



General Licensing and Registration Committee

Date Thursday 11 July 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 17 January 2019 (Pages 3 - 4)
4. Request for the Re-designation of Streets in Barnard Castle for Street Trading Purposes (Pages 5 - 32)
5. Request for the Re-designation of Streets in Stanley for Street Trading Purposes (Pages 33 - 48)
6. 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
3 July 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, S Durham, C Hampson, D Hicks, A Hopgood, P Jopling, B Kellett, L Kennedy, K Liddell, L Marshall, I McLean, A Reed, D Stoker, T Tucker, A Willis, M Wilson and D Wood

Contact: Jill Errington

Tel: 03000 269703

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DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Committee Room 2 - County Hall, Durham on **Thursday 17 January 2019 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors J Maitland (Vice-Chair), P Atkinson, A Batey, D Bell, D Brown, L Brown, M Clarke, P Crathorne, G Darkes, C Hampson, D Hicks, A Hopgood, K Liddell, L Marshall, I McLean, A Reed, D Stoker, A Surtees, T Tucker and A Willis

1 Apologies for Absence

Apologies for absence were received from Councillors J Bell and M Wilson.

2 Declarations of Interest

Councillor L Kennedy declared that she was a member of Seaham Town Council which owned The Green, Seaham, one of the areas proposed for re-designation as a 'consent street'.

3 Minutes

The Minutes of the meeting held on 11 October 2018 were agreed as a correct record and were signed by the Chairman.

4 Requests for the Re-designation of Streets in Bishop Auckland and Seaham for Street Trading Purposes

The Committee considered a report of the Head of Environment, Health and Consumer Protection which asked the Committee to consider proposals to change the designation of part of Newgate Street and North Bondgate in Bishop Auckland from 'prohibited streets' to 'consent streets', 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 (for copy see file of Minutes).

The report gave details of the agreed process on 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 3, and were summarised in the report. No responses were received to the statutory advertisement from members of the public.

Members discussed the requests. With regard to the proposals for Bishop Auckland Councillor Tucker expressed concern that North Bondgate car park was included. Car parking was a problem in the town and the loss of this area may deter visitors. The Member was informed that trading in the area would be subject to controls and would only be permitted during organised events which had the support of the Council.

Councillor Reed suggested that North Bondgate was a suitable street for designation which would help to support the businesses in that location. The Licensing Manager advised that this area had not been included in the application. Councillor Tucker made the point that North Bondgate was narrow and may not be appropriate from a safety aspect.

Councillor Batey made the general point that a Scrutiny Working Group had explored support for retail in town centres, and had identified the importance of ensuring that the retail offer was across town centres as a whole, and was not restricted to market places.

Following questions from Councillor Hopgood, the Committee was informed that the number of events could be restricted, and an event such as a Food Festival which occurred over a number of days would be classed as a single event. The Member was concerned that a long event could potentially cause problems such as the loss of a well-used car park in North Bondgate, Bishop Auckland. A large number of events could cause damage to The Green in Seaham, as well as restricting use of the land by the public. The Licensing Manager advised that these were matters which would be assessed as part of the application process.

Councillor Batey asked what assurances were in place that event organisers had consulted the Safety Advisory Group. The Member was informed that under existing arrangements organisers were advised to contact the Group. Members considered that this should be a requirement.

Following consideration of the proposals and consultee responses it was **Resolved:**

That

- a) the proposals be supported subject to the information provided by respondent authorities and the Council's adopted Street Trading Policy;
- b) the following streets be designated 'consent streets' with effect from Friday 1 March 2019:

Part of Newgate Street and North Bondgate, Bishop Auckland
Market Place, Bishop Auckland
North Terrace and The Green, Seaham

- c) applicants be required to consult with the Safety Advisory Group prior to street trading being permitted for an event.

**General Licensing and Registration
Committee**

11 July 2019



**Request for the re-designation of
streets in Barnard Castle for street
trading purposes**

Ordinary Decision

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

**Ian Thompson, Corporate Director of Regeneration and Local
Services**

**Councillor Brian Stephens, Cabinet Portfolio Holder for
Neighbourhoods and Local Services**

Electoral division(s) affected: Barnard Castle

Purpose of the Report

- 1 This report seeks consideration of a proposal to change the designation of several streets in Barnard Castle from 'prohibited' to 'consent streets' to allow for street trading at these locations subject to legal and policy controls.

Executive summary

- 2 Barnard Castle Town Council requested a change in the designation of the 'prohibited' streets in Barnard Castle to 'consent' streets to enable street trading to take place in what are currently prohibited areas of the town.
- 3 Pre-statutory consultation yielded general support for this proposal but with certain reservations from one DCC respondent in relation to some of the streets. The statutory consultation on the proposals resulted in one further response that was broadly in opposition to the proposal.

- 4 Further consultation with DCC Highways indicates that concerns raised by the DCC Principal Projects Officer and by the respondent following statutory consultation may be satisfactorily addressed and catered for by the application of a suitable authorisation process, should the changes in designation be approved by the Licensing Committee.

Recommendation(s)

- 5 The General Licensing and Registration Committee consider the proposals from Barnard Castle Town Council and the comments received following the consultations.
- 6 The Committee gives support to the proposals made by Barnard Castle Town Council and make 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.

Background

- 7 The former District of Teesdale had adopted Section 3, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 relating to street trading and had designated certain streets (or parts of streets) within Barnard Castle as 'prohibited' streets. A full list of current street designations within the former District of Teesdale is shown in Appendix 2.
- 8 The effect of the former District Council's adoption of these designations is that trading in certain locations in the town is not permitted. However, street trading in other parts of Barnard Castle and the rest of the former Teesdale district is not controlled by street trading legislation. Any person found trading in the prohibited streets (except as part of the established market) will be guilty of an offence and liable on summary conviction to a fine.
- 9 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.
- 10 To achieve this the Council has 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.

