

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

## **REGULATORY COMMITTEE–23 JULY 2012**

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

#### **ON THE FOOTPATH TO THE SOUTH EAST SIDE OF HAY STREET WITH THE JUNCTION OF MILLENNIUM WAY, SHEEPFOLDS, SUNDERLAND**

**Mr. Duncan Stuart Francis**

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

- 1.1 To consider an application received from Duncan Stuart Francis for grant of consent to trade in a designated area in respect of a site situated on the footpath to the south east side of Hay Street with the junction of Millennium Way, Sheepfolds, Sunderland.

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

- 2.1 The Committee is recommended to give consideration to the grant or refusal of Mr Francis'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 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 end one hour after the end of the game.
- 3.3 The applicant has indicated that she intends to use the site for the sale of sweets, soft drinks, candy floss, chocolate and water from a trailer measuring 3.0 metres long and 1.9 metres wide.

#### **4.0 CURRENT POSITION**

- 4.1 An objection to the application has been received as detailed in paragraph 7.0 below. Consequently the application requires the consideration of the Regulatory Committee.

## **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 The following comments have been received from the Council's Networks Operations Section concerning your application: -

'Networks Operations cannot support this application. The objection is based on the following:

The area is subject of waiting, loading and unloading restrictions around the junction. These prohibit vehicles from parking on the footway as they extend from the roadway to the wall at the back of the footway. The footways are for the use of pedestrians and any vehicle or trailer parked at this location would cause an unnecessary obstruction. On match days the area is extremely busy and very congested and any queuing at the food outlet would encourage patrons to stand on the roadway, which will be open to traffic. This will cause a serious conflict and likely to put pedestrians, many of whom may be children, in danger of being struck by a vehicle. I strongly recommend that this application be refused'.

- 7.2 Northumbria Police object to this application in so far as days upon which high risk matches are played at the Stadium of Light. They advise that they make use of barriers pre- and post-match in this area so restricting access.
- 7.3 The above-mentioned comments have been forwarded to the applicant. He has advised, that despite the objections listed above, he wishes his application to be considered by the Committee.

## **8.0 APPEARANCE BEFORE COMMITTEE**

- 8.1 Mr Francis has been advised that he may appear before the Committee should he so wish.

## **9.0 GLOSSARY**

- 9.1 None.

## **10.0 APPENDICIES**

10.1 Appendix 1 – Plan showing the location of the proposed site.

## **11.0 BACKGROUND PAPERS**

11.1 None.

# **Appendix 1**



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