meeting on 11 May

2009, agreed, following advice upon matters of safety from the Council's Traffic and Road Safety Section and the Development Manager, to adopt a policy of refusing applications for street trading consent in the designated area on days when there are to be high profile non-football events such as concerts at the Stadium of Light unless an applicant could demonstrate exceptional reasons where a departure from the policy would be in the interest of the public.

- 3.4 Members may be aware that there is to be another high profile concert at the Stadium of Light this summer. The Council, under the auspice of its Special Events Safety Advisory Group (SESAG), is seeking to build upon the successful and safe organization of last year's concerts in planning the management of this summer's event. The SESAG consider that the policy of refusing applications for street trading consent, other than in exceptional cases, played a valuable role in ensuring the safety of concert-goers; particularly given that many visitors were unfamiliar with the environs of the Stadium. However, at last summer's events, numerous fast food vendors set up stalls and vehicles off the highway and footpaths on private land. These traders, who at the time were considered to be beyond the scope of street trading legislation, were observed to be visited by vehicles moving through the crowds. This is considered by the SESAG to be a safety hazard which it would wish not to be repeated.
- 3.5 Fortunately, a development in the law assists with this matter. Members may recall that on 7 September 2009 they received a report on the implications of the case of West Berkshire District Council v Payne which, in effect, clarified that street trading legislation pertained also to private land as well as public highways. Therefore, the policy will now apply to applications for consent on privately-owned land as well as public highways.
- 3.6 In order to avoid confusion on the part of potential applicants and to save the time of the Committee, it is suggested that the policy be amended to indicate that it pertains to both privately - and publicly - owned land.
- 3.7 Comments on this matter have been received from the Council officers identified below.
- 3.8 Ken Scott, Development Manager and Chair of the SESAG, advises as follows:

'The designated area is an area which attracts high volumes of pedestrian movement both before and immediately after the event. Because the footpaths are unable to contain this increase in capacity the overspill causes pedestrians to use the carriageway to continue their journey, a fact recognised by the need to close two lanes of northbound carriageway on Wearmouth Bridge at the end of every football match and special event at the Stadium of Light to allow for the mass movement from Sheepfolds onto the bridge.

Clearly this movement is compounded and made more difficult by the locating of street traders at various points along the route both from the point of physical obstruction caused by the vehicle and also by the queuing around the vehicle.

The potential dangers were recognised at last year's events by the refusal by committee of applications for street trading on public highway within the designated area, on the days of the events. The introduction of Traffic Regulation Orders

across the Sheepfolds area was a further attempt to close down vehicular movement both in bringing in to the area the trading vehicle and also movements associated with the restocking of the vehicle as well as preventing general parking in the area.

Whilst the measure to refuse applications for street trading consents on the days of the events last year and the introduction of the Traffic Regulation Orders were successful, it did lead to a proliferation of traders on private areas of land which fell outside the scope of the current policy. This locating on private land did cause difficulties during the events both from the movement of vehicles servicing the traders moving amongst tightly packed crowds and from the physical obstructions caused by the vehicles and queues.

Therefore from a safety perspective I would support the recommendation to amend the policy.'

- 3.9 Geoff Fisher, of the Traffic and Road Safety Section concurs with the view of Mr Scott above.

#### **4.0 CURRENT POSITION**

- 4.1 In light of the comments from the officers identified in paragraph 3.7 above, Members are recommended to amend their policy on these matters by virtue of the addition of the words shown in italics in the proposed policy below:

'Applications for street trading consent in the designated area on days when there are to be high profile non-football events such as concerts at the Stadium of Light will be refused unless the applicant can demonstrate exceptional reasons where a departure from the policy would be in the interest of the public. *For the avoidance of doubt, this policy should be taken to refer to both publicly- and privately - owned locations.*'

#### **5.0 REASONS FOR THE DECISION**

- 5.1 To facilitate the safety of persons attending concerts at the Stadium of Light.

#### **6.0 ALTERNATIVE OPTIONS**

- 6.1 None submitted.

#### **7.0 RELEVANT CONSIDERATIONS**

- 7.1 None.

#### **8.0 GLOSSARY**

SESAG – Special Events Safety Advisory Group.

#### **9.0 LIST OF APPENDICES**

- 9.1 None.

## **10.0 BACKGROUND PAPERS**

10.1 None.