

At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 24th OCTOBER, 2016 at 2.00 p.m.

Present:-

Councillor Blackburn in the Chair

Councillors Fletcher, P. Gibson, Heron, Howe, Kay, Scaplehorn, Turner and Waller

Declarations of Interest

Item 8 – Local Government (Miscellaneous Provisions) Act 1982 – Applications for Consent to Trade in a Designated Area – Cliffe Park, Sunderland

Councillor P. Gibson declared that he was a Council appointed Member of Sunderland Live and withdrew from the meeting and took no part in the consideration of the matter.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors D. Dixon, Elliott, G. Galbraith, I. Galbraith and Lawson.

Minutes of the Last Meeting of the Committee held on 26th September, 2016 and the Extraordinary Meeting held on 10th October, 2016 Part I

1. RESOLVED that the minutes of the last meeting of the Committee held on 26th September, 2016, and the Extraordinary Meeting held on 10th October, 2016, Part I (copies circulated) be confirmed and signed as correct records.

The Undertaking of a Survey to Review the Current Policy in Relation to Quantity Control of Hackney Carriages

The Chief Executive submitted a report (copy circulated) which requested the Committee to approve the undertaking of a survey in order to determine whether it was in the interest of the travelling public to continue to restrict Hackney Carriage numbers and, if so, to determine whether there was any unmet demand for Hackney Carriages in the city.

(For copy report – see original minutes)

Richard Reading, Trading Standards and Licensing Manager, introduced the report and advised that the Department for Transport's guidelines advised that a survey

should be undertaken every three years to review the restrictions in Hackney Carriage numbers. The last survey had been undertaken in 2014 so in order to follow the guidance a further survey would need to be undertaken in 2017.

2. RESOLVED that approval be given to a survey being undertaken to:-
 - a. Determine whether it was in the interest of the travelling public in Sunderland for the Council to continue to restrict hackney carriage numbers; and
 - b. Determine whether there was any unmet demand for Hackney Carriages in the city.

Draft Policy of Street Trading Consent

The Chief Executive submitted a report (copy circulated) which requested the Committee's approval of the commencement of a consultation exercise with regard to the possible adoption of a policy in relation to street trading consent for those areas within the city designated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

(For copy report – see original minutes)

Mr Reading advised that the Licensing department in collaboration with the Business Investment Team had developed a draft policy on Street Trading Consent which was intended to provide the Committee with a number of factors which they could take into account when assessing whether the grant or refuse an application. The draft policy was set out at appendix 1.

Councillor Kay queried whether the prohibited streets would be reviewed. Mr Reading advised that in the consent streets traders needed to be given consent to trade by the Council; the only prohibited street was Blandford Street and this prohibition was based on safety grounds as there would not be access for emergency vehicles if there were street traders in place; there would be discussions with the highways department and emergency services as part of the consultation.

3. RESOLVED that approval be given to the commencement of a consultation exercise with regard to a draft street trading policy.

Change in the Order of Business

The Chairman advised that items 7 and 8 would be considered under Part I of the agenda rather than Part II.

Local Government (Miscellaneous Provisions) Act 1982 – Applications for Consent to Trade in a Designated Area – Hay Street (East Side), 3 Metres South of Network Rail Access Gates, Sheepfolds Industrial Estate, Sunderland

The Chief Executive submitted a report (copy circulated) which requested Members consideration of an application for street trading consent made by Mr Terry Kenny in

respect of a site on Hay Street (East Side), 3 Metres South of Network Rail Access Gates, Sheepfolds Industrial Estate, Sunderland.

(For copy report – see original minutes)

Mr Reading advised that the application was for consent to trade on matchdays only and that no objections to the application had been received.

Members discussed the matter and it was:-

4. RESOLVED that the application to trade from a site on Hay Street (East Side), 3 Metres South of Network Rail Access Gates, Sheepfolds Industrial Estate, Sunderland on matchdays be approved.

Local Government (Miscellaneous Provisions) Act 1982 – Applications for Consent to Trade in a Designated Area, Cliffe Park, Sunderland

The Chief Executive submitted a report (copy circulated) which requested Members consideration of an application from Mr Raymond Scott for street trading consent in respect of a site at Cliffe Park, Sunderland.

