

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in
Committee Room 2 - County Hall, Durham on **Thursday 11 July 2019 at 10.00 am**

Present:

J Maitland (Chair)

Members of the Committee:

Councillors J Bell, J Blakey, D Brown, L Brown, M Clarke, P Crathorne,
C Hampson, D Hicks, A Hopgood, P Jopling, B Kellett, L Kennedy, K Liddell,
I McLean, A Reed, D Stoker, T Tucker, A Willis, M Wilson and D Wood

Also Present:

Mr S Buston (Council's Solicitor)

Mr C Rudman (Licensing Manager)

Mr D Lewin (Traffic Management Section Manager)

1 Apologies for Absence

Apologies for absence were received from Councillors P Atkinson, A Batey, C Carr and L Marshall.

2 Declarations of Interest

Councillor C Hampson declared an interest that she was a Member of Stanley Town Council who had made the application for re-designation of streets in Stanley for street trading purposes.

3 Minutes

The Minutes of the meeting held on 17 January 2019 were agreed as a correct record and signed by the Chairman subject to the inclusion of Councillor Kennedy in the list of attendees.

4 Request for the Re-designation of Streets in Barnard Castle for Street Trading Purposes

The Committee considered the report of the Head of Environment, Health and Consumer Protection which asked the Committee to consider the proposal to change the designation of several streets in Barnard Castle from 'prohibited' to

'consent streets' to allow for street trading at those locations subject to legal and policy controls (for copy of report, see file of minutes).

The report gave details of the agreed process for receipt of requests to designate and re-designate streets within the County. As part of the process consultation was carried out with relevant and responsible authorities. The responses were included in Appendix 4 and were summarised in the report. One objection had been received from the statutory advertisement from Mr Watson who was a Freeman of Barnard Castle and Honorary Alderman of the District of Teesdale.

Mr D Lewin, Traffic Management Section Manager was in attendance to answer any questions.

Members discussed the request.

Councillor Stoker indicated that the request was for short periods of time but could take someone's business from black to red and should this be considered.

The Licensing Manager indicated that there was nothing contained within the legislation that allowed a decision to be made based on who made a profit from street trading.

Councillor Jopling indicated that she did not have an issue with the proposal but sought clarification if they would be able to hold events on a weekly basis which could cause an issue.

The Licensing Manager responded that the Town Council had not indicated that they wanted to change the frequency or the kind of events, but the re-designation may allow the current events to be expanded.

Councillor Jopling asked if the re-designation would allow this.

The Licensing Manager indicated that individuals could apply for a street trading licence.

Councillor Tucker stated that she was a frequent visitor to Barnard Castle and parking was difficult on market days. The area was highly pedestrianised and was the gateway to the lake district. Were they opening Barnard Castle to a safety nightmare with people trying to cross roads and where were people going to park?

Councillor Crathorne indicated that every week side streets were filled with cars and there were road safety issues, if they had special events where were cars going to park. If the main road was pedestrianised to make it safe this was the main road to the moors.

The Traffic Management Section Manager responded that Members needed to decide on consent streets as the current events would still take place. Events would be planned and would be considered by the Safety Advisory Group (SAG).

Councillor Crathorne asked where cars were going to be parked when events were taking place.

The Traffic Management Section Manager responded that this would be considered at the SAG meeting but there was a possibility of a park and ride at Teesdale School. The application was to allow trading during events rather than every week.

The Licensing Manager indicated that the events are already taking place this application was to allow street trading.

Councillor Tucker stated that the proposal sounded like they wanted to attract more people, but Barnard Castle was the gateway to the lakes and how would a road closure affect the through traffic.

The Licensing Manager responded that street trading would not cause traffic issues that would be the result of the event which was a separate matter.

Councillor Tucker stated that the proposal was for ad hoc events but could be opened to more regular events. She was not comfortable with the proposal which could cause major problems for Barnard Castle in the future.

Councillor Hopgood stated that Barnard Castle was different as it was the route to the lakes. If the town was closed, you had to go via Scotch Corner, but you could not divert that amount of traffic. Were they able to limit the number of events per year or could they hold an event every week that the Council would have no control over?

The Licensing Manager advised Members that the Council had no control over the events.

Councillor Hopgood referred to the closing of the bank which was a prohibited street and if this road was closed the bridge could no longer be used and was the main thoroughfare from East to West.

The Licensing Manager commented that the roads may not be closed.

The Chairman indicated that the road was closed on a bank holiday for an hour.

Councillor Hopgood stated that a diversion for an hour was different to a day.

Councillor Wood indicated that it was a different process for a road closure and the report was not looking at traffic issues. The Town Council were looking at making the events more successful and the application was from the Town Council and he was happy to support.