- 11 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 e.g. 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 requests and proposals

- 12 EHCP has received a request for changes to existing street trading designations in Barnard Castle from Barnard Castle Town Council. This request is shown in appendix 3.
- 13 Barnard Castle Town Council has asked that the change from prohibited streets to consent streets be considered for all prohibited streets. *"At its meeting on 17 December 2018, under delegated powers, the town council's Services Committee resolved to formally request that Durham County Council considers moving street trading in Barnard Castle from 'Prohibited Streets' to 'Consent Streets'."* ...
Michael King, Clerk, Barnard Castle Town Council.
- 14 The following areas within Barnard Castle are currently designated as prohibited streets:
- Marshall Street / Baliol Street / King Street / Flatts Road / Scar Top / Horsemarket & Market Place (including side road) / The Bank / Newgate / Galgate (including side roads) from its junction with John Street & Montalbo Road to its junction with Horsemarket & Flatts Road / Vere Road (from Flatts Road to Marwood Cottage) / Access road to Galgate Car Park
- 15 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 enough information of a satisfactory nature has been provided to enable proper consideration of the proposal. This has been conducted
 - Liaison/pre-statutory consultation with several 'responsible authorities' and some DCC 'interested parties'. (This has been

conducted and the responses received are reproduced in appendix 4)

- 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 (which was given), 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
- 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

- 16 Prior to the statutory consultation on the proposal it was not possible with any degree of certainty to predict whether the application would find support or opposition amongst all likely respondents.
- 17 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 (now REaL) in relation to the protection of certain areas in the County with historic and cultural significance.
- 18 In-line with adopted policy, should these streets be re-designated to allow street trading it is possible to apply a general presumption as stated in the policy that we will normally only allow street trading in these areas of Barnard Castle, if the trading is part of an organised event which is supported by the County 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'*.

- 19 As street trading can contribute to the success of 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 Seaham Carnival, Bishop Auckland Food Festival, Lumiere and other trading that takes place in other historic and culturally important consent areas for example Durham Market place.
- 20 Three responses were received following the stage one, pre-statutory consultation (see appendix 4). Police Traffic Management and one local councillor offered no objections. Jackie Donnelly Principal Projects Officer was concerned about parking provision in the Town and the possible effect of uncontrolled or unmanaged street trading, especially during events held in the town. She also commented in connection with Marshall Street, Balliol Street, Montebello Road and King Street, residential streets and located away from the main retail core of the town. She considered that trading activity in this area would have little economic benefit, effectively diluting the retail offer and drawing custom away from the retail core. She advised that these areas remain prohibited.
- 21 The street parking and other highway related concerns raised may be addressed by ensuring that any authorised street trading activities are properly managed and effectively controlled within the context of any organised event supported by the County Council. This can be achieved by the application of the consent process in conjunction with the adopted street trading policy. Prior to the grant of any consent, liaison would take place with officers from DCC Highways section.
- 22 The concerns regarding economic benefit and the potential effects on the existing retail offer are not matters that are taken into consideration by the street trading policy. Such factors may be legitimate matters for consideration by officers involved in economic regeneration etc. however, they reside outside street trading policy and are not the subject of the street trading control process. Presumably, this is not an issue that is a cause of concern to the local Town Council as it is not mentioned in their correspondence.
- 23 **Statutory consultation** - On 13th March 2019 the statutory advert was placed in the Teesdale Mercury and the proposals were advertised for

the prescribed period. See copy advertisement in Appendix 5. One response was received during the prescribed period of 28 days. This response is shown in appendix 6. The respondent opposes the proposed changes on the following grounds:

- I. Protection of the integrity of residential streets / roads adjacent to the town centre shopping area from incompatible / intrusive trading and commercial activity
- II. Protection of designated sedentary green areas within the distinguished Barnard Castle Conservation Area
- III. Consideration for concerns voiced by permanent retailers incurring business rates, tenancy lease or rental charges and other overheads. Permitted casual directly competitive street trading was considered unfair
- IV. Recognition of the traffic Management and congestion issues prevalent in the residential streets.

24 The first of the grounds raised may be partially addressed through the consent process as trading would only take place as part of an event supported by the County Council. Such events by their very nature would be temporary and short-lived. However, should trading occur in and around the residential streets, even as part of an official, supported event, it would not be possible to guarantee the absence of some degree of intrusion/disturbance.

25 The second of the grounds has not been raised by DCC Planning/Development Control. Any consent application for trading as part of a supported/official event would result in consultation with DCC Planning/Development Control and any safeguards proposed could be incorporated into the conditions of the consent and/or the management of the event.

26 The third of the grounds for opposition, matters of trade competition and any financial obligations associated with fixed retailers are not relevant matters for consideration for the grant of authorisations under street trading legislation. If the consent designation was granted, the grounds raised in point III would not be taken into consideration within the decision-making process.

27 The fourth of the grounds for opposition, matters associated with traffic management etc. may be satisfactorily addressed by the event management and consent application process. The DCC Highways Traffic Management Section Manager has commented as follows: *'Having read the very comprehensive objection from Mr Robson he has accurately described the situation with regard to traffic issues in Barnard*

Castle. Given that any trading application would need to be approved by us, I do not believe that changing the trading designation would have any ongoing detrimental impact to traffic flow and/or parking in the area. If anything, it could be beneficial if there was a desire to hold an event such as the food festival in Bishop’.

Options

- 25 Committee may give support to the proposals as they have been presented and agree to make a resolution to bring in the new designations – that decision would then be advertised and would take effect no earlier than one month from the date of the advertised resolution.
- 26 Committee may give support to some of the proposals and reject others. Members may modify the proposal e.g. change the list of streets to be subject to an alteration in street trading status and then agree to make a resolution to bring in the new designations – that decision would be advertised and would take effect no earlier than one month from the date of the advertised resolution.
- 27 Committee may reject the proposal in full.

