

REPORT OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS

REGULATORY COMMITTEE – 2 SEPTEMBER 2019

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

Mr. Matthew Thoburn

1.0 PURPOSE OF THE REPORT

- 1.1 To consider an application received from Mr. Matthew Thoburn for grant of consent to trade in a designated area in respect of a site situated on the junction of Fawcett Street and Saint Thomas Street, Sunderland.

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1 The Committee is recommended to consider an 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 application relates to a location on the junction of Fawcett Street and Saint Thomas Street, Sunderland and is identified on a map of the City Centre attached as Appendix 1. The applicant has applied for annual consent.
- 3.2 The site is located in an area which 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.
- 3.3 The applicant has indicated that the site is proposed to be used for the sale of fresh fruit, vegetables and flowers from a unit measuring 3m in length and 2m wide. The proposed trading days are Monday to Saturday and the proposed trading hours are 8:00 a.m. to 5:00 p.m.
- 3.4 For Members information Mr. Thoburn has traded at this location previously under consents issued by the Council from 1 June 2001 until 22 November 2016.

4.0 CURRENT POSITION

- 4.1 Members will be aware that, at their meeting on 24 May 2010, they adopted a new policy on street trading in the city centre which outlines the following four main guiding principles in relation to street trading in the city centre:

- The Council will favour applications from traders who propose to sell food and products which are generally considered to promote the Council's Healthy City Priority and are likely to refuse applications which do not do so. Examples of foods and products which do not satisfy this Priority are hot dogs, hamburgers, chips, other fried goods and confectionery. This is not an exhaustive list.
- The Council considers that street trading should only take place from appropriately equipped stalls, trailers or vehicles which are attractive in appearance and enhance the overall visual ambience of the location. They should be designed to meet the highest standard of regulatory requirements regarding their use (Health and Safety and Food Hygiene Regulations). They should be finished in a colour or colours specified by the Council for this purpose.
- The Council does not have any fixed street trading locations or specific number limitations within those areas designated as consent streets. However, applications will only be granted where it is considered that the trader will add to existing amenities and be of benefit to the residents of Sunderland. It is unlikely that applications for locations close to existing street traders or where they could obstruct busy pedestrian routes or access to or from nearby premises will be granted. Also, where there are waiting and loading restrictions in place, appropriate waivers or consents to use that location must be obtained where necessary.
- The Council endorses the use of energy efficient clean green power supplies by traders and would discourage, for example, the use of polluting power sources such as petrol driven generators which can create environmental and noise pollution.

4.2 The policy also states that each application will be considered on its merits taking account of the General Policy provisions. Only where there are exceptional circumstances will consents be granted contrary to this General Policy. "Exceptional circumstances" are not defined but must be something extraordinary whereby the positive benefits for the public of Sunderland of granting the street trading consent are such to justify deviation from the Policy.

4.3 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 also impose conditions upon the consent.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS

7.1 None submitted.

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 General Policy on Street Trading in the City Centre.

Appendix 1

Application for Grant of Consent to Trade in a Designated Area

Mr M Thoburn

