

---

### Appendix 3: Consultation Responses

---

Respondent Comments	Licensing Services Comments
<p>1. Keith Jameson Traffic &amp; Community Manager Durham County Council Green Lane Offices Spennymoor County Durham DL16 6JQ (03000) 263690</p> <p>I presume Craig's main concern is the designed Market Place areas such as Bishop Auckland, Barnard Castle, Crook etc. some of which are covered by LGMPA1982, but I suspect Craig will also wish to cover the many shopping streets where it is known that traders do congregate.</p> <p>Looking further afield, Highways continue to have problems with the likes of Burger Vans applying for trade from the public highway whether this is from a lay-by or a street. I know that the former Wear Valley District Council licensed a couple of lay-bys and I seem to recall this did not rest well with DCC Legal Team when this was brought into question.</p> <p>Also, I am sure Craig will be mindful of the Highways Act 1980 (Section 147A) which prevents trading from public highway. Many take this provision as read, but the small print in the Act means the provisions only apply to lay-bys adjoining a principal 'A' class road therefore in many cases we are powerless to take action.</p> <p>The issue of Burger vans remain an on-going concern as we do receive complaints from motorists and nearby commercial premises / residential properties. We typically tend to tolerate burger vans knowing they provide a vital service to motorists who wish to take a</p>	<p>The policy will apply to the areas of the County with designated streets.</p> <p>Points noted.</p> <p>Points noted.</p> <p>Points noted.</p>

<p>break from driving. As such, we tend only to act on complaints that arise and this task can be difficult to control. What I am alluding to is some form of licensing for burger vans also but this may not rest well with our legal team??</p> <p>I above tend to bring with it the issue of illegal advertising signs e.g. 'A' frames being located on public highway land, which are considered obstructions to the right of passage under S137 Highways Act. Maybe this too could be given some consideration within Craig's Policy.</p> <p>Finally, we also have problems at Election times with certain Political parties setting up stalls in shopping streets, which again brings complaints. This too I believe should be covered by the Policy.</p> <p>I have known Craig for many years and I am happy to work with him if we feel there is benefit in tackling some of the above matters as part of his policy.</p>	<p>Issues involving obstruction of the highway are covered in the policy.</p> <p>Such activities do not constitute street trading and are outside the scope of the policy.</p>
<p>Sgt 413 Steve Norris Durham City Beat Team New Elvet Durham 01913752813 07970983735</p> <p>The issue of street trading is one that I have an interest in, as you are probably aware it can be quite a problem in Durham City and it is an issue that I am keen to be involved in. If you or the county council want, any police input I am more than willing to assist in the process.</p> <p>In addition, will the new policy look at Buskers? They too, cause us problems in the city.</p>	<p>Points noted.</p> <p>Such activities do not constitute street trading and are outside the scope of the policy unless they also engage in street trading activities..</p>

**From:** Vincent Addison Durham  
Constabulary

This is an interesting reply from our Sgt at Seaham.

I worked at the Lumiere event in Durham and saw a similar problem there (you'll no doubt be aware of the issue too?)

**NOT PROTECTIVELY MARKED**

---

**From:** James Peel  
**Sent:** 28 December 2011 10:46  
**To:** Vincent Addison  
**Subject:** RE: [NOT PROTECTIVELY MARKED]

**NOT PROTECTIVELY MARKED**

The only street trading in Seaham is at the market on Friday mornings to which you are not including however during last years fire work display a number of Eastern Europeans were selling lights and toys on the streets, much to the annoyance of the Round Table who were selling similar items. I checked the pedlars certificates and they weren't issued by DCC but mainly Greater Manchester Police, at the time of checking at 7pm I had no way of confirming whether the identification was genuine.

This has been the only issue I have experienced with regard to street traders.

Point noted.

Point noted.

Pedlars and their trading activities are outside the scope of the policy because they are currently exempt from street trading legislation.

**From:** Carol Feenan  
**Sent:** 27 January 2012 19:01  
**To:** Helen Johnson; Craig Rudman  
**Subject:** Street Trading

**A few points for the Street Traders Consultation:**

If this were to go ahead, I'd like to have involvement in approving requests for Permits in Durham City Centre, I'd want to safeguard my existing Rate Paying Businesses (e.g. wouldn't want a Calendar seller to tip up outside of Card Warehouse in the Market Place).

I think the blanket approval of permits that would last for 12 months is far too long, we could approve a permit to a particular seller where nothing of that type surrounds the pitch we agree with him/her, but then find a business rate payer opening up after a few months adjacent to him.

Also, if we have a Hog Roast Street Trader (with a permit with 'x' months to run) pitched up next to a A3 or A4 Property we're trying to fill, they would be put off leasing the premises knowing they have this competition with a Permit that has 'x' amount of months to run!

Also, when/if these permits are agreed to be issued and they are for pitches in Durham City Centre, I would like to be in a position to charge them ground rent.