Main implications

- 28 Supporting the proposals in full. This will allow the process to continue and the changes in designation to come into effect.
- 29 Supporting the process in part. This will enable some of the streets to be considered under stage two of the process and will require an explanation in connection with the less-than-full support being offered.
- 30 Rejection of the proposal. This will require an explanation of the committee’s decision to withhold support for the Town Council’s proposals/request.

Conclusion

- 31 Following the adoption of the legislation and street trading policy, all responsible authorities and interested parties are enabled to engage with the process and help shape the future of street trading within County as a whole.
- 32 The proposals made by Barnard Castle Town Council, if supported, would enable controlled street trading activities to take place in previously restricted locations. Should the General Licensing and Registration Committee reject the application based on the information it receives, the existing prohibition on street trading in the designated streets will continue.

Background papers

- Local Government (Miscellaneous Provisions) Act 1982
- Durham County Council's Street Trading Policy

Other useful documents

- None

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 will have to take place which could influence the final decision.

Equality and Diversity / Public Sector Equality Duty

There are no equality or diversity implications

Human Rights

There are no human rights implications

Crime and Disorder

There are no crime and disorder implications

Staffing

There are no staffing implications

Accommodation

There are no accommodation implications.

Risk

Failure to follow the statutory process could result in challenge and reputational damage.

Procurement

There are no procurement implications

Appendix 2: Former District of Teesdale Street Trading – current designations under the Local Government (Miscellaneous Provisions) Act 1982

Extract from Street Trading Application Form:

TEESDALE AREA

You do not need to apply for a street trading consent/licence to trade in the Teesdale area however the following areas within Barnard Castle are prohibited which means all street trading is prohibited:

Marshall Street / Baliol Street / King Street / Flatts Road / Scar Top / Horsemarket & Market Place (including side road) / The Bank / Newgate / Galgate (including side roads) from its junction with John Street & Montalbo Road to its junction with Horsemarket & Flatts Road / Vere Road (from Flatts Road to Marwood Cottage) / Access road to Galgate Car Park

Appendix 3: Request from Barnard Castle Town Council

See attached letter to Mr Owen Cleugh, Consumer Protection Manager from Mr Michael King Town Clerk, Barnard Castle Town Council dated 20th December 2018.

**Appendix 4 Pre-statutory consultation/liaison responses received
from responsible authorities and County Councillors
representing Barnard Castle**

a. Email from Licensing Manager to Responsible Authorities and Local Councillors

From: Craig Rudman [<mailto:craig.rudman@durham.gov.uk>]
Sent: 10 January 2019 15:44
To: Maxine Stubbs <Maxine.Stubbs@durham.pnn.police.uk>; Dave Lewin <dave.lewin@durham.gov.uk>; Laura Cloney <Laura.Cloney@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>; Keith Jameson <keith.jameson@durham.gov.uk>; Wendy Benson <Wendy.Benson@durham.gov.uk>; Jackie Donnelly <Jackie.Donnelly@durham.gov.uk>; Paul Emerson <Paul.Emerson@durham.pnn.police.uk>; Dean Haythornthwaite <dean.haythornthwaite@durham.pnn.police.uk>; Cllr George Richardson <george.richardson@durham.gov.uk>; Cllr James Rowlandson <james.rowlandson@durham.gov.uk>; Cllr Richard Bell <Richard.Bell@durham.gov.uk>; Cllr Ted Henderson <Ted.Henderson@durham.gov.uk>; Stephen Ragg <Stephen.Ragg@durham.gov.uk>
Cc: Owen Cleugh <owen.cleugh@durham.gov.uk>
Subject: Street Trading in Barnard Castle

Dear Members, Officers and colleagues,

DCC/EHCP/Licensing Services have received a request from Barnard Castle Town Council to consider changing the current designation of the listed prohibited streets in Barnard Castle. 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 prohibited streets in Barnard Castle are listed below.

The first stage of any designation or re-designation process is a pre-consultation. This will then 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 the BC Town Council. If the process is supported

by senior management, the matter would eventually be decided on by DCC 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 your opinions, any 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.

The following areas within Barnard Castle are prohibited which means all street trading is prohibited:

Marshall Street / Baliol Street / King Street / Flatts Road / Scar Top / Horsemarket & Market Place (*including side road*) / The Bank / Newgate / Galgate (*including side roads*) from its junction with John Street & Montalbo Road to its junction with Horsemarket & Flatts Road / Vere Road (*from Flatts Road to Marwood Cottage*) / Access road to Galgate Car Park

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

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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 Paul Emerson Durham Constabulary Traffic Management

Craig

Following discussions with local officers there are no objections from the Police in respect of this matter

Regards

Paul Emerson

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



c. Emails from Jackie Donnelly Principle Projects Officer REaL

Hi Craig

With regard to the request from BCTC to consider changing the current designation prohibited streets in Barnard Castle to consent streets the CED Team have the following comments for consideration;

Agree that Galgate, a limited area on Flatts Road (that links to Scar Top), Scar Top itself, Horse Market the Market Place and The Bank have the potential to become consent streets. However as the majority of these areas provide most of the on street parking opportunities in the town centre this will have to be carefully considered / managed out especially of the street trading is linked to local events.

With regard to Marshall Street, Balliol Street, Montebello Road and King Street, these are residential streets and located away from the main retail core of the town. Any trading activity in this area would have little economic benefit, effectively diluting the retail offer and drawing custom away from the retail core. I would therefore advise these areas remain prohibited.

Happy to discuss further if required

Many thanks

Jackie

d. Email from Cllr Richard Bell cc'd Cllr Ted Henderson

fine with me.

PUBLIC NOTICE

Schedule 4 paragraph (2) of the Local Government (Miscellaneous Provisions) Act 1982 - Durham County Council intends to change the designation of streets in Barnard Castle from 'prohibited streets' 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 Marshall Street / Baliol Street / King Street / Flatts Road / Scar Top / Horsemarket & Market Place (including side road) / The Bank / Newgate / Galgate (including side roads) from its junction with John Street & Montalbo Road to its junction with Horsemarket & Flatts Road / Vere Road (from Flatts Road to Marwood Cottage) / Access road to Galgate Car Park from their current designation of Prohibited Streets to Consent Streets in accordance with the provisions of Schedule 4 paragraph (2) of the Local Government (Miscellaneous Provisions) Act 1982.

