

## Appendix 3: Consultation Responses

### A. Correspondence inviting responses from consultees

**From:** Craig Rudman

**Sent:** 26 August 2015 16:44

**To:** Dave Lewin; Dave Wafer; Keith Jameson; Tony Forster; Colin Dobson; maxine.stubbs; Bryan Smith - Litigation Manager (Res); Graham Wood; Simon Goon; Development Control; Transport Infrastructure; Neighbourhood Services Licensing Enforcement; Neighbourhood Services Licensing

**Cc:** Cllr Colin Carr; Cllr Bob Glass; Cllr Linda Marshall; Cllr David Stoker; Cllr David Freeman; Cllr Richard Ormerod

**Subject:** Street Trading in Durham City - consultation on re-designation of streets request by Durham BID

**Importance:** High

Dear Members, Officers and other colleagues,

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

With the above in mind, we (DCC/EHCP Licensing Services) have received a request from Durham Bid to consider the re-designation of a couple of streets in the centre of Durham City, namely Framwelgate and Elvet Bridges. Their request is for a re-designation of the two bridges from being 'prohibited streets' (where no street trading can take place) to 'consent streets' (where street trading could take place subject to the grant of a consent). Please see attached.

NMST has recently instructed EHCP/Licensing Services in relation to the advertising and consultation stages of the statutory process involved. The first stage of the agreed DCC process is a pre-consultation leading to an advert being placed in a local newspaper inviting comments and observations from the public in relation to the proposal/request by the BID.

In advance of that statutory public consultation I would be grateful if you would consider the BID's request from your own professional perspective and provide me with your opinions, concerns or comments on the proposal. We will be advertising the request very shortly and we will ultimately collate all of the responses we receive and present them to the General Licensing and Registration Committee for consideration. That committee has delegated authority to decide whether or not to make a further advertisement showing the council's intention to re-designate the streets at these locations should they choose to do so. Alternatively, depending on the outcome of this pre-consultation process the committee may decide to keep the current street designations which prevent any street trading from taking place at these locations.

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 comments to make in relation to this proposal.

Best regards

Craig

**Craig Rudman**  
**Licensing Manager**  
Neighbourhood Services

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**B. Advert in Northern Echo inviting responses to consultation (Interested Parties)**

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

**PUBLIC NOTICE of consultation on proposal to re-designate two Prohibited Street trading areas to Consent Street trading areas in Durham City**

Notice is hereby given to inform all interested parties that Durham County Council has been requested to re-designate Framwellgate Bridge and Elvet Bridge in Durham City from their current status as Prohibited Streets to Consent Streets for trading purposes in accordance with the provisions of Schedule 4 paragraph (2) of the Local Government (Miscellaneous Provisions) Act 1982.

This consultation is published following a request from the Business Engagement Manager acting on behalf of the Durham Business Improvement District (BID).

Any representations for or against this proposal 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 before any further statement of intent or resolution is decided upon in respect of any permanent re-designation of the areas detailed above.

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

Dated 27<sup>th</sup> August 2015

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

## **C. Responses from consultees (relevant and responsible authorities)**

### **C1. Response from Dave Lewin, Strategic Traffic Management**

**From:** Dave Lewin  
**Sent:** 27 August 2015 13:46  
**To:** Craig Rudman  
**Cc:** Keith Jameson; Dave Wafer  
**Subject:** RE: Street Trading in Durham City - consultation on re-designation of streets request by Durham BID

Hi Craig

My only comment would be Fram Bridge and Elvet Bridge are open to traffic before 10am and after 6pm so any consent should only be granted for set up and trading outside of those hours ie only between 10am and 6pm.

Regards  
Dave

**Dave Lewin**  
Section Manager  
Strategic Traffic Management  
Regeneration & Economic Development  
Room 4/103-112, County Hall, Durham  
DH1 5UQ.

 03000 263582  
e  [dave.lewin@durham.gov.uk](mailto:dave.lewin@durham.gov.uk)



## **C2. Response from Carol Feenan, Regeneration & Economic Development**

**From:** Carol Feenan

**Sent:** 02 September 2015 14:44

**To:** Tony Forster; Craig Rudman

**Subject:** RE: Street Trading in Durham City - consultation on re-designation of streets request by Durham BID

Hi Craig

The ability to allow occasional Street Trading on the 2 Bridges, would provide a valuable opportunity to give us a tangible link from the centre of the city to the fringes of the city centre and enhance the visitor experience, whilst driving footfall across all areas of the city centre and I would support and welcome this development.

Best regards

Carol Feenan  
City Centre Manager  
STRATEGIC INVESTMENTS  
Regeneration & Economic Development  
DURHAM COUNTY COUNCIL

## **C3. Response from Maxine Stubbs, Cleveland and Durham Specialist Operations Unit**

**From:** Maxine Stubbs

**Sent:** 28 August 2015 10:25

**To:** Craig Rudman

**Cc:** Colin Dobson; David Coxon

**Subject:** 834 - Street Trading in Durham City - consultation on re-designation of streets request by Durham BID - Ack

**Importance:** High

Dear Craig,

Thank you for your e-mail with regard to the proposed re-designation of Elvet Bridge and Framwellgate Bridge, Durham City, from Prohibited Streets to Consent Streets.

Having considered this proposal from a Police Traffic Management point of view I would offer the following comments.