(For copy report – see original minutes)

Mr Reading introduced the report and advised that an objection had been received from Sunderland Live in respect of the application; the objection was set out in paragraph 3.3 of the report and Ms Alison McDonough was in attendance to address the Committee on behalf of Sunderland Live.

Ms McDonough advised that Sunderland Live and managed the illuminations event on behalf of the Council. In June and July there had been advertising for expressions of interest for licences to trade during the illuminations. The period for the submission of expressions of interest had ended at the end of July. Following this period the applications had been assessed and scores assigned to the applications and a contractor to provide street trading had been identified. This contractor had been on site since September. There was also an ice cream vendor in Roker Park who had a licence for all year; his licence had been due to expire during the event however it had been agreed that an extension until the end of the event would be granted and a fee had been paid for this extension. There were no unallocated concessions. This application went against the agreed contracts and would negatively impact other traders who had paid significant sums of money for their trading pitches. Mr Scott had been trading without a licence from the requested site and had been asked to move; he had refused and the police had attended to remove him from the site.

Mr Scott then advised that he had held street trading permits for 35 years and had previously had consent to trade in Roker Park; he had not been given any opportunity to extend the licence when it had expired and had been kicked off the site. Last year he had stood at the site where he was applying to trade from and had been told to leave by a licensing officer. He had been aware of the online application process however he did not know how to use a computer; he had approached Sunderland Live in April and stated that he had been passed around various people ;

he had then spoken to Sunderland Live again in June and had been passed around again and no-one had got back to him. He also stated that two years ago he had paid £7,000 for consent to trade in Mowbray Park during the summer season; Sunderland Live had held events in the park on three bank holidays and had attempted to exclude him from the park so that they could sub-let the trading consents to other operators which was a breach of the licence which prohibited sub-letting of plots.

Ms McDonough then advised that she had only been in her job since March so she could not comment on anything that may have happened in previous years. She stated that she had spoken to Mr Scott in the office when he had come in to speak to someone without having made an appointment. He had stated that he could not use a computer and Ms McDonough had told him that he could give her details of the locations he was interested in. The contracts had been publicised and anyone was able to apply for a contract. As this was a large event there had been a main contractor appointed for catering and entertainment who had then sub-contracted the individual plots to traders; all of the traders were properly licenced.

Councillor Howe stated that a lot of people wanted to be able to use the illuminations as an opportunity to trade. He also commented that there had been complaints that the contract awards had been unfair. Ms McDonough advised that the assessment method was intended to be as fair as possible; the applications were assessed by three officers of Sunderland Live and by the steering committee. They did not want people to have control of a pitch permanently. There had been a lot of money put forward by the contractor as the bid to manage the trading and the contractor had met the demand for street traders. There was an issue with pedlars.

Councillor Scaplehorn queried whether the deadline for applications had been published. Ms McDonough advised that this was the case and that the deadline had been extended. Sunderland Live were happy to accept bids from street traders for any events.

Councillor Fletcher queried how long Mr Scott had traded from this location for. He stated that he had held a street trading licence for 35 years and he had regular customers who he wanted to be able to trade with; the road closures were making it difficult for him to trade with his regular customers. He had never applied for consent to trade at the illuminations before. This year he had traded from this location on Cliffe Park on a couple of days through the summer and also on one day during the illuminations.

In response to further queries from Councillor Fletcher Ms McDonough stated that Mr Scott was the only person to advise them that he could not use a computer to apply online. There had been one main contractor appointed for the event; for smaller events individual concession holders were approached. For small events there was not the same large tendering process as there was for large scale events. She also advised that the road closures prevented access onto Whitburn Road but Mr Scott would still be able to access the other streets to trade.

Members discussed the matter and having heard that Mr Scott had been aware of the application process but had not applied to Sunderland Live for consent during the application period and having heard the objections to the application from

Sunderland Live Councillor Kay, seconded by Councillor Scaplehorn, moved that the application be refused. With all Members other than Councillor Howe being in agreement with this it was:-

5. RESOLVED that Mr Scott's application for consent to trade from a site on Cliffe Park, Sunderland for the period 24th October to 5th November 2016 be refused.

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

6. 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) J. BLACKBURN,
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.