

REPORT OF THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

REGULATORY COMMITTEE – 9 APRIL 2018

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR CONSENT TO TRADE IN A DESIGNATED AREA – PARK LANE NEAR TO THE BOROUGH PUBLIC HOUSE (SUMMER SEASON).

Mr. Andy Phillips

1.0 PURPOSE OF THE REPORT

- 1.1 To consider an application received from Mr. Andy Phillips for grant of consent to trade in a designated area in respect of a site situated in Park Lane, Sunderland near to the Borough Public House

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1 The Committee is recommended to give consideration to 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 in Park Lane, Sunderland and is identified on a plan of that area of the City Centre which is attached as Appendix 1.
- 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 coffee, tea, cakes and healthy snacks from a unit measuring 3.5m in length and 2m wide. It is proposed that this unit will be powered by a leisure battery system which will eliminate all noise. The proposed trading days are Monday, Friday and Saturday. The proposed trading hours are 08:00 hours to 17:00 hours.
A picture of the unit is attached as Appendix 2.
- 3.4. Mr Phillips has submitted a letter for the information of the Committee. The letter is attached as Appendix 3.

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 None

9.0 APPENDICIES

9.1 Appendix 1 – Map showing the location of the site.
Appendix 2 – Picture of unit.
Appendix 3 – Letter of additional information.

10.0 BACKGROUND PAPERS

10.1 General Policy on Street Trading in the City Centre.

Appendix 1

ite made in Microsoft Edge



Appendix 2



Appendix 3

Andrew Phillips
28 The Leazes
Millfield
Sunderland
SR1 3SW

To Whom it may concern

I would just like to add a couple of things with my application to hopefully help with a decision.

I have been restoring a Citroen HY van for around 6 months now to hopefully open and run a pop up coffee shop. I have put a lot of time and effort into making the van look good in appearance so its not just a same old catering van.

I have a partner who has worked in the likes of Starbucks and costa and has a lot of experience, they will be working with me on the van

I am hoping the look of the van and the set up will be a good look for the city centre and bring something different for people to talk about and see.

Ive attached a photo of the van so you can see how different this is and the standard it has been resorted to, it's a 1971 van from Paris France that I had brought over.

Please let me know if you have any further questions or if you want any more photos. I will add the van runs and drives so will be drove home every night.

Regards

Andrew Phillips