**Sent:** 22 April 2013 11:37

As promised at our last meeting, please see below my draft outline for Acceptable Trading in the Market Place, as a starting point for everyone to kick about/debate etc:

**Quality:**

Appearance - vintage/antiquated eg bicycle ice cream seller

Product - no fast food unless on Market Day or part of a Market Place event

**Standards of Expectation:**

All vehicle body work to be rust free, with no engine oil emanating onto the Market Place road surface

All waste to be taken off site at the end of the trading period

The City Centre Management Team/RED will be consulted in relation to applications for street trading consents in the market Place in the City Centre.

Points noted.

The City Centre Management Team/RED will be consulted in relation to applications for street trading consents in the market Place in the City Centre.

This is a matter for RED and is outside the scope of the policy.

Points noted. The City Centre Management Team/RED will be consulted in relation to applications for street trading consents in the market Place in the City Centre.

There will be a general presumption that we will normally refuse street trading

<p>No external generators</p> <p><b>Regularity</b> Monday to Friday, first week of every month</p> <p><b>Where:</b> Outside of seating area (ie backing upto seating), facing WHSmith, Card Warehouse, Lloyds Bank</p> <p><b>How many:</b> No more than 3 at any given time.</p> <p>Carol Feenan Durham City Centre Manager County Durham Best Bar None Manager PHYSICAL DEVELOPMENT TEAM Durham County Council Tel: 0191 3831898 or 07584 217019</p>	<p>authorisations for Individual applications for street trading in 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</p> <p>Points noted. The City Centre Management Team/RED will be consulted in relation to applications for street trading consents in the market Place in the City Centre.</p>
<p><b>From:</b> Kate James <b>Sent:</b> 30 January 2012 13:22 <b>To:</b> Alison Foggon; Craig Rudman <b>Subject:</b> RE: Invitation to comment on future street trading policy</p> <p>If we are to continue programming into the city spaces it is essential that some element of flexibility is built into the licensing arrangements. This would be to be allow for the following:</p> <ul style="list-style-type: none"> <li>· Displacement of existing traders from the Market Place, primarily on a Saturday during the day. The current arrangement where festivals must compete with the traders is totally unworkable and is likely to result in festivals no longer programming into this area on a Saturday.</li> <li>· One-off, curated markets as part of major festivals (a potential significant revenue driver for the festivals programme). The key word here is <b>curated!</b></li> <li>· Food and drink provision at major events. Even when all the</li> </ul>	<p>There two main issues in relation to street trading in County Durham: The 'correct' designation of streets and areas for street trading purposes and the 'way' in which the traders and their applications are dealt with by the authority (the procedures, rules, fees, application/re-application processes and enforcement etc.).</p> <p>The County (licensing) policy on street trading brings the various different existing processes and procedures together under one umbrella. This policy I includes matters to do with the application process and the consultations that will take place when the Council is looking to designate/re-designate streets etc. as either prohibited, licence or</p>

established retailers remain open we still cannot cater for a large festival audience. Additional, temporary food and drink retailers are required to increase the dwell time in the city at events. These need to be pushed towards the edges of the city as food and drink areas tend to generate static crowds which only add to the congestion experienced at most major festivals when they have to be situated in the two main squares (Market and Millennium Place).

Another consideration is the 'policing' of illegal traders and the enforcing of guidelines. Lumiere was plagued by numerous pedlars selling cheap plastic lights, which not only looked awful, but added significantly to the congestion as the traders stood in the middle of the main streets. The police did not view managing illegal traders as part of their role, so who is responsible?

Obviously I appreciate that there are numerous considerations to weigh up - these are just the elements directly impacting on the festivals programme.

**Kate James**  
**Festivals and Events Manager**  
**Visit County Durham**

**03000261229**  
**07792678359**

**Visit County Durham**  
**2nd Floor, 17 Claypath, Durham DH1**  
**1RH**

consent AND when a person applies or reapplies for a licence or consent to trade.

Most of the streets around the market place are prohibited streets at the moment. The prohibited streets around the Market Place are a specific area-based issue and would not appear in the Street trading policy. However, the policy indicates *how* DCC will consider areas of the County for the control of street trading. If any individual or organization is advocating the removal of the current street trading prohibitions in Durham City or a change in the designations this should be made as a formal request so it can be formally considered by the Director.

Markets per se are outside the remit of street trading policy and are subject to market strategy which has recently been subject to review. If a market wished to be placed somewhere other than a current designated market area, then unless the new area/market had been designated as such e.g. under the Food Act 1984, the 'market' would be classed as street trading and then be subject to any existing prohibitions, consent or licence requirements.

We are currently bound by the designations of the streets as they currently are - if you want the designations changed a formal request to do so need to be received so it can be looked into.

