



General Licensing and Registration Committee

Date Thursday 17 January 2019
Time 10.00 am
Venue Committee Room 2 - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Declarations of Interest (if any)
3. The Minutes of the Meeting held on 11 October 2018 (Pages 3 - 4)
4. Requests for the Re-designation of Streets in Bishop Auckland and Seaham for Street Trading Purposes (Pages 5 - 26)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
9 January 2019

To: **The Members of the General Licensing and Registration Committee**

Councillor C Carr (Chair)
Councillor J Maitland (Vice-Chair)

Councillors P Atkinson, A Batey, D Bell, J Bell, J Blakey, D Brown, L Brown, M Clarke, P Crathorne, G Darkes, S Durham, C Hampson, D Hicks, A Hopgood, K Liddell, L Marshall, I McLean, A Reed, D Stoker, A Surtees, T Tucker, A Willis, M Wilson, L Kennedy and D Wood

This page is intentionally left blank

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Committee Room 2 - County Hall, Durham on **Thursday 11 October 2018 at 10.00 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors A Batey, D Bell, D Brown, L Brown, M Clarke, P Crathorne, C Hampson, D Hicks, A Reed, T Tucker and M Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors C Carr, J Maitland, J Bell, G Darkes, A Hopgood, K Liddell, D Stoker, A Surtees and A Willis.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 18 January 2018 were agreed as a correct record and were signed by the Chair.

4 Triennial Review of the Council's Statement of Gambling Policy

The Committee considered a report of the Head of Environment, Health and Consumer Protection which asked Members to consider a revised Statement of Principles for 2019 to 2021 in accordance with the Gambling Act 2005 (for copy see file of Minutes).

Members were informed that the current Statement of Principles was subject to a public consultation exercise between May and August 2018. Six relevant responses had been received which were included in the Table of Changes at Appendix 2, and which were incorporated into the revised draft where appropriate.

The final draft Statement was included in the report at Appendix 4 for Members' consideration.

Following discussion it was **Resolved:**

That the final draft Durham County Council Gambling Act 2005 Statement of Principles 2019-2021 as set out at Appendix 4 of the report be agreed and recommended to Council for adoption.

At the close of business the Chair asked that when Members were unable to attend a Licensing Sub-Committee their apologies be submitted as early as possible in advance of the meeting. Members were also asked to appoint a substitute to attend in their absence.

**General Licensing and Registration
Committee**

17 January 2019



**Requests for the re-designation of
streets in Bishop Auckland and Seaham
for street trading purposes.**

Ordinary Decision

**Report of Joanne Waller, Head of Environment, Health and
Consumer Protection**

Electoral division(s) affected:

Bishop Auckland and Seaham

Purpose of the Report

- 1 This report requests consideration of proposals to change the designation of part of Newgate Street and North Bondgate in Bishop Auckland from 'prohibited streets' to 'consent streets' and the Market Place from 'licence' to 'consent'; and North Terrace and The Green in Seaham from 'prohibited' to 'consent streets' for street trading control purposes.

Executive summary

- 2 Currently in Bishop Auckland, Newgate Street and North Bondgate are both prohibited streets where street trading is not permitted and The Market Place is designated as a licence street where a licence is required to permit street trading activities. In Seaham North Terrace and The Green in Seaham are both prohibited streets. Requests for changes to existing street trading designations in Bishop Auckland and Seaham have been received and given consideration by departmental senior management teams. Permission was given for the advertising of these proposals subject to statutory consultation processes. Post consultation these proposals are now presented to Members for consideration and determination.

Recommendation(s)

- 3 That Members give full consideration to the proposals and consultees responses. The Committee may then decide to support or reject the proposals.

- 4 It is recommended that the Committee support the proposals subject to the information provided by respondent authorities and the adopted Street Trading Policy.
- 5 It is further recommended that Members pass a resolution to change the designation of these streets in accordance with the proposals and that this resolution shall take effect on Friday 1st March 2019.