This statutory notice is published following the Regeneration and Local Services Management Team's decision on Thursday 21st February 2019 to support a request from Barnard Castle Town Council to change the existing designation of all prohibited streets in Barnard Castle to Consent Streets.

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 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 being made in respect of any re-designation of the streets 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 13th March 2019

Joanne Waller

**Head of Environment, Health and Consumer Protection
Durham County Council, Annand House
John Street North, Meadowfield**

Durham, DH7 8RS

Appendix 6 Response from Statutory Consultation

See attached correspondence from Mr J R Watson Freeman of Barnard Castle and Honorary Alderman of the District of Teesdale.



Barnard Castle Town Council

Town Clerk: Michael King
Woodleigh, Flatts Road
Barnard Castle
DL12 8AA

01833 690970
clerk@barnardcastletowncouncil.gov.uk

Owen Cleugh
Consumer Protection Manager
Regeneration and Local Services
Durham County Council
Annand House, John Street North
Meadowfield
Durham DH7 8RS

20 December 2018

Street Trading

Dear Owen,

At its meeting on 17 December, 2018, under delegated powers, the town council's Services Committee resolved to formally request that Durham County Council considers moving street trading in Barnard Castle from 'Prohibited Streets' to 'Consent Streets'.

I would be grateful if you could put into effect the necessary arrangements whereby this might properly be considered and if you could also provide an outline of this process and updates on any progress made.

Yours sincerely

Michael King
Clerk

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Barnard Castle

Co Durham

26 March 2019

The Licensing Manager
Environment, Health and Consumer Protection
Durham County Unitary Council
PO Box 617
Durham DH1 9HZ

Proposed Change From Prohibited to Consent Streets for Street Trading Control Purposes in Barnard Castle.

I write as a now retired Town and District Councillor for the Barnard Castle West Ward. The prevailing prohibited status, for Street Trading Control Purposes, was established during my service as a councillor, for a number of sound reasons as follows:

- Protection of the integrity of residential streets / roads, adjacent to the town centre shopping area, from incompatible / intrusive trading and commercial activity.
- Protection of designated sedentary green areas within the distinguished Barnard Castle Conservation Area.
- Consideration for concerns, voiced by permanent retailers, incurring business rates, tenancy lease or rental charges and other overheads. Permitted casual directly competitive street trading was considered to be unfair.
- Recognition of the Traffic Management and congestion issues prevalent in the residential streets, subsequently protected by prohibited street trading status.

Key Considerations

The proposed blanket re-designation of the streets, currently subject to the prohibition of street trading, is indiscriminate. No attention is being paid to the specific circumstances prevailing in each of the location.

No information is provided concerning the precise basis on which consent would be determined or rejected. Equally, no information is provided on how essential conditions associated with such consent would be adequately enforced.

It should be noted that there is minimal community policing in Barnard Castle, Civil Parking Enforcement Officers are only giving limited attention to the town, resulting in common place breaches of prevailing traffic orders. There is little evidence that, with the exception of Barnard Castle's Historic Weekly Market, street trading will be satisfactorily supervised and managed. Pedestrians are frequently obstructed by large A Boards placed on the pavement, with particular difficulties with prams, wheel chairs and electric scooters. Smokers gathered outside public houses, sometimes with seating, impose passive tobacco smoke inhalation on passers by. The practice of merchandise displayed on pavements lacks control and undermines the required pedestrian space in the busy town centre.

SPECIFIC LOCATION FACTS

1) Baliol Street

Baliol Street is a narrow residential street with terraced houses on both sides of the road. Constructed prior mass motoring becoming the norm, the properties are without garages or private drives. Unregulated vehicle parking takes place on both sides of the street, involving daily commuter occupation. Only light vehicles and vans can pass between the two rows of parked vehicles. It is inconceivable that consent to street trading could ever be justified or practical in this street.

2) Marshall Street

Marshall Street is also a residential street with terraced houses on both sides of the road. The properties do not incorporate garages or drives. Except for a limited section at the east end, incorporating disabled bays and the double yellow lined junction with Galgate, it is unregulated. Intensive commuter parking competes with resident needs. This street delivers through routing HGV access to and from the Auction Mart alongside DIY farmer transportation. General through routing to the Cricket Ground and Vere Road, also inclusive of commuter parking, impacts on this street. It is again inconceivable that consent to street trading could be justified or practical in this street.

3) King Street

King Street is a residential street, consisting of a terrace of houses on one side and the substantial Manor House Care Home on the other. It also provides access to residences in the Beaconsfield Court cul-de-sac. The adjacent Richardson Hospital Staff Car Park is also directly accessed from John Street itself. This street is unregulated, apart from the junction with the A67 Galgate. Intensive commuter parking competes with residents for space. A substantial traffic flow results from the nearby Health Centre and the junction with the Victoria Road / Queen Street / Birch Road "rat run". In summary the Street must retain its prohibited status in respect of street trading.

4) Flatts Road

Flatts Road is an extremely sensitive location owing to proximity to the town centre and busy Post office. Essentially a residential area, it is relentlessly the target for commuter parking on both sides of the road, seven days per week. Several residences do not have garages or drives. The road is unregulated apart from double yellow lines at both its west end junction with Vere Road and east end junction with the Galgate town centre. Advisory white lining has been secured to deter obstruction of private entrances to three properties in Flatts Road.

Flatts road is subject to a high volume of through traffic in both directions. The single file flow, between parallel lines of parked vehicles, results in frequent reversing to allow passage. **Exceptional** closure of Flatts Road is rightly secured for a limited time, on one evening per annum, to accommodate the Town Council's Christmas event. However, conversion from prohibited street to consent street status, for street trading purposes, is completely inappropriate.

