

At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 29th OCTOBER, 2012 at 2.00 p.m.

Present:-

Councillor Wilson in the Chair

Councillors Bell, Emerson, Errington, P. Gibson, D. Richardson, Thompson and Wiper.

Declarations of Interest

There were no declarations made.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Dixon, MacKnight, Farthing and Waller.

Minutes of the last Ordinary meeting of the Committee held on 1st October, 2012 Part I and of the Extraordinary meeting held on 15th October, 2012

1. RESOLVED that the minutes of the last Ordinary meeting of the Committee held on 1st October, 2012 Part I and of the Extraordinary meeting held on 15th October, 2012 (copies circulated) be confirmed and signed as correct records.

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

2. 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 1972, 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.

**SUNDERLAND STADIUM OF LIGHT – RESTRICTION ON GENERAL
SAFETY CERTIFICATE**

Report of the Deputy Chief Executive

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to recommend to Committee that a limit be imposed upon the number of tickets made available by Sunderland Association Football Club to the visiting fans of Manchester City and West Ham United for the fixtures on Wednesday 26 December 2012 and Saturday 12 January 2013 respectively.

2.0 BACKGROUND

- 2.1 The Safety of Sports Grounds Act 1975 requires that the General Safety Certificate contains a safe capacity relating to the maximum number of spectators permitted to enter the stadium for the specified activity.
- 2.2 The setting of that capacity involves assessment both of the design and physical conditions of the stadium together with the Club's ground safety management structure.
- 2.3 Since the advent of the "all seated" stadia which came about as a direct result of the recommendations made by Lord Justice Taylor into the Hillsborough Disaster, an emerging trend for fans, particularly those of visiting teams, to stand in seated areas has been noted.
- 2.4 This action of fans standing in seated areas is recognised as a major safety concern as it introduces the risk of injury to spectators and others from falls, surging and crushing.
- 2.5 The ability of the Club to manage the crowd, and access into the crowd by Police, Ambulance Service or St Johns is severely affected due to the blocking of stairways, gangways and vomitories.
- 2.6 The action also impacts upon customer care as spectators behind standing fans have no alternative but to do likewise whether they wish to stand or not.
- 2.7 The Sports Grounds Safety Authority (formerly the Football Licensing Authority) recognises the problem and in August 2002 together with other representative bodies within Association Football produced a document "Standing in Seated Areas at Football Grounds" outlining the

problems associated with such action. The document is reviewed by all co-signatories at stocktaking meetings held every 6 months.

- 2.8 In 2005 the Chief Executive of the former Football Licensing Authority wrote to all Chief Executives of Certifying Authorities reminding them of their roles and responsibilities in respect of fans standing in seated areas and requesting that they instruct Safety Advisory Groups to take up the issue. This instruction was repeated in 2008 due to an increase in the scale of the problem.
- 2.9 In 2009 Crowd Dynamics, a consultancy specialising in safety and crowd behaviour was commissioned by the Premier League to conduct a study into the safety issues arising from fans standing in seated areas.
- 2.10 The resulting report stated that progressive crowd collapse is not possible if the crowd is all seated and only standing at moments of excitement. However it said that a standing crowd jumping in excitement carries a higher risk of a progressive crowd collapse and that aggravating factors such as the rake of the deck and whether the crowd is dynamic or stable will significantly affect the likelihood of progressive crowd collapse.
- 2.11 The report went on to say that “the impact of this can be significant and as such, standing in seated areas must be regarded as a significant risk.”
- 2.12 The General Safety Certificate issued to the Club under the safety of Sports Grounds Act 1975 states in Condition 4 “The Holder (Club) shall retain control over the whole or each part of the sports ground and shall take all necessary precautions for the reasonable safety of spectators admitted to the sports ground. The responsibility for the safety of the spectators at the sports ground lies at all times with the Holder, who shall produce a written statement of Safety Policy”.
- 2.13 The Club’s own Ground Regulation 13 states that “Nobody may stand in any seating area whilst play is in progress. Persistent standing in seated areas whilst play is in progress is strictly forbidden and may result in ejection from the ground”.
- 2.14 At the beginning of season 2003/2004 the former Football Licensing Authority introduced a proforma to be completed by football club safety officers throughout the Premier and Football Leagues recording the behaviour of both home and visiting fans. The recording of this information is now carried out by the Premier League.
- 2.15 The data built up from that reporting procedure and from information recorded by the council’s building control team from match day inspections has identified standing in seated areas as a trend by the visiting fans of a number of clubs including those of Manchester City and West Ham United.