Background

- 6 The former District Councils of Wear Valley and Easington had adopted Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 relating to street trading and had designated certain streets (or parts of streets) within their districts as either 'prohibited', 'licensed' or 'consent' streets. The outcome being that trading in certain locations is only permitted in designated licensed or consent areas and that no street trading at all is permitted in the prohibited streets. Any person found trading in such a street may be guilty of an offence and liable on summary conviction to a fine.
- 7 In December 2011 Durham County Council resolved to adopt the powers to regulate street trading throughout the County provided by Part III Local Government (Miscellaneous Provisions) Act 1982, section 3. The purpose being to allow street trading across the County to be reviewed where necessary and harmonised, to help create a consistent approach and allow a degree of control should it be necessary.
- 8 To achieve this the Council adopted a street trading policy that is applied to control and manage street trading activities in designated areas throughout County Durham. The aim of the policy being to aid harmonisation, to promote the Council's rational for street trading and help to ensure consistency and uniformity of approach.
- 9 Licensing Services recently received three requests for changes to existing street trading designations in Bishop Auckland and Seaham. One request came from Cllr Sam Zair and the other two from Jill Wood, Festival & Events Team Manager, REAL Services – Culture & Sport, Durham County Council. These requests are shown in appendix 2.
- 10 The agreed process following the receipt of requests to designate and re-designate streets within the County is as follows:
 - Liaison between Licensing Services and the applicant to establish the nature and extent of the applicant's proposal, to ensure sufficient information of a satisfactory nature has been provided to enable proper consideration of the proposal

- Liaison/pre-statutory consultation with ‘responsible authorities’. This has been conducted and the responses received are reproduced in appendix 3.
 - SMT report produced detailing exact nature of request together with relevant background information, requesting on behalf of applicant DCC commencement of the statutory consultation process under the adopted provisions of LG (MP) Act 1982
 - Subject to senior management agreement, EHCP/Licensing Services would advertise the proposal in accordance with the Act and would formally consult and liaise with the public and both internal and external partner organisations Including Highways, police, planning, local Members and other identified interested parties. The consultation period would be 28 days allowing members of the public or relevant authorities to submit any written representations either in support of or in opposition to the proposal. The statutory advertisement from the Northern Echo is shown in appendix 4.
 - Following the end of the statutory 28-day consultation period, any objections or other supporting information received would then be reported to the General Licensing and Registration Committee. The Committee may support or reject the proposal at this stage. If no representations were received, the Council would publish another notice stating when the change to the current designation would come into effect
 - If the proposal is supported, a further advertisement would be taken in the press announcing the decision and setting the date on which the new or altered designation would come into effect
- 11 The adopted street trading policy includes some restrictive measures described in Chapter 9.0 General Presumptions. These measures were included in the policy following consultation with colleagues based on public health considerations and comments from Regeneration and Economic Development in relation to the protection of certain areas in the County with historic and cultural significance.
- 12 In-line with adopted policy, should these streets be re-designated to allow street trading there will be a general presumption that we would normally only allow street trading in these areas of Bishop Auckland and Seaham if the trading was to be part of an organised event which is supported by the Council. This is because under the policy there is a general presumption that we will normally refuse street trading consents for ‘individual applications for street trading consents in Durham City Centre and some market town locations on non-market days unless the trading forms part of an organised event. Such locations have special

historic, cultural and public interest and the Council considers that they require a greater level of protection and control’.

- 13 As street trading can contribute to the success of organised events, the Policy allows for operators of events and non-established markets to submit a single application for multiple traders. The purpose of this inclusion was to simplify and speed up the application process, benefitting events such as the Bishop Auckland Food Festival, Seaham Carnival, Lumiere and other trading that takes place in other consent areas.

Consultation and considerations

- 14 A number of relevant and responsible authorities were contacted in relation to these proposals as part of the overall consultation process. The responses received from these organisations are shown in appendix 3. In relation to the proposed changes in designation for Bishop Auckland, the response from DCC Highways was supportive of the proposals subject to street trading being permitted only if there is an associated road closure and appropriate traffic management. The Police Traffic Management section no concerns from a traffic management perspective regarding this request.
- 15 In relation to the proposed changes for Seaham, The Police Traffic Management section have stated that any potential road safety impact should be considered when deciding upon any re-designation. This response points out that Street Trading on The Green poses less of a potential road safety hazard if the trading encouraged people onto the green rather than the footpaths. They would be reluctant to support street trading on North Terrace given its closeness to live traffic and having footpaths which if becoming blocked due to street trading activity would cause pedestrians to step in to the road to pass any footpath blockages.
- 16 However, Police Traffic Management also state that...*“While ordinarily I would not lend support to street trading on North Terrace on an ordinary day when the roads remain open, I would however, lend full support to Street Trading on North Terrace if this was part of an event which involved a road closure of North Terrace to maintain pedestrian safety and providing a blue light route through any trading activity on North Terrace was maintained.”...* as long as street trading is carefully managed and any trading along North Terrace is part of a managed event with Road Closures, then no objection would be raised to the re-designation of this locality from a “prohibited street” to a “consent street” from a Police Traffic Management perspective.” Maxine Stubbs Traffic Management Officer, Cleveland and Durham Specialist Operations Unit