5) Scar Top

The Scar Top is an important and sensitive environmental feature within the town's Conservation Area.

Primarily defined as a pedestrian area, double and single yellow line highway regulation was introduced to terminate, hitherto seven days per week, car parking on the access roadway adjacent to the Methodist Church.

Priority pedestrian access is consequently provided to the protected green area, castle, Scar Walk, Roman Ford Picnic Site, Children's Play Area, Mini Golf Course and the Woodleigh, Garden. The latter is to undergo substantial restoration following completion of the asset transfer process.

Strictly limited vehicle access is maintained to Tower View (formerly the church caretaker's residence) and, via a private track, to some four properties on the east side of the Methodist Church.

Should refreshments be required for any event on the Scar Top, cooperation with the Methodist Church has long secured such provision, via use of the Church Hall and Kitchen.

Officially, the former Barnard Castle Urban District Council rightly prohibited motor vehicles from the Scar Top. The green is generously provided with seats, several refurbished by private individuals on a dedicated memorial basis.

Teesdale District Council and Barnard Castle Town Council determined that mobile hot food and ice cream sellers should be prohibited. from both the green area and access road. This ruling incorporated representation from the town's resident traders plus a number of environmental considerations.

Inexplicably, Barnard Castle Meet Committee has established a practice of bringing Lorries on to the Scar Top green, in association with the late spring bank holiday Meet Weekend. First, a lorry bearing a Zip Wire installation appeared. The Zip Wire ride spanned the River Tees, on a descending basis, to a low level landing on the south bank. After a couple of years we were advised that a risk analysis and consequent insurance issues had terminated the practice.

In its place the Meet Committee then brought in Lorries to the green area delivering children's fairground rides and generator equipment. Ice Cream and hot food vans were also on the grassed area. In the process the very popular permanent seating could not be used as intended.

Events held on the Scar Top are managed responsibly and sensibly by Barnard Castle Town Council .However, a strict pedestrian area status should be applied, together with a prohibition of commercial street trading.

7) Horse Market, Market Place and the Accommodation Road

This location defines the site of Barnard Castle's Historic Market Area. As a long serving member of the Traffic Management Working Party, I was personally involved in working with the DCC Highways Officer to secure the road closure for the operation of the Wednesday Market. The relevant Order was framed to accommodate road closure on any additional day(s) on which the market operates.

Barnard Castle is the only location I can identify where the monthly Farmers' Market operates as a law unto itself. In all other cases Farmers Markets are required, when occupying an official Market Place, to conform to market regulations and charges applying to that site. The late Lord Barnard was never informed that disparate arrangements were going to apply when agreeing to it being part of Barnard Castle Market Place operations.

Barnard Castle Town Council now administers the historic and official market. The Farmers' Market must be brought into conformity, not least to ensure that unfair market trading practices and privileges do not arise.

Casual or disparate permissive street trading should not be allowed in the historic Horse Market and Market Place. Strict Market and Highway must apply consistently and with due regard to the care and maintenance of the Market Area.

8) Galgate Side Road (Montalbo Road Junction to Flatts Road Junction)

This location, divided into two distinct sections, requires careful attention accordingly.

Section 1 Montalbo Road Junction to Marshal Street Junction

This slip road is located between the A67 Galgate Greens, inclusive of the Garden of Remembrance, and the pavement on the west side of the street. Unregulated car parking applies, adjacent to the pavement, along the whole section of this the side road. Advisory white lining is in place in an attempt to prevent obstruction of vehicle access points to properties adjacent to this side road and to the A67 enhanced pedestrian refuge. Double yellow lining is in place on the slip roads between the greens linking with the A67 and also at the junctions with Montalbo Road, Baliol Street and Marshal Street. A Pedestrian refuge crossing of A67 is accessed close to the Marshal Street Junction.

Astonishingly, given the narrow dimension of this highway, a two way traffic flow applies. However the ever present line of parked vehicles dictates a single file flow of vehicles with frequent reversals etc.

Private residences substantially outnumber business premises along this side road. The Decor Centre, Hot food Takeaway, Pharmacy, News Agent, Pharmacy, two Hairdressing Salons and a Public House generate a substantial volume of traffic.

Should an event at the Memorial Garden require a road closure, this provision can be achieved under prevailing arrangements. It is inconceivable that consent for street trading could ever be appropriate along this side road.

Section 2 Marshal Street Junction to Flatts Road Junction

This location presents a complex mix of former petrol station forecourt incorporating planted area and side road with kerb side car parking, car parking only without side road, car parking and side road, car parking, side road and primary Bus Stop for Darlington and Bishop Auckland. A Pelican Crossing of the A67 is located a short distance to the Bus Stop. Obstruction of buses accessing the Bus Stop by improperly parked cars is a long running problem in this locality. Offending drivers are invariably bent on visiting the Post Office. Short of implementing a Road Closure order it is inconceivable that consent for street trading could ever be approved in this area.

9) Vere Road from Flatts Road to Marwood Cottages

This location is firmly residential and incorporates a pedestrian access to the Flatts and Tees bank Woods. Restricted vehicle access also applies to the Orchard Brae Residence and for Northumbrian Water in connection with the Tees aqueduct.

A junction with Raby Avenue is also connects to this location, Commuter Parking on both sides of Raby Avenue over spills into Vane Road and Cecil Road. Through routing to other residential areas substantially increases the volume of traffic.

The proposed re-designation from prohibited to 'Consent Streets for street trading is again completely inappropriate in this locati

10 Access Road to Galgate Car Park

This road serves a high and complex volume of motor traffic as follows;

- a) Local Authority Short stay car parking for the town.
- b) Car parking provision for Morrisons Supermarket in accordance with planning permission.
- c) Parking for service buses and coaches
- d) HGV deliveries to Maxwells Hardware Store, Morrisons Supermarket and M & Co Clothing Store.
- e) Taxi Rank serving the supermarket.
- f) The Witham Cultural Centre.
- g) HGV deliveries to the Cooperative Convenience Store.
- h) Car parking for the Working Men's Club.
- i) Access for various properties around the perimeter of the car park.
- j) Access for residential property above Meynells Pet Shop
- k) Deliveries to Meynells Pet Shop.