First the rationale behind this request made by Durham BID is acknowledged in that they are attempting to increase trade by improving the overall experience for visitors to Durham City and encourage those visitors to experience what has to be offered in the City beyond Silver Street and the top of Elvet Bridge i.e. trying to draw more footfall into the North Road and New Elvet areas of the City Centre.

In recognising this aspiration, it is understandable why the application has been made to undertake activities on the two bridges which will assist in drawing visitors out of the immediate centre and beyond these “sterile” areas.

The above said, in acknowledging and recognising the aspirations behind the request, due account must be given to the potential safety aspects associated with the proposed re-designations.

As you will appreciate we must consider what impact this will have, not just on the general safety of the public, but also the necessary emergency service access to and through these sections of road.

It is critical that in considering any changes, that these proposed re-designations do not prohibit or make it difficult for the blue light services to pass over Framwellgate and Elvet Bridges at any time.

Further, due account must be taken that if any structures are located on the bridges up to the bridge parapets to facilitate activities, particularly if they remain in situ on an evening, should the designation be changed, that they do not encourage the minority to climb onto the structures as this could potentially result in a fall over the bridge parapets into the river below.

If the majority are in favour of changing the designation of these two bridges then, it is my view that, in granting the re-designations any activities on the bridges should be subject of close monitoring and scrutiny and that the following conditions be included in any permissions:

- a) That a fully unobstructed route be maintained at ALL times for possible emergency service access to and through the localities (preferably through maintaining unobstructed use of the two paved tracks across the bridges).
- b) That any structures placed on the bridge, which will be placed in close proximity to the bridge parapets, will be removed at the end of the day.
- c) Where any events lasting longer than 1 day suggests that structures will be left in place overnight for the duration of that event, then some form of security be put in place to ensure those structures don't become “climbing frames” on an evening with the possibility of the anti-social activity resulting in falling off into the river below.
- d) That any events on the bridges, which are likely to see footfall and static crowds greater than normal foot fall, be stewarded to maintain through footfall for those not wishing to participate/enjoy the activities being held on the bridges and to assist in managing crowds should blue light access to/across the bridges be required.
- e) That should other large scale events be held in the City Centre which necessitates the bridges to be free of obstructions, especially in the case of a need to evacuate the City Centre (e.g Lumiere), that the use of those bridges should be suspended for any use other than associated with the large scale event.

I hope you find the above comments pertinent in relation to this application. Should you wish to discuss any aspect further then please do not hesitate to contact me.

Yours sincerely

Traffic Management Officer  
Cleveland and Durham Specialist Operations Unit  
Wesleyan Road  
Spennymoor

Co. Durham  
DL16 6FB  
Tel Internal: 74 2707



#### **C4. Response from Dominic Brown, Durham and Darlington Fire and Rescue Service**

**From:** Dominic Brown  
**Sent:** 09 September 2015 08:13  
**To:** Craig Rudman  
**Cc:** Cllr Bob Glass; Keith Wanley  
**Subject:** FW: Responsible Authority: CD&DF&RS Street Trading in Durham City - consultation on re-designation of streets request by Durham BID  
**Importance:** High

Dear Craig,

In reply to the consultation on the Street Trading in Durham City - consultation on re-designation of streets request by Durham BID:

The Regulatory Reform Order (RRO) does technically apply to any workplace including any tent or moveable structure, however as the RRO (Fire Safety) is based round safe means of escape, market stalls would not normally concern us as they have no means of escape issues. However depending on the type of structures that could be used, e.g. closed sided marquees or other structures with means of escape issues, then the RRO would place a requirement for a fire risk assessment to be completed by the responsible person. As a Fire Service we do not have any objections to the re-designation of these two areas but would request that any applications for events in these areas that may involve more complex marquee style structures, go through the SAG where the FRS will be able to advise accordingly on a case by case scenario as happens in other areas of the city.

I hope this feedback meets with the level of information you require but if you need any additional information please do not hesitate to contact me or a representative of the legislative Fire Safety section.

Thank you

**Dominic Brown**  
**Area Manager – Training & Risk**

## **C5. Response from Tony Forster, Economic Development & Regeneration**

**From:** Tony Forster

**Sent:** 08 September 2015 10:19

**To:** Owen Cleugh - Consumer Protection Manager (N'hoods)

**Subject:** Consultation of Street trading

Owen, the City Management & Maintenance Group discussed this yesterday. The meeting supported the proposal for the two bridges to be re-designated as 'consent streets'. The suggestion was welcomed providing an operational framework could be applied to what activities went on the bridges and at what time. For instance Dave Lewin referenced the need for certain vehicles to have access over the bridges for deliveries etc. I'm sure Dave will have replied direct as part of the consultation exercise but limiting activities to say between 10am and 6pm was referenced. Brian Kitching also welcomed the proposal from his service view point. Peter Dunn mentioned chalets (as previously mentioned by the Bid) would require consent. This consent was unlikely to be received, so it will likely need us to offer/set some parameters for people wanting to do things on the bridge in the future, if this is approved.

Apologies if I'm stating the obvious above, just wanting to provide some context and let you know who said what.

Overall though, the proposal was actually seen as a positive thing.

Cheers

Tony

Tony Forster  
Regeneration Manager – Durham City  
Economic Development & Regeneration  
Durham County Council

Tel: 03000 262044