- 17 DCC Development Control have commented in relation to the Seaham proposals. *“The site is very sensitive in terms of historic environment being both in the conservations area, close proximity to a number of listed buildings and also containing the war memorial. I understand that we have the ability to grant consent with limitations (e.g. organised events) which would ensure that the lone operators (burger vans etc.) are controlled but would let them use the space for example for food festival, carnival or similar... Given the above I would support large scale infrequent organised events where the inclusion of a large area such as this would be paramount to their success on the understanding that individual applications would still come forward for events, this would just mean that people can actually apply and we have concerns we can still comment on the applications as/when submitted?”*
- 18 *Given that the War Memorial is within the site is it possible to exclude from the consent the area immediately around the memorial to ensure that uses/stalls/stands/vehicles are appropriately distanced?”* Sarah Eldridge Area Team Leader
- 19 The Town Council who own the land at the Green in Seaham commented as follows: *“Seaham Town Council supports the removal of the prohibited street designation to a consent street. This will help with our running of events and also any DCC wish to hold and appreciate any trading will only be allowed with Town Council and DCC consent.”* Paul Fletch, Seaham Town Clerk
- 20 No responses were received from any members of the public.

Options

- 21 The Committee may decide to support or reject the proposals.
- 22 If the Committee decides to support the proposals they may specify the circumstances under which street trading may be permitted at these locations following the changes to street designations coming into operation. E.g. subject to adopted policy and any relevant restrictions or conditions stemming from any consultation responses.

Main implications

Supporting the proposals

- 23 Allowing the changes in designation would permit street trading to take place at these locations in a controlled manner i.e. subject to policy restrictions, consent conditions as part of events supported by the Council undertaken in accordance with the requirements of the police traffic management and DCC Highways sections.

Rejecting the proposals

- 24 This would maintain the status quo and street trading would continue to be prohibited in these streets subject to existing exemptions.

Conclusion

- 25 Interested parties have requested changes to the designations of some streets in Bishop Auckland and Seaham to allow street trading as part of events supported by the Council. The general public have not responded to the advertised proposals.
- 26 Relevant and responsible authorities have commented on the proposals and support the concept provided suitable and satisfactory controls are put in place to safeguard public safety and local amenity.

Background papers

- Durham County Council's Street Trading Policy

Other useful documents

- Senior Management Reports on street trading proposals for Bishop Auckland and Seaham

Contact:	Joanne Waller	Tel: 03000 260923
	Owen Cleugh	Tel: 03000 260925
	Craig Rudman	Tel: 03000 260090

Appendix 1: Implications

Legal Implications

The adoption of street trading powers is contained in Part III LG(MP)A 1982, section 3. A district council or unitary authority may resolve that Schedule 4 to this Act shall apply to their district and, if a council does this, Schedule 4 (known as the 'street trading code') shall come into force in their district on such day as may be specified in the resolution. The statutory process for the designation of streets under this legislation includes the following steps:

(a) The intention to designate a street must be advertised for two consecutive weeks in a locally distributed newspaper. Notice published via local press and served on Police, Highways and Network Rail giving 28 days for written representations;

(b) The Council (Licensing Committee) is under a duty to consider any representations received. Consideration of any objections and formal resolution designating streets passed;

(c) If the decision is then made to designate the street, a further public notice must be published at least 28 days before the resolution takes place. Notice of resolution published via local press in two successive weeks (the first notice appearing a minimum of 28 days before resolution takes effect);

(d) Controls come into effect on the date specified in the resolution.

Legal and Democratic Services were consulted and contributed to the adopted policy

Finance

There are statutory advertising costs associated with this process

Consultation

Prior to the designation of any streets as prohibited, licence or consent, a consultation process must take place which could influence the final decision. That statutory consultation and associated advertisement of the proposals has been undertaken. In addition, a non-statutory pre-consultation took place involving responsible/relevant authorities and Seaham Town Council. Local Ward Councillors were also notified in advance of the proposals.