A formal supervised closure order applies to the car park to accommodate the fairground operating over the late Spring Bank Holiday. Delivery provision to the supermarket is maintained under the supervision. However, this Access Road must be confined to highway status only and the prohibition for street trading purposes retained.

11) Newgate

Newgate is primarily a residential street targeted for commuter car parking. As an entry point to the town it accommodates HGV traffic from and to the A66, prohibited from using the camera controlled A67 County Bridge. Many of the properties along Newgate do not have garages or drives leaving residents in completion with commuters etc for unregulated on street car parking. The prevailing prohibition of street trading is a necessary arrangement for the consideration of residents in this busy location.

12) The Bank

The Bank straddles the A67 which serves a high volume of through traffic, compliant with the camera monitored restrictions on usage of the County Bridge. Service Buses, Coaches, Emergency Service, Utility and Local Authority vehicles are exempt from the restriction on the bridge. A Substantial number of residential properties are located on both sides of The Bank. The proposed conversion from prohibited to consent streets for street trading purposes is not compatible with the circumstances prevailing in this location.

13) Galgate (King Street Junction to the Junction of with the Horsemarket

This location incorporates a section of kerb side car parking before widening to accommodate a one way side road. Adjacent to the A67, a central stone set feature incorporates trees, general and disabled car parking, seating, access to the Galgate Pelican Crossing plinth within a substantial paved pedestrian. Area. A busy designated bus terminus takes up almost all kerb side parking below the access to the short stay off street car park.

The whole of this location originally formed the open air livestock market, A consent street designation for street trading purposes may be helpful in the central section of this area. Subject to the closure of sections of the car park, as for the Horse Market and Market Place, would facilitate an overspill area for the historic weekly market when required. Strict management by Barnard Castle Town Council in association with the existing market would ensure a satisfactory result.

John R Watson

Honorary Freeman of Barnard Castle.

Honorary Alderman of the District of Teesdale.

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**General Licensing and Registration
Committee**

11 July 2019



**Request for the re-designation of
streets in Stanley for street trading
purposes**

Ordinary Decision

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

**Ian Thompson, Corporate Director of Regeneration and Local
Services**

**Councillor Brian Stephens, Cabinet Portfolio Holder for
Neighbourhoods and Local Services**

Electoral division(s) affected: Stanley

Purpose of the Report

- 1 This report requests consideration of a proposal to change the designation of several streets in Stanley from 'prohibited' to 'consent streets' to allow for street trading at these locations subject to legal and policy controls.

Executive summary

- 2 Stanley Town Council have requested a change in the designation of the 'prohibited' streets in Stanley to 'consent' streets to enable street trading to take place in what are currently prohibited areas of the town.
- 3 Pre-statutory consultation has yielded general support for this proposal with certain reservations in relation to some of the streets. Relevant concerns may be addressed by the authorisation process, should the change in designation be approved by the Licensing Committee following a statutory consultation on the proposals.

Recommendation(s)

- 4 The General Licensing and Registration Committee consider the proposals from Stanley Town Council and the comments received following the consultations.
- 5 The Committee gives support to the proposals made by Stanley Town Council and make 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.

Background

- 6 The former District of Derwentside 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 Stanley as 'prohibited' streets. A full list of current street designations within the former District of Derwentside is shown in Appendix 2.
- 7 The effect of the former District Council's adoption of these designations is that trading in certain locations in the town is not permitted. Street trading in other parts of the town and the rest of the former Derwentside district is also controlled by street trading legislation. Any person found trading in the prohibited streets (except as part of the established market) will be guilty of an offence and liable on summary conviction to a fine.
- 8 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.
- 9 To achieve this the Council has 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 rationale for street trading and help to ensure consistency and uniformity of approach.
- 10 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.

- 11 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 requests and proposals

- 12 EHCP has received a request for changes to existing street trading designations in Stanley from Stanley Town Council. This request is shown in appendix 3.
- 13 Stanley Town Council has asked that the change from prohibited streets to consent streets be considered for all prohibited streets. *“The Town Council’s view is that this position is overly restrictive. Stanley Front Street is a wide pedestrianised space on which the Town Council regularly holds community events. The prohibition has meant that we are unable to offer food concessions or other stalls unless we are able to ‘piggyback’ on the current market operator’s licence, which is far from ideal. It also means we are unable to offer occasional events such as farmer’s or specialist market days, food fairs or craft fairs in Stanley to help support the retail offer in the town. Therefore, on behalf of Stanley Town Council, I am requesting that the County Council review the current status of these streets with a view to altering their designation to consent streets.” Alan Shaw, Town Clerk Stanley Town Council.*
- 14 The following areas within Stanley are currently designated as prohibited streets:
- Stanley Town Centre - Front Street, Front Street [pedestrian] Clifford Road, Ritson Street, Mary Street, Thorneyholme Terrace, Rear Front Street [the road running between Stanley Bus station and the old co-op building leading to Clifford Road].***
- The prohibited streets set out above are always prohibited except for the Sunday of every week when they are classed as consent streets, only between the hours of 6am and 6pm.*
- 13 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 enough information of a satisfactory nature has been provided to enable proper consideration of the proposal. This has been conducted

- Liaison/pre-statutory consultation with several 'responsible authorities' and some DCC 'interested parties'. (This has been conducted and the responses received are reproduced in appendix 4).
- 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
- 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

- 14 Prior to the statutory consultation on the proposal it was not possible with any degree of certainty to predict whether the application would find support or opposition amongst all likely respondents.
- 15 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. It is not thought that these general presumptions will be relevant to this location.
- 16 Unless directed otherwise should these streets be re-designated to allow street trading in this location there would be no general presumption (as stated in the policy) that we will normally only allow

street trading in these areas of Stanley, if the trading is part of an organised event which is supported by the County Council. 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'.

