

REGULATORY COMMITTEE

AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 6) on Monday, 22nd July, 2013 at 2.15 p.m.

Part I

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Minutes of the last Meeting of the Committee held on 24th June, 2013 Part I (copy herewith)	1
4.	Sunderland Stadium of Light – Renewal of Safety Certificate for Season 2013/14	3
	Report of the Deputy Chief Executive (copy herewith)	
5.	Local Government (Miscellaneous Provisions) Act 1982 – Application for Variation of Consent to Trade in a Designated Area – Area of Land Situated Outside of the Old Fire Station, High Street West, Sunderland	4
	Report of the Deputy Chief Executive (copy herewith)	
6.	Local Government (Miscellaneous Provisions) Act 1982 – Application for Grant of Consent to Trade in a Designated Area – 13 Princes Avenue, Sunderland, SR6 8DG	10
	Report of the Deputy Chief Executive (copy herewith)	

7. **Local Government (Miscellaneous Provisions) Act 1982 – Application for Grant of Consents to Trade in a Designated Area – Land at Marine Walk, Roker, Sunderland** 15

Report of the Deputy Chief Executive (Copy herewith)

8. **Street Collection Permits Within the Vicinity of the Sunderland Stadium of Light** 20

Report of the Deputy Chief Executive (Copy herewith)

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

The reports contained in Part II of the Agenda are not for publication as the Committee is considered likely to exclude the public during consideration thereof as they contain information relating to any individual and the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).

Part II

9. **Minutes of the last Meeting of the Committee held on 24th June, 2013 Part II (copy herewith)** 23

10. **Section 59 – Local Government (Miscellaneous Provisions) Act 1976 – Consideration of an Application for a Licence to Drive Hackney Carriages – Mr BPS** 26

Report of the Deputy Chief Executive (copy herewith).

E. WAUGH,
Head of Law and Governance

Civic Centre,
SUNDERLAND.

12th July, 2013

At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 24th JUNE, 2013 at 2.15 p.m.

Present:-

Councillor Wilson in the Chair

Councillors Emerson, Farthing, P. Gibson, MacKnight, Marshall, Richardson and D. Smith

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Bell, Bonallie, Dixon, Mordey, Waller and Wiper

Minutes of the Last Meeting of the Committee held on 20th May, 2013 and the Extraordinary Meeting held on 3rd June, 2013

1. RESOLVED that the minutes of the last meeting of the Committee held on 25th March, 2013, Part I and the minutes of the extraordinary meeting held on 3rd June, 2013 (copies circulated) be confirmed and signed as a correct record.

House to House Collections Act 1939 – Application for the Grant of a House to House Collection Permit – Audosta Ltd

The Deputy Chief Executive submitted a report (copy circulated) which requested the Committee to consider an application for the grant of a house to house collection permit made by Audosta Ltd.

(For copy report – see original minutes)

Ernie Humphrey, Licensing Officer, presented the report and advised the Mr Bryan Cooper was in attendance to speak in support of the application and answer any questions from Members.

Mr Cooper advised that Audosta guaranteed to pay £50 per tonne collected to the charity, Woodlands Cancer Care, and also guaranteed that a minimum of £500

would be paid to the charity each month, if the collection was successful and more clothing was collected then the payment would be higher. The quality of the clothing collected varied however the charity would always be paid. Audosta bore all of the costs of collection and processing, these costs were significant and it was for this reason that only £50 per tonne could be provided to the charity.

Members discussed the application and having heard why such a small percentage of the revenue from the collection was provided to the charity it was:-

2. RESOLVED that the house to house collection permit for Audosta Ltd be granted.

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

3. 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- RENEWAL OF SAFETY
CERTIFICATE FOR SEASON 2013/2014**

Report of the Deputy Chief Executive

1.0 PURPOSE OF THE REPORT

- 1.1** The purpose of this report is to recommend to Committee the approval of the application by Sunderland Association Football Club for the renewal of the General Safety Certificate for Season 2013/2014