Equality and Diversity / Public Sector Equality Duty

There are no known equality or diversity issues associated with these proposals. The Street Trading Policy has been subject to an Equality Impact Screening Assessment prior to its adoption.

Human Rights

There are no known human rights issues associated with these proposals

Crime and Disorder

The adopted street trading legislation is statutory in nature. There are criminal sanctions available for street traders in breach of obligations imposed by the law.

Staffing

No staffing issues

Accommodation

No accommodation issues

Risk

Legal challenges may arise if incorrect designation processes are followed

Procurement

None

Appendix 2: Requests to Change Existing Designations

a. Email from Cllr Sam Zair – Wednesday 1st August 2018

Hi Craig

Can you take a look at changing the licensing law at the north end of Newgate Street from prohibited to consent.

As you know this has been in place since the early days of Wear Valley. We must move forward with the times and this extra space will enhance the town and bring together the link with market traders and retailers.

The old planters have been removed from Newgate Street which now gives more room for emergency vehicles to manoeuvre if needed.

Kindest regards
Cllr Sam Zair
Bishop Auckland Division
Sent from my iPad

b. Email from Jill Wood – Monday 6th August 2018

Hi Craig

As you are aware, each year we organise Bishop Auckland Food Festival and due to its increasing popularity and concern over capacity levels of the existing trading area, we would like to request lifting the prohibition of trading on surrounding streets to allow us to expand the event and deliver it safely.

To expand, we would request consideration to allow consent for the following street to become a trading area:

- North Bondgate – specifically from the new car park on North Bondgate (and including the car park) to the rear of the Town Hall.

I've attached a google map to show area requested but unfortunately google hasn't updated to show new car park yet so I've highlighted the area it is in.

I would be grateful if you could consider this request for consent. Please contact me if you require any further information.

Many thanks

Jill

Jill Wood

Festival & Events Team Manager
REAL Services – Culture & Sport
Durham County Council
Gala Theatre
Direct 03000 264603

c. Email from Jill Wood – Mon 06/08/2018 09:46

Hi Craig

We are hoping to expand our event programme to include a Food Festival at Seaham on The Green on North Terrace. As you are aware, currently this is a prohibited trading area and we would kindly request consideration of making this a consent area.

To expand, we would request consideration to allow consent for the following street to become a trading area:

- North Terrace and The Green (please see attached google map detailing the area)

I would be grateful if you could consider this request for consent. Please contact me if you require any further information.

Many thanks

Jill

Jill Wood
Festival & Events Team Manager
REAL Services – Culture & Sport
Durham County Council
Gala Theatre
Direct 03000 264603

Appendix 3: Consultation Responses

A. Bishop Auckland Proposals

a. Email from Licensing Manager concerning Cllr Zair's proposal

From: Craig Rudman

Sent: 06 August 2018 10:13

To: Laura Cloney <Laura.Cloney@durham.gov.uk>; Dave Lewin <dave.lewin@durham.gov.uk>; David Taylor - Property Planning & Projects Manager (Res) <David.Taylor3@durham.gov.uk>; maxine.stubbs@durham.pnn.police.uk; Bryan Smith - Litigation Manager (Res) <bryan.smith@durham.gov.uk>; Dave Wafer <dave.wafer@durham.gov.uk>; Transport Infrastructure <TransportInfrastructure@durham.gov.uk>; Development Control <Development.Control@durham.gov.uk>; Sarah Eldridge <Sarah.Eldridge@durham.gov.uk>; Jackie Donnelly <Jackie.Donnelly@durham.gov.uk>; Wendy Benson <Wendy.Benson@durham.gov.uk>; Jonathan Smith (josmith@ddfiredurham.gov.uk) <josmith@ddfiredurham.gov.uk>; Rachel.Stockdale@durham.pnn.police.uk; swharton@ddfiredurham.gov.uk; Paul Emerson <Paul.Emerson@durham.pnn.police.uk>
Cc: Owen Cleugh <owen.cleugh@durham.gov.uk>; Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>; Yvonne Raine <Yvonne.Raine@durham.gov.uk>; Karen Robson <Karen.Robson2@durham.gov.uk>; Cllr Sam Zair <sam.zair@durham.gov.uk>; Jill Wood <Jill.Wood@durham.gov.uk>

Subject: Request to change street trading designation in Bishop Auckland - North Bondgate (part)

Dear Members, Officers and other colleagues,

Following my earlier receipt of the request from Cllr Zair, I have now received a second request for another street trading designation change for Bishop Auckland from Jill Wood (see attached). I would be grateful if you would also consider this second proposal and let me have any comments as per my previous email.