2.16 The monitoring process will continue through the season 2012/2013 and the information received on the behaviour of the fans will be used to supplement information already held by the Council.

2.17 Committee will recall that at a number of previous meetings approval was given to set limits for the same reasons on visiting fans for fixtures against Clubs including West Ham United, Leeds United, Cardiff City, Aston Villa, Manchester United, Manchester City, Sheffield Wednesday, Liverpool and Newcastle United.

3.0 PROPOSALS

3.1 Safety management plans for the fixtures were received from Sunderland Football Club on 6 November 2012. After examination of the plans and discussions between the Club and Northumbria Police it has been agreed that in an effort to manage the likelihood of fans standing in seated areas, the maximum number of visiting fans for the fixtures should be set at 2200 for Manchester City and 2800 for West Ham United.

3.2 The number of visiting fans is set at a level which the Club through their safety management plans feel confident in being able to observe safety concerns and to carry out enforcement of Ground Regulation 13.

3.3 Details of the plans and the recommendation of Committee will be reported to the Safety Advisory Group at its next meeting.

4.0 RECOMMENDATIONS

4.1 Committee is recommended:

- 1) To approve the setting of a limit of 2200 visiting fans for the fixture with Manchester City on Wednesday 26 December 2012 and 2800 visiting fans for the fixture with West Ham United on Saturday 12 January 2013 on the grounds of authorising the Club to take all necessary precautions for the reasonable safety of spectators at these games as per Condition 4.
- 2) To authorise the Deputy Chief Executive to follow such procedure and issue such notice needed to obtain compliance with the proposed restriction.

Background papers

Sunderland Stadium of Light General Safety Certificate
Former Football Licensing Authority document "Standing in Seated Areas at Football Grounds"
Crowd Dynamics report
Letters dated 8 April 2005 and 28 April 2008 from Chief Executive of former Football Licensing Authority to Chief Executives of Certifying Authorities

REPORT OF THE HEAD OF STREETSCENE

REGULATORY COMMITTEE – 26 NOVEMBER 2012

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR CONSENT TO TRADE IN A DESIGNATED AREA HIGH STREET WEST, 40 METRES EAST OF CUMBERLAND STREET AND 9 METRES NORTH OF THE SHOP FRONTAGES ON HIGH STREET WEST, SUNDERLAND

Mr. Keith Turner (Jnr)

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to request the Committee to consider an application for the granting of street trading consent made by Mr. Keith Turner (Jnr). The area for which the consent is requested is outside Curry's in High Street West for the period 14 November to 30 December 2012.

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1 The Committee is recommended to consider the grant of consent to the applicant to trade in the designated area as described in paragraph 1.1 above 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".
- 3.2 On 3 March 2008 the Committee delegated to officers the power to grant applications for short term street trading consent (up to one month) subject to there being no objections received to the application.
- 3.3 No objections have been received in respect of this application and a consent permit has been issued under delegated authority for the period from 14 November until 13 December 2012 (up to one month). However, as this application is for a period longer than a month, the consideration of the Committee is required for the period from 14 December until 30 December 2012.

4.0 CURRENT POSITION

- 4.1 Members may recall that they resolved to grant an application for street trading consent to Mr. Keith Turner (Jnr) at this location previously on 28 November 2011 for the period 17 December to 30 December 2011

Mr. Turner was also granted consent to trade at the proposed location for the festive period in 2007, 2008, 2009 and 2010.

- 4.2 The current application relates to a location in High Street West identified on a map of the City Centre attached as Appendix 1. The applicant wishes to sell candy floss, toffee apples, popcorn, sweets, doughnuts, cold/hot drinks and hot chestnuts.