2.0 BACKGROUND

- 2.1** The Safety of Sports Grounds Act 1975 makes provision for the review and renewal of the General Safety Certificate for the Sunderland Stadium of Light.
- 2.2** Since the grant of the last Certificate changes affecting stadium capacity have been carried out as a result of new press seats in the Premier Concourse resulting in an overall reduction in capacity. It is therefore recommended that the approved capacity of the Stadium is amended to 48,339 (Non Segregation Match) and 48,095 (Segregated Match)
- 2.3** The other matter for consideration is the fee payable for the Certificate. In this regard Committee is reminded that when the Stadium opened in 1997 the fee was set at £10000. It was then raised to £12250 from the start of the 2000/2001 season. As there has been no additional officer involvement in the work necessary to bring this report to Committee and measures have been introduced to effect efficiencies into the process it is recommended that the fee remains at the existing level.

3.0 RECOMMENDATIONS

- 3.1** Committee is recommended:
- i) To approve the grant of a General Safety Certificate for the Sunderland Stadium of Light for the season 2013/2014 for capacities of 48339 (Non Segregation Match) and 48095 (Segregated Match) on the same terms as in the current Safety Certificate.
 - (ii) Not to increase the fee payable for the Certificate.

REPORT OF THE DEPUTY CHIEF EXECUTIVE

REGULATORY COMMITTEE - 22 JULY 2013

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR VARIATION OF CONSENT TO TRADE IN A DESIGNATED AREA – AREA OF LAND SITUATED OUTSIDE OF THE OLD FIRE STATION, HIGH STREET WEST, SUNDERLAND

Mrs. Melanie Dorrian

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to request the Committee to consider an application received from Mrs. Melanie Dorrian for relocation of a street trading consent to enable her to trade at a site situated outside of the old fire station, High Street West, Sunderland.

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1 The Committee is recommended to give consideration to the application for relocation of consent 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 Mrs. Dorrian currently holds consent to trade from a site situated on Crowtree Road, 6.2 metres east of Crowtree Leisure Centre and 32 metres south of the junction with High Street West, Sunderland. This consent is due to expire on 31 October 2013.
- 3.3 The current consent allows the sale of hot and cold food. The days and hours of trading are everyday from 08:00 hours to 18:00 hours, and, during the period commencing on the date of the switch on of the Council’s city centre Christmas lights and concluding on 31 December, between the hours of 08:00 hours and 21:00 hours.
- 3.4 A request has been received from Mrs Dorrian to relocate from the site in Crowtree Road to a site situated on an area of land outside of the old fire station, High Street West, Sunderland. The reason for this request is due to the forthcoming demolition of Crowtree Leisure Centre. A map showing the proposed trading location is attached as Appendix 1.

4.0 CURRENT POSITION

- 4.1 Mrs Dorrian has held street trading consent in Sunderland City Centre since 1 November 2007. Mrs Dorrian has traded at her current site since 1 January 2012. A map showing the current trading location is attached as Appendix 2.
- 4.2 No objections have been received in respect of this application. However, Licensing Officers have been advised that there is a private sector proposal, which has the support of the Council, to redevelop the High Street West area. Consequently, at some presently unknown point in the future, it may not be possible for Mrs. Dorrian to trade in High Street West. Should the Committee grant this application, Mrs Dorrian will be able to trade at the proposed High Street West site until 31 October 2013; the expiry date of her current consent. A further report will be made on this subject of Mrs Dorrian's consent in due course.
- 4.3 Mrs Dorrian has been advised of this situation.

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 proposed street trading location.
Appendix 2 – Map showing the current street trading location.

10.0 BACKGROUND PAPERS

- 10.1 None.

APPENDIX 1



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APPENDIX 2

Variation of Street Trading Consent - Mrs Dorrian



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REPORT OF THE DEPUTY CHIEF EXECUTIVE

REGULATORY COMMITTEE – 22 JULY 2013

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

13 PRINCES AVENUE, SUNDERLAND, SR6 8DG

Mr. Andrew McCusker

1.0 PURPOSE OF THE REPORT

- 1.1 To consider an application received from Mr. Andrew McCusker for the grant of consent to trade in a designated area. The site is situated at 13 Princes Avenue, Sunderland. A map identifying the location of this site is attached as Appendix 1.