Because of the close proximity between the two 'streets of interest', once responses are received for both proposals, I will combine them into a single report and if both proposals are supported, the statutory re-designation process (advert and committee decision etc.) will also take these two proposals forward as a single item.

I look forward to hearing from you in due course. Please don't hesitate to contact me should you require any further information.

Best regards

Craig

Craig Rudman
Licensing Manager
Regeneration and Local Services

T: 03000 260090

E: craig.rudman@durham.gov.uk

Web www.durham.gov.uk

Follow us on Twitter @durhamcouncil

Like us at facebook.com/durhamcouncil

Privacy Notices and Data Protection

We have recently updated our privacy information.

To find out how we collect, use, share and retain your personal data, visit:

www.durham.gov.uk/dataprivacy

b. Email from Licensing Manager concerning Jill Wood's proposal

From: Craig Rudman [<mailto:craig.rudman@durham.gov.uk>]

Sent: 06 August 2018 10:13

To: Laura Cloney <Laura.Cloney@durham.gov.uk>; Dave Lewin <dave.lewin@durham.gov.uk>; David Taylor - Property Planning & Projects Manager (Res) <David.Taylor3@durham.gov.uk>; Maxine Stubbs <Maxine.Stubbs@durham.pnn.police.uk>; Bryan Smith - Litigation Manager (Res) <bryan.smith@durham.gov.uk>; Dave Wafer <dave.wafer@durham.gov.uk>; Transport Infrastructure <TransportInfrastructure@durham.gov.uk>; Development Control <Development.Control@durham.gov.uk>; Sarah Eldridge <Sarah.Eldridge@durham.gov.uk>; Jackie Donnelly <Jackie.Donnelly@durham.gov.uk>; Wendy Benson <Wendy.Benson@durham.gov.uk>; Jonathan Smith (josmith@ddfiredurham.gov.uk) <josmith@ddfiredurham.gov.uk>; Rachel Stockdale <Rachel.Stockdale@durham.pnn.police.uk>; swharton@ddfiredurham.gov.uk; Paul Emerson <Paul.Emerson@durham.pnn.police.uk>

Cc: Owen Cleugh <owen.cleugh@durham.gov.uk>; Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>; Yvonne Raine <Yvonne.Raine@durham.gov.uk>; Karen Robson <Karen.Robson2@durham.gov.uk>; Cllr Sam Zair <sam.zair@durham.gov.uk>; Jill Wood <Jill.Wood@durham.gov.uk>

Subject: Request to change street trading designation in Bishop Auckland - North Bondgate (part)

Dear Members, Officers and other colleagues,

Following my earlier receipt of the request from Cllr Zair, I have now received a second request for another street trading designation change for Bishop Auckland from Jill Wood (see attached). I would be grateful if you would also consider this second proposal and let me have any comments as per my previous email.

Because of the close proximity between the two 'streets of interest', once responses are received for both proposals, I will combine them into a single report and if both proposals are supported, the statutory re-designation process (advert and committee decision etc.) will also take these two proposals forward as a single item.

I look forward to hearing from you in due course. Please don't hesitate to contact me should you require any further information.

Best regards

Craig

Craig Rudman
Licensing Manager
Regeneration and Local Services

T: 03000 260090

E: craig.rudman@durham.gov.uk

Web www.durham.gov.uk

Follow us on Twitter @durhamcouncil

Like us at facebook.com/durhamcouncil

Privacy Notices and Data Protection

We have recently updated our privacy information.

To find out how we collect, use, share and retain your personal data, visit:

www.durham.gov.uk/dataprivacy

c. Email from Highways 6th August 2018

Hi Craig

My only comment would be that as these areas are open to traffic trading should only be permitted if there is an associated road closure and appropriate traffic management.

Regards

Dave

Dave Lewin

Section Manager

Strategic Traffic Management

Regeneration and Local Services

Room 4/103-112, County Hall, Durham

DH1 5UQ.

