

At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 1ST MARCH, 2010 at 2.00 p.m.

Present:-

Councillor A. Wilson in the Chair

Councillors P. Gibson, Paul Maddison, Old, D. Richardson, J. Scott, J. Walton and Whalen.

Declarations of Interest

Councillor Old declared a personal and prejudicial interest in item 11 as the applicant was known to her.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Errington, Francis and G. Hall.

Minutes of the Last Meeting of the Committee held on 1st February, 2010 – Part I

1. RESOLVED that the minutes of the last meeting of the Committee held on 1st February, 2010 – Part I (copy circulated) be confirmed and signed as a correct record.

General Policy on Street Trading in the City Centre

The Executive Director of City Services submitted a report (copy circulated) which briefed Members with regard to a draft City Centre Street Trading Policy and which sought consent to commence an external consultation exercise on the document. A copy of the draft policy was appended for Members' information.

(For copy report – see original minutes).

Tom Terrett, Trading Standards and Licensing Manager, presented the report and advised that following the consultation period the final draft policy would be submitted to the Committee for approval.

2. RESOLVED that the report be received and noted and that approval be given to the undertaking of an external consultation exercise in respect of the City Centre Street Trading Policy.

Local Government (Miscellaneous Provisions) Act 1982 – Application for Grant of Consent to Trade in Designated Area – Hay Street, Opposite the Junction with Brooke Street and 85 metres South of the Junction with Millennium Way, Sheepfolds Industrial Estate, Sunderland

The Executive Director of City Services submitted a report (copy circulated) on an application received from Emma Clark for grant of consent to trade in a designated area in respect of a site situated at Hay Street, opposite the junction with Brooke Street and 85 metres south of the junction with Millennium Way, Sheepfolds Industrial Estate, Sunderland.

(For copy report – see original minutes).

Tom Terrett, Trading Standards and Licensing Manager, presented the report advising that Members were recommended to consider delegating to the Executive Director of City Services the power to grant to Mrs. Clark consent to trade at the above location conditional upon her surrendering her current consent for a site situated on Hay Street opposite junction of back lane between Stobart Street and Brooke Street, Sheepfolds Industrial Estate, Sunderland. Additionally, if Members were minded to delegate the granting of consent, they were requested to determine whether or not a condition should be attached to the consent which would require that the serving hatch of the catering unit must face the footway.

In this regard Members' attention was drawn to paragraph 7.1 which detailed the following objection from the Council's Traffic and Road Safety Section:-

'I can confirm that the Traffic Section will not object to this proposal, providing that it is a condition of the consent that the serving hatch of the vehicle/trailer faces onto the footway. Under no circumstances should the applicant encourage patrons to stand on the roadway while waiting to be served.'

Mr. Terrett advised that Mrs. Clark did not wish to accept the proposed condition.

Members were informed that the Committee granted Mrs. Clark consent to trade at her current site at their meeting held on 11th May, 2009, however, since commencing trading, Northumbria Police had requested that Mrs. Clark be relocated for safety reasons.

Mr. Terrett advised that given Mrs. Clark's licence would be due for renewal in May 2010, Members may wish to consider not imposing the condition at this stage but to revisit the matter if Mrs. Clark chose to apply for a renewal in May, at which time consideration would also be given to the imposition of a similar condition in respect of all other street traders in that area. The representative of the Traffic Section who was in attendance at the meeting indicated that he would have no objection to such a course of action.

Consideration having been given to the matter it was:-

3. RESOLVED that:-

- i) approval be given to the delegating to the Executive Director of City Services the power to grant to Mrs. Clark consent to trade in a designated area in respect of a site situated at Hay Street, opposite the junction with Brooke Street and 85 metres south of the junction with Millennium Way up until 10 May 2010, conditional upon her surrendering her current consent;
- ii) the suggested condition requiring that the serving hatch of the catering unit must face the footway be not imposed.

Local Government (Miscellaneous Provisions) Act 1982 – Application for Grant of Consent to Trade in Designated Area – Hay Street, 16 metres North of the Junction at Hay Street Industrial Units and Opposite the Junction of Wilson Street North

The Executive Director of City Services presented a report on an application received from Janis Houghton for grant of consent to trade in a designated area in respect of a site situated 16 metres north of the junction at Hay Street Industrial Units and opposite the junction of Wilson Street North, Sunderland.

(For copy report – see original minutes).

Tom Terrett, Trading Standards and Licensing Manager, presented the report advising that the application was to trade any day upon which a football game was to be played at the Stadium of Light. The proposed hours of trading were to commence three hours before kick off and one hour and thirty minutes after the end of the game.

The applicant had indicated that she intended to use the site for the sale of hot food and hot and cold drinks from a mobile catering unit.

In addition Tom Terrett drew Members' attention to the following comments from the Council's Traffic and Road Safety Section.

'I can confirm that the Traffic Section will not object to this proposal, providing that it is a condition of the consent that the serving hatch of the vehicle/trailer faces onto the footway. Under no circumstances should the applicant encourage patrons to stand on the roadway while waiting to be served.'

Mr. Terrett advised that the comments have been forwarded to the applicant and she had confirmed in writing that she was agreeable to such a condition being attached to the consent.

Ms. Houghton was present in support of her application and to address any questions from members.

Consideration having been given to the matter it was:-

4. RESOLVED that approval be given to the granting of consent to trade in a designated area in respect of a site situated 16 metres north of the junction at Hay Street Industrial Units and opposite the junction of Wilson Street North to Ms. Janis Houghton conditional upon the serving hatch of the catering unit facing onto the footway and under no circumstances should patrons be encouraged to stand on the roadway while waiting to be served.

Local Government (Access to Information) (Variation) Order 2006

5. RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during consideration of the remaining business as it was considered likely to include the disclosure of exempt information relating to an individual and the financial or business affairs of a particular person (including the authority holding that information). (Local Government Act 19792, Schedule 12A, Part I, Paragraphs 1 and 3).

(Signed) A. WILSON,
Chairman

Note:

The above minutes comprise only those relating to items during which the meeting was open to members of the public.

Additional minutes in respect of further items are included in Part II.