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 There are no objections to this application.

8.0 GLOSSARY

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

9.0 APPENDICIES

- 9.1 Appendix 1 – Map showing the location of the site.

10.0 BACKGROUND PAPERS

- 10.1 None.

Appendix 1

Proposed Trading Location



REPORT OF THE HEAD OF STREETSCENE

REGULATORY COMMITTEE – 26 NOVEMBER 2012

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR GRANT OF CONSENT TO TRADE IN A DESIGNATED AREA

**HAY STREET, 14.5 METRES NORTH OF THE JUNCTION WITH
SHEEPFOLDS NORTH, SHEEPFOLDS INDUSTRIAL ESTATE,
SUNDERLAND**

Revelle Wilkinson

1.0 PURPOSE OF THE REPORT

- 1.1 To consider an application received from Revelle Wilkinson for grant of consent to trade in a designated area in respect of a site situated on Hay Street, 14.5 metres north of the junction with Sheepfolds North, Sheepfolds Industrial Estate, Sunderland.

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1 The Committee is recommended to give consideration to the grant or refusal of Mrs Wilkinson's application for grant of consent to trade in a designated area as described in paragraph 1.1 above, under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

3.0 INTRODUCTION/BACKGROUND

- 3.1 The street in question 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".
- 3.2 The Committee has previously granted consent to trade at this location. This consent expired on 1 August 2012, and was not renewed by the previous applicant.
- 3.3 This application is to trade any day upon which a football game is to be played at the Stadium of Light. The proposed hours of trading commence three hours before kick off and two hours after the end of the game.
- 3.4 The applicant has indicated that she intends to use the site for the sale of hot food, hot and cold drinks from a trailer measuring 4.5 metres long and 2.3 metres wide.

4.0 CURRENT POSITION

- 4.1 No objections have been received in respect of this application.

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 No objections have been received in respect of this application. However, even in the absence of objections, a decision on this matter may be made only by the Committee. Should the Committee be minded to grant the application, they are invited to agree an expiry date for the licence of 31 May 2013 in order to facilitate work being done separately by the Licensing Section which will involve dealing with consents in the vicinity of the Stadium of Light on a basis related to the timing of the football season.
- 7.2 A map showing the location of the site is attached as Appendix 1.

8.0 GLOSSARY

- 8.1 None.

9.0 APPENDICIES

- 9.1 Appendix 1 – Plan showing the location of the proposed site.

10.0 BACKGROUND PAPERS

- 10.1 None.

Appendix 1

Proposed Street Trading Location



REPORT OF THE HEAD OF STREETSCENE

REGULATORY COMMITTEE – 26 NOVEMBER 2012

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR CONSENT TO TRADE IN A DESIGNATED AREA MARKET SQUARE, SUNDERLAND

Michael Harrison

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to request the Committee to consider an application for the granting of street trading consent made by Mr. Michael Harrison. The area for which the consent is requested is in the Market Square for the period 17 November 2012 to 1 January 2013.

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1 The Committee is recommended to consider the grant of consent to the applicant to trade in the designated area as described in paragraph 1.1 above 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".
- 3.2 On 3 March 2008 the Committee delegated to officers the power to grant applications for short term street trading consent (up to one month) subject to there being no objections received to the application.
- 3.3 No objections have been received in respect of this application and a consent permit has been issued under delegated authority for the period from 17 November until 16 December 2012 (up to one month). However, as this application is for a period longer than a month, the consideration of the Committee is required for the period from 17 December 2012 until 1 January 2013.

4.0 CURRENT POSITION

- 4.1 The application relates to a location in Market Square identified on a map of the City Centre attached as Appendix 1. The applicant wishes to locate seven units in the Market Square selling the following goods:

2 units selling personalised gifts and Christmas decorations
1 unit selling European style sweets

- 1 unit selling roast meat baguettes
- 1 unit selling Christmas crepes
- 1 unit selling a selection of chocolates.
- 1 unit operating as a German style swing grill selling bratwurst

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 There are no objections to this application.

