

**CRITERIA FOR THE
ESTABLISHMENT OF
STREET VENDING, TRADING AND
STREET CAFES**

POLICY

The Borough Council will consider granting licences and planning permission where such development WILL:-

- (a) not obstruct the movement and safety of pedestrians, prams and wheelchairs;
- (b) not adversely affect the visual quality and character of the area;
- (c) not adversely affect the setting of a listed building;
- (d) not adversely affect the amenity of and access to properties in the vicinity;
- (e) not cause disturbance to occupants of residential properties and other activities in the vicinity;
- (f) not obstruct fire engines, ambulances and other emergency vehicles;
- (g) not interfere with the operation of the Council's Street markets; or
- (h) not be exempt from any market byelaws, regulations or tolls should it fall within a defined market area.

Applications will be considered against the following guidelines.

General Conditions

1. A minimum width of 1.8m of unobstructed highway/footpath is required for pedestrians and their needs must be paramount, nor should they be diverted from their main route. The defined area must not conflict with other accesses nor dropped crossings required for the free passage of normal road users. Additionally on bus routes 2.3m of unobstructed footpath will be expected. In some locations where there are heavy pedestrian flows or street furniture on the highway, then additional free space may be required.
2. Emergency accesses must remain clear at all times, on all streets including fully and partly pedestrianised areas. If the emergency services, including the police, object to a proposal on safety grounds then the Borough Council may reject an application for a licence or planning permission for those reasons.
3. Objects and structures, including tables and chairs, should be placed so as not to obstruct drivers' sight lines or highway signs.
4. The route left available on the public highway for pedestrians to move through and on should be clearly defined and free from obstructions. The positioning of objects and structures, including tables and chairs, should never discourage pedestrians from using the footway.
5. In general, tables and chairs, barriers and other equipment will be allowed between the hours of 08.30 and 23.00 daily, and should be removed and stored internally outside of those hours to help prevent clutter on the streets and ensure furniture is not used for, or becomes a target for vandalism. In some areas different hours may be required for noise or traffic reasons.
6. Where planning permission is required, a licence will not be granted unless the relevant permission has been obtained.
7. No form of amplified music shall be permitted.
8. Operators will be required to demonstrate that they have an appropriate level of public liability insurance.
9. Nothing in this policy will override the Council's existing byelaws, regulations and rights to tolls etc. in respect to its street markets.
10. The operators will be responsible, at their own cost, for ensuring that the vicinity of the facility shall be kept in a clean and tidy condition at all times during the permitted hours. Proper receptacles for the deposit of any refuse shall be provided.
11. The consent holder shall not damage or deface the site in any way nor cause any hot fat to be deposited. The consent holder shall be responsible for the cost of repairing any damage to the site.

Conditions Specific to Cafes

1. Outdoor cafes will only be acceptable if they are located adjoining a premises used as a cafe and must be carried out as part of the business of that cafe. Tables must be serviced directly from immediately adjacent premises, where the food is prepared and sold, and where there is an approved food use.
2. Tables and chairs on the public highway should be positioned to allow safe passage of pedestrians, wheelchairs and prams, the blind and visually impaired. They must be within an agreed and defined area. This area must be defined by a barrier which includes "tapping rails" or other agreed means of demarcation at a low level. Barriers are to stop encroachment on the rest of the highway being used by pedestrians and vehicles. Tapping rails are for the benefit of the visually impaired or blind. A tapping rail should be at least 150mm in height set with its lower edge 300mm above the ground surface.
3. Barriers and tapping rails should be positioned at either end of the designated cafe area, on the highway at right angles to the building frontage. In busy areas, a barrier and tapping rail will also be required across the front of the designated area to provide additional protection for pedestrians. The barriers and tapping rails should be positioned and maintained to the satisfaction of the Borough Council Engineer and should be totally removed outside permitted hours of operation. It is important that they are designed to enhance the street scene and complement the townscape.
4. Tables and chairs should be placed immediately outside and be visible from the premises, in order to make sure there is adequate supervision for monitoring and safety.
5. Designs for tables, chairs, barriers and parasols/sun shades must be approved by the Borough Council prior to the operation of the street cafe. Plastic tables, chairs or barriers will not normally be permitted. Parasols/sun shades with any form of advertising will not normally be permitted.
6. Customers must be seated at tables and served by staff in recognisable uniform.

Conditions Specific to Street Trading/Vending

1. The sale of food and drink from temporary (ie not built for the purpose of sale of food or drink) stalls or take away food and drink from outdoor sale points will not be acceptable.

ADVICE FOR APPLICANTS OF STREET TRADING CONSENTS

Following a meeting of the Planning Committee on 4th November, 1999, it was resolved that the following advice be given to applicants with Street Trading Consents, seeking planning permission to trade for more than 28 days per annum from Angel Hill:

1. applications will be considered for the siting of an ice cream van or stall on the existing carriageway/car parking area, provided that it is located adjacent to the Tourist Information Centre;
2. applications will be considered for the siting of an ice cream handcart, bicycle or similar non-mechanised modest and transportable structure on the eastern edge of the paved area in the centre of Angel Hill;
3. all vending vehicles/stalls should be in a livery appropriate to the historic setting of Angel Hill, to be approved by the Director of Planning and Transportation in consultation with the Chairman of this Committee;
4. no generator will be used for the provision of power to a vehicle or other structure used for dispensing ice cream;
5. the applicant must ensure that the vehicle or structure is sited in a manner that will not cause any problems for highway safety, in the opinion of, and to the satisfaction of, the Director of Planning and Transportation, in consultation with the Chairman of this Committee.