 03000 263582

e  dave.lewin@durham.gov.uk

d. Email from Durham Constabulary

Craig

I have no concerns from a traffic management perspective regarding this request

Regards

Paul Emerson
Traffic Management Officer
Cleveland & Durham Specialist Operations Unit
Wesleyan Road
Spennymoor
Co. Durham
DL16 6FB
01325 742745
07764 203014
paul.emerson@durham.pnn.police.uk

e. Email from Durham Constabulary

Craig

I also have no concerns from a traffic management perspective regarding this request as this is associated with the BAFF event

Regards

Paul Emerson
Traffic Management Officer
Cleveland & Durham Specialist Operations Unit
Wesleyan Road
Spennymoor
Co. Durham
DL16 6FB
01325 742745
07764 203014
paul.emerson@durham.pnn.police.uk

f. Email from DCC Development Control

Dear Craig,

Thank you for consulting Development Management on the above proposed changes to street trading in Bishop Auckland.

I have no objections to make with respect to the proposed changes. It is not anticipated there would be any planning issues arising from the changes described.

Regards,

Amy Williamson
Planning Officer
Planning Development Management - South West Area Team
Durham County Council
Room G73-82
County Hall
Durham
DH1 5UZ
Direct 03000261391
Switchboard 03000260000

B. Seaham Proposals

a. Email from Licensing Manager to Responsible Authority contacts

From: Craig Rudman [<mailto:craig.rudman@durham.gov.uk>]
Sent: 24 September 2018 15:22
To: Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>;
Laura Cloney <Laura.Cloney@durham.gov.uk>; Dave Lewin
<dave.lewin@durham.gov.uk>; David Taylor - Property Planning & Projects Manager (Res)
<David.Taylor3@durham.gov.uk>; Sarah Eldridge <Sarah.Eldridge@durham.gov.uk>; Paul
Emerson <Paul.Emerson@durham.pnn.police.uk>; Maxine Stubbs
<Maxine.Stubbs@durham.pnn.police.uk>; Wendy Benson
<Wendy.Benson@durham.gov.uk>; Jackie Donnelly <Jackie.Donnelly@durham.gov.uk>;
Rachel Stockdale <Rachel.Stockdale@durham.pnn.police.uk>; Jonathan Smith
(josmith@ddfire.gov.uk) <josmith@ddfire.gov.uk>; Bryan Smith - Litigation Manager (Res)
<bryan.smith@durham.gov.uk>; Cllr Geraldine Bleasdale
<geraldine.bleasdale@durham.gov.uk>; Cllr Sue Morrison <sue.morrison@durham.gov.uk>;
Cllr Edward Bell <edward.bell@durham.gov.uk>; Cllr Jennifer Bell
<Jennifer.Bell@durham.gov.uk>; Cllr Leanne Kennedy
<Leanne.Kennedy@durham.gov.uk>; Cllr Kevin Shaw <kevin.shaw@durham.gov.uk>
Cc: Jill Wood <Jill.Wood@durham.gov.uk>

Subject: Request for a Street Trading re-designation in Seaham

Dear Members, Officers and colleagues,

DCC/EHCP Licensing Services have received a request from Jill Wood Jill Wood, Festival & Events Team Manager, REAL Services – Culture & Sport to consider the re-designation of North Terrace and The Green at Seaham. This request is for a re-designation from a 'prohibited street' (where no street trading is allowed) to a 'consent street' (where street trading could take place, subject to the grant of a consent from the Council). Please see attached request.

The first stage of the designation process is a pre-consultation. This will lead on to a senior management report and, if agreed, this will be followed by an advert in the local newspaper formally inviting comments and observations from anyone in relation to the proposal/request made by Jill. If the process is supported by senior management the

matter would eventually be decided on by Members sitting as the General Licensing and Registration Committee.

In advance of reporting to senior management and any statutory public consultation, I would be grateful if you would consider this request and if possible provide me with any opinions, concerns or other comments on the proposal. These may be in support of or in opposition to the proposal. If you do have any adverse comments to make I would be grateful for as much information as possible so that any matters raised of e.g. of a technical nature, might be fully understood and if appropriate, addressed in some manner to try to overcome any problems identified.

Thank you in anticipation of your responses. Should you require any further information please do not hesitate to contact me. I would be grateful if you could respond within 28 days from your receipt of this email. Please feel free to forward this email on to any other DCC section or officer or to any 'responsible authority' you feel may have an interest in this matter. If you do not respond I will assume that you have no adverse comments to make in relation to this proposal.