8.0 GLOSSARY

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

9.0 APPENDICIES

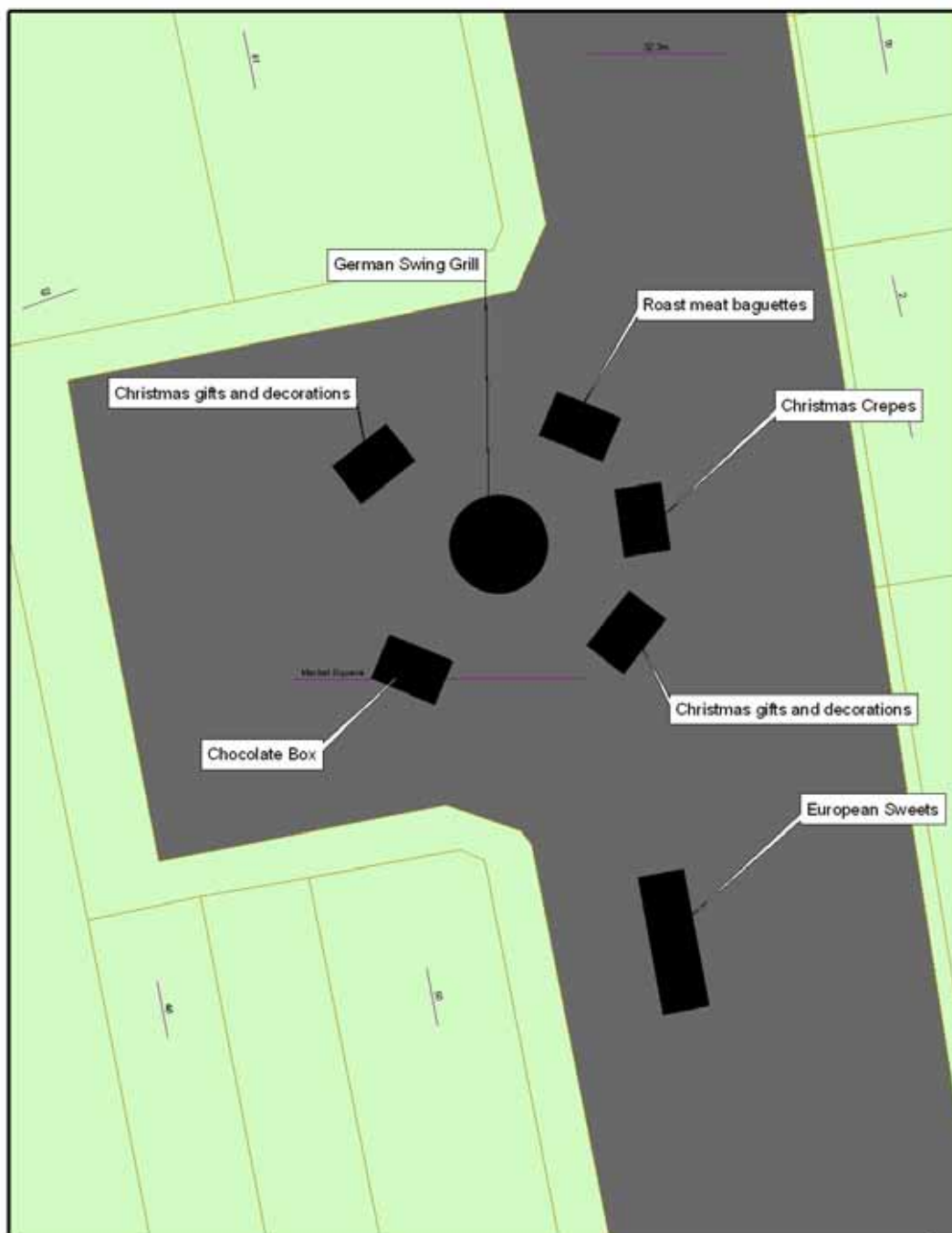
- 9.1 Appendix 1 – Map showing the location of the site.

10.0 BACKGROUND PAPERS

- 10.1 None.

Appendix 1

Proposed location and Layout of Christmas Market



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