

REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

REGULATORY COMMITTEE – 11 MAY 2009

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR GRANT OF CONSENT TO TRADE IN DESIGNATED
AREA – LOW ROW, SUNDERLAND**

Mr. Andrew McCusker

1.0 PURPOSE OF THE REPORT

- 1.1 To consider an application received from Mr. Andrew McCusker for grant of consent to trade in a designated area in respect of a site situated in Low Row, Sunderland.

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1 The Committee is recommended to give consideration to the application for grant of consent to trade in a designated area under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

3.0 INTRODUCTION/BACKGROUND

- 3.1 The site has been designated by the Council as a consent street for street trading purposes under Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Council has discretion to grant such consent "if it thinks fit". Members are therefore entitled to refuse the application should they consider it appropriate to do so.
- 3.2 The applicant has indicated that he proposes to use the site for the sale of hot food and cold drinks from a trailer measuring 10 feet by 17 feet. The proposed hours are 20:00 until 04:00 seven days a week.
- 3.3 For Members' information, should they decide to grant the above application, Mr McCusker will be unable to trade legally between the hours of 23:00 and 04:00 until such time as he has applied for and been granted a premises licence authorising the provision of late night refreshment under the Licensing Act 2003.

4.0 CURRENT POSITION

- 4.1 The current policy for street trading in Sunderland City Centre is that consents be limited to eight sites, which are situated in High Street West, Back Middle Street, Thomas Street/Fawcett Street and Athenaeum Street where daytime trade is currently permitted. Any

deviation from this policy should only be made in exceptional circumstances that will benefit the City Centre.

4.2 The requested site is not one of the above sites designated under this policy.

4.2 The policy also states: -

'The general policy for late night street trading is that it should not be permitted. The predominant interest in late night trading is in respect of the sale of 'fast food'. It is an aim of the Council's Evening Economy Policy to improve the number and quality of premises providing food in the evenings and at night (i.e. café bars and restaurants) and it is considered that street sales of burgers and hot dogs late at night would be at odds with this policy.

Cleansing Services have concerns with regards to late night street traders and their view is that late night traders selling 'fast food' is having a significant adverse effect on the appearance of the City Centre due to dramatic increase in litter caused by customers not utilising the litter bins in the vicinity of the traders. Furthermore, food waste discarded on the highway causes the surface to become both stained and slippery due to the presence of grease, etc. This requires the regular use of steam cleaning equipment which has to be diverted away from other areas of operation'.

5.0 REASONS FOR THE DECISION

5.1 Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 allows the Council to grant consent if it sees fit to do so. The Council may impose conditions upon the consent.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS

7.1 Representations have been received from the Director of Development and Regeneration with regard to Traffic Matters as follows: -

'Low Row is a designated pedestrianised area. There is a legal order in place for a prohibition of driving of motor vehicles, on it. The road has bollards at either end to enforce the prohibition and make the area safe for pedestrians.

Low Row is within the Bishopwearmouth conservation area. The designation of a conservation area is an acknowledgement of an area's special quality and significance; a recognition of the role that the buildings and spaces have played and continue to play in the architectural, social and historic development of a town or village. It is

also an undertaking on the part of the council to conserve all that is of merit, to enhance the area generally and to ensure that all new developments are in harmony with, and contribute positively to, their special character.

Allowing a "burger van" to set up and trade in the street would diminish the appearance and character of Low Row generally.

I cannot therefore support this application'.

7.2 Representations have been received from Northumbria Police as follows: -

'I have interviewed McCusker at Gillbridge Ave Police Office regarding this application I have informed him that after consultation with a number of senior Police Officers and the consensus of opinion is that the application should be objected to on the grounds of crime and disorder this area of Sunderland has one of the greatest "hot spot" disorder incidents reported caused by drink fuelled young persons.

This additional catering unit would be seen as a potential focal point for disorder, CCTV is not covered particularly well in this area. Further to this many late night refreshment premises pay for SIA security officers to protect the public and staff they may well be incensed by this trailer being allowed to trade.

I also feel that from a health and Safety point of view generators and gas bottles do not mix on a busy night in the City Centre'.