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1 The Committee is recommended to give consideration to the grant or refusal of Mr. McCusker's application for grant of consent to trade in a designated area as highlighted 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 on 27 July 2013 and 28 July 2013 (i.e. the weekend of the Sunderland International Airshow). The proposed hours of trading are 8:00 a.m. until 7:00 p.m.
- 3.3 The applicant has indicated that he intends to use the site for the sale of candy floss from a purpose built trailer.

4.0 CURRENT POSITION

- 4.1 An objection 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 Sunderland Live object to the application stating:-

‘In relation to the application for 13 Princes Avenue for the Airshow weekend. I can confirm Sunderland Live would like to object to this application based on the following points:

- 1) The area stated on the attached application does not form part of the Sunderland International Airshow tender locations. All successful Airshow tender applicants pay a large sum of money to trade at the Airshow and we feel that if the application is approved then there could be significant risk to the future reputation and income to the Airshow.
- 2) An Event Safety Plan for the Sunderland International Airshow site is produced to capture all activity on the event. This is circulated to 40 members of the Safety Advisory Group to include Northumbria Police, NEAS, etc. The information in relation to the application attached would not form part of this event safety plan and therefore there is the potential of Health and Safety issues that would need to be raised with the Safety Advisory Group.
- 3) All activity captured within the Event Safety Plan will be managed by Sunderland Live throughout the set up, event weekend and de-rig to ensure a successful and safe event is delivered.’

- 7.3 The above-mentioned comments have been forwarded to the applicant and to date no response has been received. Any response received will be reported at the meeting.

8.0 GLOSSARY

- 8.1 None.

9.0 APPENDICIES

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

10.0 BACKGROUND PAPERS

10.1 None.

Appendix 1

Proposed Street Trading Location



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REPORT OF THE DEPUTY CHIEF EXECUTIVE

REGULATORY COMMITTEE – 22 JULY 2013

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

LAND AT MARINE WALK, ROKER, SUNDERLAND

Mr. Clinton Mysleyko

1.0 PURPOSE OF THE REPORT

- 1.1 To consider an application received from Mr. Mysleyko for the grant of three consents to trade in a designated area. The sites are situated at Marine Walk, Sunderland. A map identifying the location of the sites is attached as Appendix 1.

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1 The Committee is recommended to give consideration to the grant or refusal of Mr. Mysleyko's applications for grant of consent to trade in a designated area as highlighted 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 consents 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 consents "if it thinks fit".
- 3.2 The application is to trade during the following hours (i.e. the weekend of the Sunderland International Airshow):-

Friday 26 July 2013 – 4:00 p.m. to 10:00 p.m.
Saturday 27 July 2013 – 10:00 a.m. to 10:00 p.m.
Sunday 28 July 2013 – 10:00 a.m. to 6:00 p.m.

- 3.3 The applicant has indicated that he intends to use the sites for the sale of burgers and ice creams from purpose built trailers.

4.0 CURRENT POSITION

- 4.1 An objection 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 consents if it sees fit to do so. The Council may impose conditions upon the consents.

6.0 ALTERNATIVE OPTIONS

- 6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS

- 7.1 Sunderland Live object to the applications stating:-

‘In relation to the application for the land at Marine Walk, Roker, I can confirm that Sunderland Live would like to object to this application based on the following points:

- 1) The area stated on the attached application does not form part of the Sunderland International Airshow tender locations. All successful Airshow tender applicants pay a large sum of money to trade at the Airshow and we feel that if the application is approved then there could be significant risk to the future reputation and income to the Airshow.
- 2) An Event Safety Plan for the Sunderland International Airshow sites is produced to capture all activity on the event. This is circulated to 40 members of the Safety Advisory Group to include Northumbria Police, NEAS, etc. The information in relation to the application attached would not form part of this event safety plan and therefore there is the potential of Health and Safety issues that would need to be raised with the Safety Advisory Group.
- 3) All activity captured within the Event Safety Plan will be managed by Sunderland Live throughout the set up, event weekend and de-rig to ensure a successful and safe event is delivered.’