Best regards

Craig

Background situation regarding street trading in County Durham: The existing pattern of streets that either have or have not been designated for street trading purposes across the County results from the decisions of the former District Councils. As you may also be aware that following LGR the Council adopted the legislation necessary to designate (or re-designate) streets for the whole of County Durham and we also adopted a street trading policy for the County. See <http://www.durham.gov.uk/media/7620/Street-Trading-Policy-April-2015/pdf/StreetTradingPolicyApril2015.pdf>

Craig Rudman
Licensing Manager
Regeneration and Local Services

T: 03000 260090

E: craig.rudman@durham.gov.uk

Web www.durham.gov.uk

Follow us on Twitter @durhamcouncil

Like us at facebook.com/durhamcouncil

Privacy Notices and Data Protection

We have recently updated our privacy information.

To find out how we collect, use, share and retain your personal data, visit:

www.durham.gov.uk/dataprivacy

b. Email from Maxine Stubbs Durham Constabulary Traffic Management

Hi Craig,

The last traffic survey (although back in 2010) showed the average daily flow of vehicles on North Terrace at Seaham to be around 8000 vehicles and while there may now have been a change in numbers, I would not have expected that to be a substantial change. While having no data to quantify this observation of the area, I would suggest pedestrian activity over the last few years will have risen significantly as this area of Seaham is an attractive place to be given the regeneration of the area, more café style facilities, “Tommy” etc. Basically on an ordinary day the area is very busy and the existing footpath provision copes but is not that wide on North Terrace to cater for existing café style culture and pedestrian movements.

It is obviously important that all avenues are explored to further enhance the area and give everyone an enhanced experience when visiting this area of Seaham, thus expanding the use of street trading is obviously one of these activities to consider. However, any potential road safety impact should, in my view, be considered when deciding upon any re-designation.

From a Police Traffic Management perspective, with the current layout of North Terrace I would be reluctant to support street trading on this street given its closeness to live traffic and having footpaths which if becoming blocked due to street trading activity would cause pedestrians to step in to the road to pass any footpath blockages – obviously a point where road safety danger is heightened. Street Trading on The Green poses less of a potential road safety hazard if the trading encouraged people onto the green rather than the footpaths.

While ordinarily I would not lend support to street trading on North Terrace on an ordinary day when the roads remain open, I would however, lend full support to Street Trading on North Terrace if this was part of an event which involved a road closure of North Terrace to maintain pedestrian safety and providing a blue light route through any trading activity on North Terrace was maintained.

In summary, as long as street trading is carefully managed and any trading along North Terrace is part of a managed event with Road Closures, then no objection would be raised to the re-designation of this locality from a “prohibited street” to a “consent street” from a Police Traffic Management perspective.

Comments forwarded for consideration.

Regards

Maxine

Traffic Management Officer
Cleveland and Durham Specialist Operations Unit
Durham Constabulary
Wesleyan Road
Spennymoor
Co. Durham
DL16 6FB

Tel Internal: 74 2707

Tel External: 01325 742707

Maxine.stubbs@durham.pnn.police.uk



c. Emails from Sarah Eldridge Planning and Development Control Manager

Hi Craig,

Further to the below I would like to provide the following comments:

The site is very sensitive in terms of historic environment being both in the conservations area, close proximity to a number of listed buildings and also containing the war memorial.

I understand that we have the ability to grant consent with limitations (e.g. organised events) which would ensure that the lone operators (burger vans etc.) are controlled but would let them use the space for example for food festival, carnival or similar.

Given the above I would support large scale infrequent organised events where the inclusion of a large area such as this would be paramount to their success on the understanding that individual applications would still come forward for events, this would just mean that people can actually apply and we have concerns we can still comment on the applications as/when submitted?

Given that the War Memorial is within the site is it possible to exclude from the consent the area immediately around the memorial to ensure that uses/stalls/stands/vehicles are appropriately distanced?

Regards

Sarah

Sarah Eldridge BA (Hons), BTP, MRTPI.

Area Team Leader (Central and East)

Planning Development Management

Regeneration and Local Services

County Hall, Durham, Co Durham. DH1 5UL.

 sarah.eldridge@durham.gov.uk  03000 263968

Web: www.durham.gov.uk

d. Email to Paul Fletcher Town Clerk Seaham Town Council

From: Craig Rudman [<mailto:craig.rudman@durham.gov.uk>]

Sent: 04 October 2018 17:19

To: Paul Fletcher <paul@seaham.gov.uk>

Subject: Request to alter the street trading designation of an area of Seaham - land which is partly or wholly owned by Seaham Town Council

Dear Paul,

I write to you in your capacity as Town Clerk for Seaham Town Council.