We can process applications for street trading on current or future 'Licence' or 'Consent' streets and rely on the responsible and relevant authorities to give their views, opinions and advice during the application process or during e.g. SAG approval processes.

The policing of street trading normally falls to the Licensing Enforcement

	<p>service. However, resources are limited and we do not have personnel who can attend each and every festival or event.</p> <p>Pedlars are policed by the police and pedlars are certificated (or should be) by the police, not by the Council. A certified pedlar can trade anywhere on the street throughout the Country and are not subject to consents, licences or street trading prohibitions.</p> <p>If the Council wants to alter the current designations Licensing Services would work with whatever was decided - again, the policy is only part of this and is needed to unify our approaches and processes. The decisions in relation to which streets should be subject to which kind of street trading designation if any are outside the scope of the policy</p>
<p><b>Received from Sandra Robertson Heritage, Landscape and Design Team Leader 02.02.12</b></p> <ul style="list-style-type: none"> <li>• consider potential affect on adjacent businesses as potential conflict if street traders are selling similar goods, competition may contribute to closures and empty shops (which is a team concern). Is it normal or appropriate for businesses to be consulted on specific licence applications, perhaps this should be considered, if not</li> <li>• not withstanding the above, seasonal considerations may be appropriate, i.e. traditional ice cream barrows in summer, hot roast chestnuts Winter/Christmas, etc. could add character to street environment</li> <li>• regular siting of burger vans, particularly in Conservation Areas, to be reconsidered as competition to nearby take away businesses may contribute to closures and empty shops. Also litter problems</li> </ul>	<p>Points noted however, fair and open competition is enshrined in European trading legislation. This is the area of UK street trading law that appears to conflict with the European Services Directive and the Provision of services legislation.</p> <p>Points noted</p> <p>Points noted</p>

<p>and other anti social behaviour problems associated with such</p> <ul style="list-style-type: none"> <li>• perhaps additional controls should apply within Conservation Areas, i.e. requirement for Conservation Officer to be consulted</li> <li>• is it intended to control buskers and beggars, perhaps consideration of appropriate controls should be included i.e. if buskers allowed, time limit to specific locations, as could be off putting and some businesses do complain.</li> </ul> <p>Craig - we are currently surveying and preparing a Draft Durham City Conservation Area Appraisal ready to commence open public engagement in early March. Street character and what influences it, is an important part of the remit. I would appreciate being kept in your loop for future comment and influence if relevant, to ensure joined up thinking Corporately.</p> <p>Sandra Robertson Heritage, Landscape and Design Team Leader Environment and Design RED Durham County Council County Hall Durham DH1 5UQ</p> <p>0191 383 4015 <a href="mailto:sandra.robertson@durham.gov.uk">sandra.robertson@durham.gov.uk</a></p>	<p>Points noted. The City Centre Management Team/RED will be consulted in relation to applications for street trading consents in the market Place in the City Centre.</p> <p>Pedlars and their trading activities are outside the scope of the policy because they are currently exempt from street trading legislation. Buskers are not within the scope of this policy unless they also engage in street trading activities.</p> <p>Points noted.</p>
<p><b>Received from Mel Campbell on Friday 10<sup>th</sup> March 2012</b></p> <p>Further to your letter to Adults Wellbeing and Health Service Grouping I would like to make the following comments in relation to the consultation on future street trading policy in County Durham.</p>	

At a recent DCC cross service workshop an audit of service provision against the NICE CVD assessment tool was made. Participants noted that street trading particularly of fast food was potentially undermining the work of local agencies in tackling diet and obesity in our schools. We would be keen therefore to follow the example of other local authorities and explore the use of an exclusion zone or other such measure that could ensure that the availability of fast foods from street traders was limited within the proximity of schools and particularly during school lunch times and after school.

Looking more broadly to the issues of fast foods and the rising problem of obesity across our county, we would wish to use any licensing or other measure available to the local authority to restrict street trading particularly where harmful trans-fatty acids and highly saturated fats are used together with high levels of salt. You may be aware that we are in the process of developing a Healthy Food Award, which we are seeking to use to highlight good practice in fast food provision, so any licensing restriction would be seen within the context of rebalancing fast food towards more healthy practice.

I am aware that you may require some details and further information about the levels of obesity and the impact of fast food trading upon heart disease in County Durham, and will be happy to forward this on to you

Melanie Campbell

There will be a general presumption that we will normally refuse street trading authorisations for street trading involving the sale of takeaway foods in consent areas close to schools and other children's educational facilities.

Points noted however, the ability to control the types of foodstuffs available would be limited to those, which have legal restrictions applied to them. Fair and open competition is enshrined in European trading legislation. This is the area of UK street trading law that appears to conflict with the European Services Directive and the Provision of services legislation.

The Licensing Manager is a member of the Public Health, Food and Health Working Group. He will feed back issues that may positively influence the future development of this policy in the area of healthy eating.