Councillor Jopling raised concerns that more events could take place without any control. She asked if road closures could be refused. She did not have any issues with a few events taken place but if there was capacity to expand events then they needed to look at this for future problems.

Councillor Crathorne referred to the traffic in Barnard Castle which was an issue and they needed to look at public safety. The road was the main route through and if the request was granted there would be not control on how many events would take place which could escalate to a monthly event and they needed to look at the whole picture.

Councillor McLean indicated that there were thorough and robust systems to look at events through SAG. Members were asked to look at the re-designation of streets.

Councillor Clarke indicated that they needed to support local people and there were safeguards in place elsewhere for concerns.

The Chairman indicated that they were considering the opening of streets to allow street trading not closing roads.

Members referred to some of the streets being residential and asked what would happen to residents' cars and how some residents would not be happy with street traders outside their homes.

The Licensing Manager advised members that traffic management was outside of this process.

Councillor Hicks asked if traders and shop keepers had been consulted as part of the process and if they had objected.

The Licensing Manager could not speak for the Town Council, but the authority had not consulted directly but had placed the statutory advertisement in the local newspaper.

Councillor Tucker asked if the application had the backing of residents.

Members discussed the consultation and were advised that the statutory consultation had taken place, but a road closure was separate, and this was about street trading. Residents would be consulted on road closures.

Councillor Kellett indicated that Barnard Castle was a thriving area and they needed to give credit to the Town Council who had made the application. Local Councillors represent residents and know the area and had not raised any concerns.

Councillor Wood stated that the Town Council had asked for the re-designation of prohibited streets and Members had been caught up in the closing of roads. The Town Council had asked for help with their events and they should support the local economy.

Members discussed the possibility of events increasing going forward.

Members then discussed deferring the application to enable the Town Council to attend the meeting to give further information on the proposed events.

The Licensing Manager advised that the re-designation was not just to allow the Town Council street trading other organisations could also apply. An application for a street trading licence would still need to be made and consultation would take place.

Councillor McLean indicated that road closures would be considered under SAG who would look at access for emergency vehicles etc., all members were doing was allowing street trading and everything else would be under SAG.

Councillor Kennedy stated that local councillors were in support of the application.

Following consideration of the proposal and consultee responses it was

Resolved: That the Committee supports the proposals made by Barnard Castle Town Council and made a resolution, to be advertised in the local newspaper, announcing the decision and setting the date on which the new or altered designation would come into effect. This date not to be less than one month from the date of the advertised resolution.

Mr D Lewin (Traffic Management Section Manager) left the meeting

5 Request for the Re-designation of Streets in Stanley for Street Trading Purposes

The Committee considered the report of the Head of Environment, Health and Consumer Protection which asked the Committee to consider the proposal to change the designation of several streets in Stanley from 'prohibited' to 'consent streets' to allow for street trading at those locations subject to legal and policy controls (for copy of report, see file of minutes).

The report gave details of the agreed process for receipt of requests to designate and re-designate streets within the County. As part of the process consultation was carried out with relevant and responsible authorities. The responses were included in Appendix 4 and were summarised in the report. Two responses were received from Durham Constabulary Police Traffic Management and Jackie Donnelley Principal Projects Officer. No responses were received from the statutory advertisement on the proposals.

Durham Constabulary had concerns in relation to public safety and traffic management, but this could be addressed by traffic management and road safety measures.

Jackie Donnelly did not support the changes for May Street and Ritson Street and asked that these roads remain prohibited.

Mr Rudman, the Licensing Manager presented the report and provided Members with some maps of the area and advised that this application was not part of an event so trading could potentially take place every day.

Members discussed the request.

In response to a question, the Licensing Manager advised members that markets were exempt from street trading.

Councillor Tucker referred to the objections received from Durham Constabulary and the Principal Projects Officer and asked if these objections had been factored into the request.

The Licensing Manager confirmed that the objections had been considered and May Street and Ritson Street had raised issues due to future developments. If in the future these streets were not suitable for street trading, then the application for street trading would be refused. Members could consider keeping these streets as prohibited.

The Licensing Manager then asked Members if they wished to treat Stanley the same as Durham and Barnard Castle and allow the re-designation for events.

Members discussed the restriction and agreed that as Stanley was not an historic town there was no requirement to have any restrictions.

Following consideration of the proposal and consultee responses it was

Resolved: The Committee supports the proposals made by Stanley Town Council and made a resolution, to be advertised in the local newspaper, announcing the decision and setting the date on which the new or altered designation would come into effect. This date not to be less than one month from the date of the advertised resolution.