- 17 As street trading can contribute to the success of 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 Seaham Carnival, Bishop Auckland Food Festival, Lumiere and other trading that takes place in other historic and culturally important consent areas for example Durham Market place.
- 18 Two responses were received following the stage one, pre-statutory consultation (see appendix 4). These were submitted by Durham Constabulary Police Traffic Management and Jackie Donnelly Principal Projects Officer.
- 19 The Police have concerns in relation to public safety and traffic management that could be addressed by traffic management and road safety measures including, where necessary, road closures.
- 20 Jackie Donnelly did not support the changes for Mary Street and Ritson Street. *"Major development is planned in this area which will increase vehicular activity in this vicinity. The rear of Front Street has recently seen an increase in vehicular activity due to the opening of the new Aldi Store and associated car parks. This area also acts as a service road for the businesses who operate from the rear of Front Street. I would therefore advise these areas remain prohibited"*. JD
- 21 The concerns raised in connection with vehicular movements might be addressed by ensuring that any authorised street trading activities are properly managed and effectively controlled as part of an event plan. This may be achieved by the consent process in conjunction with the adopted street trading policy.
- 22 **Statutory consultation** – On 18th April 2019 the statutory advert was placed in the Durham Advertiser and the proposals were advertised for the prescribed period. See copy advertisement in Appendix 5. No responses were received following the advertising of the proposals.

Options

- 23 Committee may give support to the proposals as they have been presented and agree to make a resolution to bring in the new designations – that decision would then be advertised and would take effect no earlier than one month from the date of the advertised resolution.
- 24 Committee may give support to some of the proposals and reject others. Members may modify the proposal e.g. change the list of streets to be subject to an alteration in street trading status and then agree to make a resolution to bring in the new designations – that decision would be advertised and would take effect no earlier than one month from the date of the advertised resolution.
- 25 Committee may reject the proposal in full.

Main implications

- 26 Supporting the proposals in full. This will allow the process to continue and the changes in designation to come into effect.
- 27 Supporting the process in part. This will enable some of the streets to be considered under stage two of the process and will require an explanation in connection with the less-than-full support being offered.
- 28 Rejection of the proposal. This will require an explanation of the team's decision to withhold support for the Town Council's proposals/request.

Conclusion

- 29 Following the adoption of the legislation and street trading policy, all responsible authorities and interested parties are enabled to engage with the process and help shape the future of street trading within County as a whole.
- 30 The proposals made by Stanley Town Council, if supported, would enable controlled street trading activities to take place in previously restricted locations. Should the General Licensing and Registration Committee reject the application based on the information it receives, the existing prohibition on street trading in the designated streets will continue.

Background papers

- Local Government (Miscellaneous Provisions) Act 1982
- Durham County Council's Street Trading Policy

Other useful documents

- None

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 will have to take place which could influence the final decision.

Equality and Diversity / Public Sector Equality Duty

There are no equality or diversity implications

Human Rights

There are no human rights implications

Crime and Disorder

There are no crime and disorder implications

Staffing

There are no staffing implications

Accommodation

There are no accommodation implications.

Risk

Failure to follow the statutory process could result in challenge and reputational damage.

Procurement

There are no procurement implications

Appendix 2: Former District of Derwentside Street Trading – current designations under the Local Government (Miscellaneous Provisions) Act 1982

Extract from Street Trading Application Form:

DERWENTSIDE AREA

The following streets are designated as Prohibited Streets which means Street Trading will not be permitted in these areas:

Stanley Town Centre

Front Street, Front Street [pedestrian] Clifford Road, Ritson Street, Mary Street, Thorneyholme Terrace, Rear Front Street [the road running between Stanley Bus station and the old co-op building leading to Clifford Road].

The prohibited streets set out above are prohibited at all times except for the Sunday of every week when they are classed as consent streets, only, between the hours of 6am and 6pm.

Appendix 3: Request from Stanley Town Council

From: Alan Shaw <alan.shaw@stanley-tc.gov.uk>
Sent: 23 January 2019 10:41
To: Owen Cleugh <owen.cleugh@durham.gov.uk>
Subject: Street Trading Restrictions in Stanley

Dear Owen,

I am writing to follow up from our telephone conversation yesterday, where we discussed the restrictions on street trading in force in Stanley Town Centre under the Local Government (Miscellaneous Provisions) Act 1982.

As we discussed, the present situation is that street trading is prohibited in the following locations in Stanley Town Centre:

Front St,
Clifford Rd,
Ritson Rd,
Mary St,
Thorneyholme Terrace and
the rear of Front St

The Town Council's view is that this position is overly restrictive. Stanley Front Street is a wide pedestrianised space on which the Town Council regularly holds community events. The prohibition has meant that we are unable to offer food concessions or other stalls unless we are able to 'piggyback' on the current market operator's licence, which is far from ideal. It also means we are unable to offer occasional events such as farmer's or specialist market days, food fairs or craft fairs in Stanley to help support the retail offer in the town.

Therefore, on behalf of Stanley Town Council, I am requesting that the County Council review the current status of these streets with a view to altering their designation to consent streets.