- 7.3 The above-mentioned comments have been forwarded to the applicant and to date no response has been received. Any response received will be reported at the meeting.

8.0 GLOSSARY

- 8.1 None.

9.0 APPENDICIES

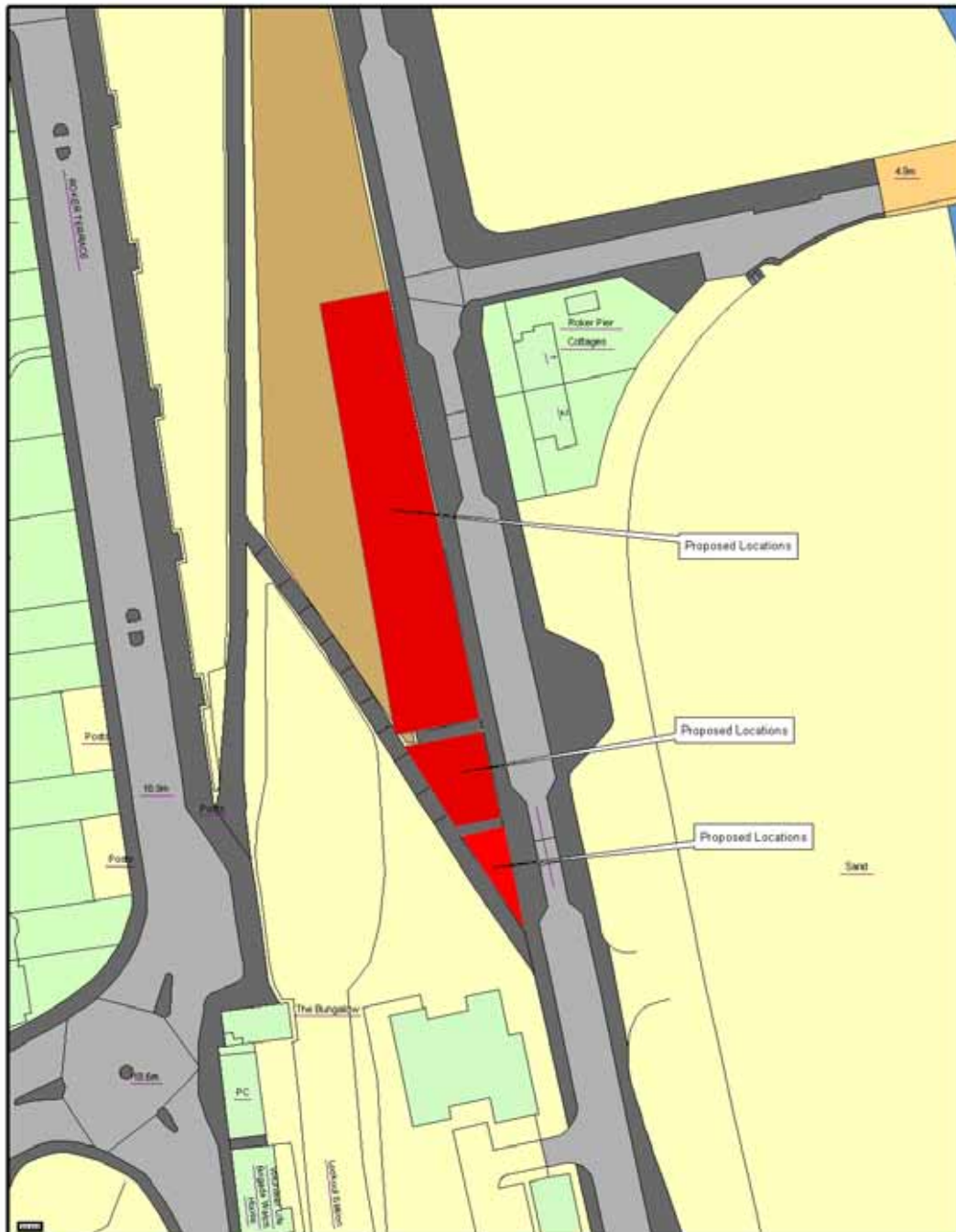
9.1 Appendix 1 – Map showing the locations of the proposed sites.