DCC/EHCP Licensing Services have received a request from Jill Wood, DCC Festival & Events Team Manager, REAL Services – Culture & Sport to consider the re-designation of North Terrace and The Green at Seaham. This request is for a re-designation from a ‘prohibited street’ (where no street trading is allowed) to a ‘consent street’ (where street trading could take place, subject to the grant of a consent from the Council) Permission from the land owner (the Parish Council) to use the land for this purpose would still be required. Please see attached request.

Street trading means selling, exposing or offering for sale any article in a street. The term ‘street’ includes any road, footway, beach or other area to which the public have access without payment. Street trading activities may include hot and cold food vendors, vendors of non-food products who trade on static pitches or fixed locations from any vehicle, a stall, barrow, trailer, or any other moveable construction. As the definition of “street” includes any land to which the public have access without payment, private land to which the public has free access may also be included. Street trading law and associated policy therefore can extend to events off the highway that are conducted on private premises.

The first stage of the designation process is a pre-consultation. This will lead on to a senior management report and, if agreed, this will be followed by an advert in the local newspaper formally inviting comments and observations from anyone in relation to the proposal/request made by Jill. If the process is supported by senior management the matter would eventually be decided on by Members sitting as the General Licensing and Registration Committee.

In advance of reporting to senior management and any statutory public consultation, I would be grateful if you would consider this request and if possible provide me with any opinions, concerns or other comments on the proposal. These may be in support of or in opposition to the proposal. If you do have any adverse comments to make I would be grateful for as much information as possible so that any matters raised of e.g. of a technical nature, might be fully understood and if appropriate, addressed in some manner to try to overcome any problems identified.

Thank you in anticipation of your responses. Should you require any further information please do not hesitate to contact me. I would be grateful if you could respond within 28-days from your receipt of this email. If you do not respond I will assume that you may have no adverse comments to make in relation to this proposal.

Feel free to contact me should you require any further information or wish to discuss an aspect of this matter.

Yours faithfully

Craig

Craig Rudman
Licensing Manager
Regeneration and Local Services

T: 03000 260090

E: craig.rudman@durham.gov.uk

Web www.durham.gov.uk

Follow us on Twitter @durhamcouncil

Like us at facebook.com/durhamcouncil

Privacy Notices and Data Protection

We have recently updated our privacy information.

To find out how we collect, use, share and retain your personal data, visit:

www.durham.gov.uk/dataprivacy

**e. Email from Paul Fletcher Town Clerk Seaham Town Council Fri 05/10/2018
09:01**

Hi Craig

Seaham Town Council supports the removal of the prohibited street designation to a consent street. This will help with our running of events and also any DCC wish to hold and appreciate any trading will only be allowed with Town Council and DCC consent.

Thanks

Paul

Appendix 4: Statutory Advertisement

Schedule 4 paragraph (2) of the Local Government (Miscellaneous Provisions) Act 1982

PUBLIC NOTICE of Durham County Council's intention to change the designation of two streets in Bishop Auckland from 'prohibited streets' to 'consent streets' and one from 'licence' to 'consent'; and North Terrace and The Green in Seaham from 'prohibited' to 'consent streets' for street trading control purposes.

Notice is hereby given to inform all interested parties that Durham County Council intends to change the designation of part of Newgate Street (north end) between the Market Place and the junction with Durham Chare; and part of North Bondgate from the junction with North Bondgate car park (and including the car park) to the junction of Wear Chare from their current designation as Prohibited Streets to Consent Streets; and to change the Market Place from Licence to a Consent street; also notice is given to change the designation of North Terrace including The Green at Seaham from a Prohibited street to a Consent street, in accordance with the provisions of Schedule 4 paragraph (2) of the Local Government (Miscellaneous Provisions) Act 1982.

Any representations for or against this intention must be made in writing to the County Council within 28 days of the publication of this notice. Any written objections or support received within the 28 day representation period will be fully considered by the Council's General Licensing and Registration Committee prior to any resolution is made in respect of any change to the designation of the areas detailed above.

Written representations should be sent to the Licensing Manager, Environment, Health and Consumer Protection, Durham County Council, PO Box 617, Durham DH1 9HZ within 28 days of the date of publication of this notice.

Dated 12th November 2018

Joanne Waller

**Head of Environment,
Health and Consumer Protection**

Durham County Council

Annand House

John Street North

Meadowfield, Durham

DH7 8RS

This page is intentionally left blank