Yours sincerely

Alan

Alan Shaw
Town Clerk
Stanley Town Council

Civic Hall | Front Street | Stanley | DH9 0NA
Tel: 01207 299109

www.stanley-tc.gov.uk

**Appendix 4 Pre-statutory consultation/liaison responses received
from responsible authorities and County Councillors
representing Barnard Castle**

a. Email from Licensing Manager to Responsible Authorities and Local Councillors

From: Craig Rudman

Sent: 25 January 2019 10:56

To: Maxine Stubbs <Maxine.Stubbs@durham.pnn.police.uk>; Dave Lewin <dave.lewin@durham.gov.uk>; Laura Cloney <Laura.Cloney@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>; Keith Jameson <keith.jameson@durham.gov.uk>; Wendy Benson <Wendy.Benson@durham.gov.uk>; Jackie Donnelly <Jackie.Donnelly@durham.gov.uk>; Paul Emerson <Paul.Emerson@durham.pnn.police.uk>; Dean Haythornthwaite <dean.haythornthwaite@durham.pnn.police.uk>; Stephen Ragg <Stephen.Ragg@durham.gov.uk>; Sarah Eldridge <Sarah.Eldridge@durham.gov.uk>; Cllr Lyn Boyd <Lyn.Boyd@durham.gov.uk>; Cllr Carl Marshall <carl.marshall@durham.gov.uk>

Cc: Owen Cleugh <owen.cleugh@durham.gov.uk>

Subject: Street Trading in Stanley

Dear Members, Officers and colleagues,

DCC/EHCP/Licensing Services have received a request from Alan Shaw, Town Clerk on behalf of Stanley Town Council to consider changing the current designation of the listed prohibited streets in Stanley (see email below). 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 email copied below. The prohibited streets in Stanley are also listed below.

The first stage of any designation or re-designation process is a pre-consultation. This will then 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 the Stanley Town Council. If the process is supported by senior management, the matter would eventually be decided on by DCC 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 your opinions, any 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.

The following streets in Stanley are designated as Prohibited Streets which means Street Trading will not be permitted in these areas:

Stanley Town Centre

Front Street, Front Street [pedestrian] Clifford Road, Ritson Street, Mary Street, Thorneyholme Terrace, Rear Front Street [the road running between Stanley Bus station and the old co-op building leading to Clifford Road].

The prohibited streets set out above are prohibited at all times except for the Sunday of every week when they are classed as consent streets, only, between the hours of 6am and 6pm.

Regards

Craig

Craig Rudman

Licensing Manager

Regeneration and Local Services

T: 03000 260090

E: craig.rudman@durham.gov.uk

Web www.durham.gov.uk

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b. Email from Maxine Stubbs Durham Constabulary Traffic Management

Dear Craig,

I have considered this from a Police Traffic Management perspective and would lend support to changes for Front Street and Clifford Road which, as indicated, are semi pedestrianised areas through the Town and Country Planning Act 1971, the 1974 Order (*The Conversion of Highways into Footpaths or Bridleways (County Durham (No 1.) Order 1974*) – although not fully pedestrianised as the Order allows exemptions for access including blue badge holders.

With regard to Ritson Road and Mary Street these roads are open to the free passage of vehicles every day. While the streets are in the main governed by parking restrictions, the footpaths are not that wide and visibility around the corners of Ritson Street and Mary Street (section of road running parallel to Clifford Road) is limited. Therefore, on road safety grounds, the locations do not lend themselves to street trading. However, if the roads were closed as part of an event footprint then no objection would be raised to street trading in these circumstances as moving vehicles would not be a feature.

With regard to Thornleyholme Terrace, again this road is open to the free passage of vehicles every day and can get quite busy with residents and town visitors looking for unrestricted parking spaces and not least as a main access route to St Patricks School. This street is well parked up most days and the footpaths are not that wide. This is a no through road with many vehicles executing turning manoeuvres in the street so that they can leave the area via the route they entered. Given this, on road safety grounds, the location does not lend itself to street trading. However, if the roads were closed as part of an event footprint then no objection would be raised to street trading in these circumstances as moving vehicles would not be a feature.

With regard to Rear Front Street, support is given to changes for that part behind the Bus Station which has been pedestrianised so long as any trading does not compromise safety for access to and from the bus station building particularly in the event any evacuation of the bus station is required. For that part of Rear Front Street which remains open to traffic movements street trading would not be supported unless as part of an event road closure.

Comments forwarded for consideration.

Yours sincerely

Maxine Stubbs

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. Email from Jackie Donnelly Principle Projects Officer REaL

Hi Craig

With regard to the request from STC to consider changing the current designation prohibited streets in Stanley to consent streets the CED Team have the following comments for consideration;

Agree that Front Street and Clifford Road become consent streets. They form the core retail offer in the town centre and economic activity in these specific areas would have a positive economic benefit. If the request is being made to support the Town Councils town centre activities it should be noted that DCC are planning future public realm improvement works on the north end of Front Street in 2019/20 and additional proposed works on Clifford Road after that.

With regard to Mary Street and Ritson Street these are residential streets. Major development is planned in this area which will increase vehicular activity in this vicinity. The rear of Front Street has recently seen an increase in vehicular activity due to the opening of the new Aldi Store and associated car parks. This area also acts as a service road for the businesses who operate from the rear of Front Street. I would therefore advise these areas remain prohibited.

Happy to discuss further if required

Many thanks

Jackie

PUBLIC NOTICE

**Schedule 4 paragraph (2) of the
Local Government (Miscellaneous Provisions)
Act 1982 - Durham County Council intends to
change the designation of streets in Stanley from
'prohibited streets' 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 the following streets in Stanley Town Centre: Front Street, Front Street [pedestrian] Clifford Road, Ritson Street, Mary Street, Thorneyholme Terrace, Rear Front Street [the road running between Stanley Bus station and the old co-op building leading to Clifford Road], from their current designation of Prohibited Streets to Consent Streets in accordance with the provisions of Schedule 4 paragraph (2) of the Local Government (Miscellaneous Provisions) Act 1982.

This statutory notice is published following the Regeneration and Local Services Management Team's decision on Thursday 21st February 2019 to support a request from Stanley Town Council to change the existing designation of all prohibited streets in Stanley Town Centre to Consent Streets.

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 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 being made in respect of any re-designation of the streets 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 18th April 2019



**Joanne Waller
Head of Environment,
Health and Consumer Protection
Durham County Council, Annand House
John Street North, Meadowfield, Durham, DH7 8RS**