10.0 BACKGROUND PAPERS

10.1 None.

Appendix 1

Proposed Street Trading Locations



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REPORT OF THE DEPUTY CHIEF EXECUTIVE

REGULATORY COMMITTEE – 22 JULY 2013

STREET COLLECTION PERMITS WITHIN THE VICINITY OF THE SUNDERLAND STADIUM OF LIGHT

1.0 PURPOSE OF THE REPORT

- 1.1 To request that the Committee agrees the format of a draw with the purpose of allocating street collection permits within the vicinity of the Sunderland Stadium of Light during the 2013/14 season and that the Chair subsequently undertakes this draw.

2.0 DESCRIPTION OF THE DECISION (RECOMMENDATION)

- 2.1 That the Committee agrees the format of a draw with the purpose of allocating street collection permits within the vicinity of the Sunderland Stadium of Light during the 2012/13 season and that the Chair subsequently undertakes this draw.

3.0 INTRODUCTION/BACKGROUND

- 3.1 For a number of years, the Committee has granted permits to collect in the streets surrounding the Stadium of Light on match days to a single organization each time. Additionally, the Football Club has allowed these organizations to collect on their land (usually just outside the stadium's turnstiles).
- 3.2 On 24 May 2010, the Committee agreed the following procedure for the processing of applications for street collection permits within the vicinity of the Sunderland Stadium of Light on match days:-
 - i) Applications for a street collection permit at the Sunderland Stadium of Light for match days received on or before a date to be specified by officers would be considered eligible to enter a draw to be conducted by the Chair of the Regulatory Committee at its next available meeting.
 - ii) The initial entries into the draw will consist solely of applications from organizations who did not receive a permit in the previous season.
 - iii) An initial nineteen entries (or other number equivalent to the number of scheduled league fixtures to be played by Sunderland AFC) will be drawn and allocated to each fixture in chronological order. A further ten entries should be drawn for a reserve list to which will be allocated, in order of being drawn, any other fixture which may become available e.g. a cup match or a re-scheduled league game which was previously abandoned.

- iv) In the event that less than twenty nine initially qualifying organizations apply (or other number equivalent to the number of scheduled league fixtures to be played by Sunderland AFC plus ten), those organizations receiving a permit in the previous season who have re-applied for the subsequent season would enter the draw after the initial allocation.
- v) Any organizations successful in the draw which later attract an objection from the Police will be referred to the Regulatory Committee.

3.3 In the three years since this policy was determined by the Committee, the SAFC Foundation (i.e. the Club's own charity) have requested permits to collect, both in the street and on their own land, on the days of five fixtures of their choice. On each occasion the Committee granted this request.

4.0 CURRENT POSITION

4.1 The SAFC Foundation again requests permits to collect in the vicinity of the Stadium of Light on five match days of their choice. The fixtures desired by the Foundation are as follows:

Manchester United – 5 October 2013
Manchester City – 9 November 2013
Norwich City – 21 December 2013
Hull City – 8 February 2014
Everton – 12 April 2014

4.2 It is therefore requested that the Committee considers the request of the Foundation, that they be allocated street collection permits in respect of the five above-mentioned fixtures.

4.3 It is also suggested, in line with Police advice, that no permits are granted for matches involving Newcastle United FC or Middlesbrough FC (N.B. it is possible that Sunderland AFC may draw Middlesbrough FC in a cup competition).

4.4 Should the Committee be minded to agree to the requests of the Foundation and the Police outlined above, this will leave thirteen fixtures to be allocated to organizations entering the draw.

5.0 REASONS FOR THE DECISION

5.1 To allocate street collection permits to organizations wishing to collect within the vicinity of the Sunderland Stadium of Light in a fair and transparent manner.

5.0 ALTERNATIVE OPTIONS

6.1 None submitted.

6.0 RELEVANT CONSIDERATIONS

7.1 None.

7.0 GLOSSARY

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

9.0 APPENDICIES

9.1 None.

10.0 BACKGROUND PAPERS

10.1 None.