7.3 A copy of the representations has been forwarded to the applicant and to date no reply has been received.

7.4 A map showing the location of the site is attached as Appendix 1.

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 APPENDICIES

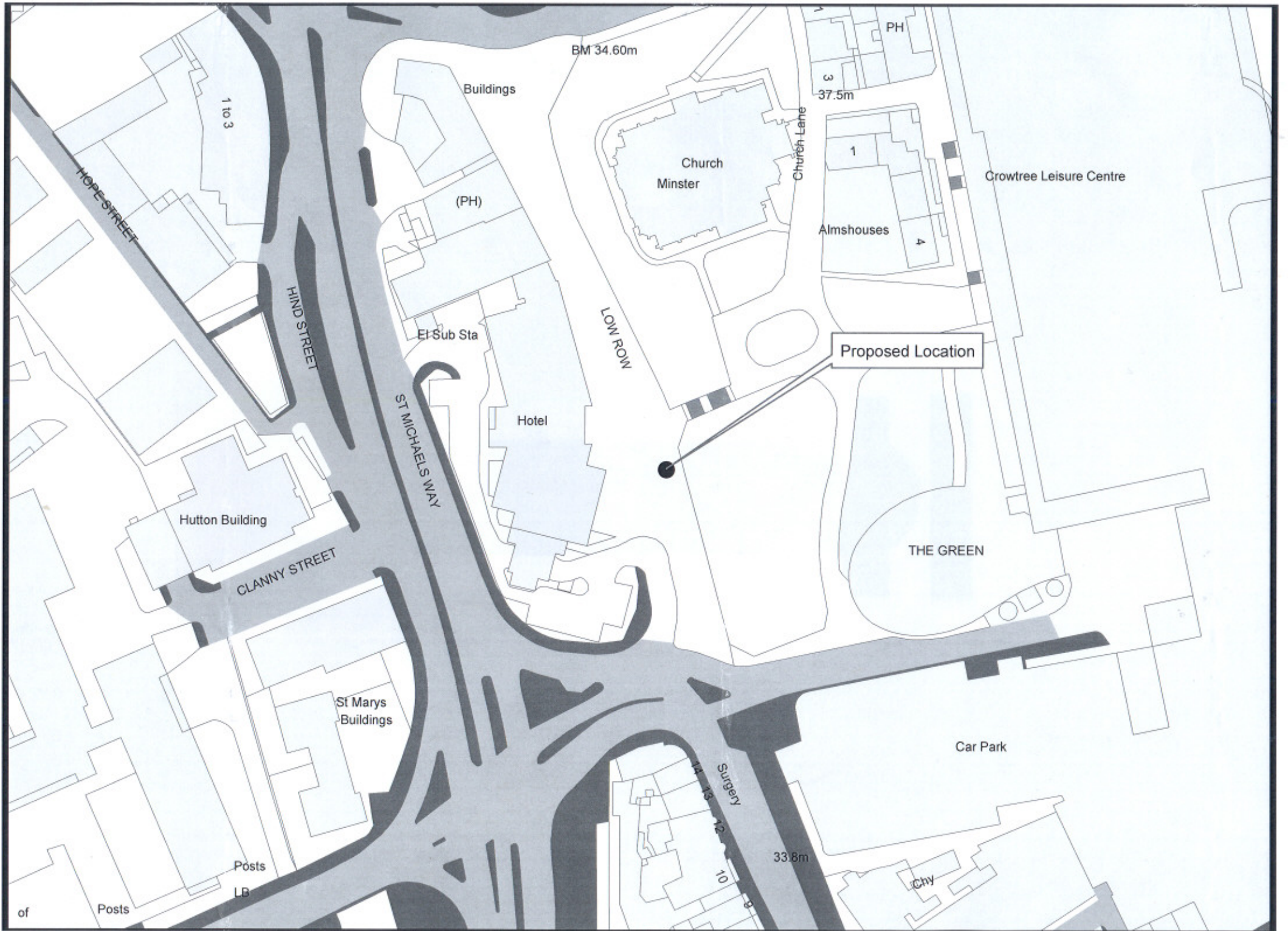
9.1 Appendix 1 – Location plan of site.

10.0 BACKGROUND PAPERS

10.1 Report and minutes of the Licensing Committee on 25 November 2002 approving a policy on street trading and street entertainment in Sunderland City centre.

These will be available at the meeting.

Appendix 1



of

Posts

Posts

LB

St Marys Buildings

Hutton Building

CLANNY STREET

HIND STREET

HOPE STREET

1 to 3

ST MICHAELS WAY

El Sub Sta

Hotel

(PH)

Buildings

BM 34.60m

LOW ROW

Church Minster

Church Lane

Almshouses

1

4

PH

37.5m

Crowtree Leisure Centre

Proposed Location

THE GREEN

Car Park

Surgey

14 13 12

10

8

33.8m

Chy