



CHELtenham
BOROUGH COUNCIL

**Policy for Town Centre Street Activities:
Street Trading
&
Objects on the High way**

(Revised Version 1999)

The Council's policy on the licensing of street activities and objects is guided by the overall principle that street activities should offer added value to the town centre. It was approved by full Council on 27th January 1997 and was further reviewed in 1998/99 and amended by full Council on 1st March 1999.

This policy has been formulated having regard to the findings of an independent study completed in February 1996 by Donaldsons (Planning and Property

Consultants)

Appendix 2

Street Trading

Street trading is regarded as an acceptable activity in Cheltenham town centre, provided that it is selectively located when it can make a positive contribution to the vitality and viability of the town and does not give rise to problems associated with crime and disorder.

The Council and some retailers and property owners have invested considerable funds in creating the pedestrianised areas of the town centre, specifically to make shopping in Cheltenham safer and more pleasant. The purpose of pedestrianisation is to enhance the shopping streets for the benefit of the pedestrian, and therefore the retailers, not to provide an opportunity for additional commercial activity on- street. Such activity can positively detract from the public's use and enjoyment of the paved space by causing congestion, obstruction and visual intrusion. In addition to this the goods for sale may duplicate and therefore conflict or compete with the trade of established shops. The Council is particularly concerned that the mobility difficulties of the disabled and the visually impaired are not exacerbated by unnecessary obstructions.

Despite this restrictive approach, the Council would not wish to prevent a modest amount of street trading in the pedestrianised areas of a type which could positively enhance the enjoyment of Cheltenham town centre as a tourist and leisure destination. In this respect the Council would consider the sale of flowers, which hold universal appeal because of their colour, fragrance and visual attraction, to be appropriate. Cheltenham does, after all, have a reputation for its gardens and floral displays. Additionally, the sale of ready-to-eat 'treat' foods which are synonymous with holiday periods would also be acceptable. For example, ice- creams during the summer months, and hot chestnuts at Christmas. It is not considered that burgers, hot- dogs and sausages fall into this category, because they are not seasonal. To summarise, it is only the sale of perishable goods of a 'luxury' nature which would be acceptable, and foods must be festive (i.e. appropriate to or characteristic of a holiday) and for consumption on Street. Food which is not clearly synonymous with a holiday period is excluded by the policy.

The Crime and Disorder Act stresses the need for positive action to be taken to combat crime disorder and fear of crime. Therefore, prior to granting any street trading consent the Council will pay particular regard to any potential for crime or disorder arising either directly or indirectly from the consent and will give significant weight to the views of the local police and the Cheltenham Crime & Disorder Partnership in such matters. The police hold the view that time consents for fast food sales contribute towards conditions in which crime and disorder occur and such consents will not normally be granted.

The Council has accepted Donaldson's recommendation that the town centre comprises distinct areas with differing historic and commercial character and varying townscape quality, which should be individually developed and promoted as 'quarters'. An integral part of this concept is the creation of strong links between the 'quarters', to bind them together into a complementary but cohesive whole. Linkages will be forged by land use, townscape, signage, minimising physical barriers and so on. The added interest and activity that street traders and entertainers can offer should also be used to reinforce weak links. In this respect, **the Henrietta Street car park Thursday market in the Lower High Street** is assisting in creating shopper interest at a point where linkage is extremely poor; street traders will be encouraged to participate in and therefore consolidate this weekly market.

The contact is Grenchurch Ltd. on (01451) 832275.

Appendix 2

THE COUNCIL WILL NOT NORMALLY PERMIT STREET TRADING IN THE PIEDESTRIANISED ZONES, EXCEPT:

- Organised events promoted/supported by the Council, including Christmas;
- Ready-to-eat foods for consumption on-street, provided that it is festive;
- Flowers

• ELSEWHERE, THE COUNCIL WILL NORMALLY ONLY PERMIT APPLICATIONS FOR STREET TRADING CONSENT IN LOCATIONS WHICH PROVIDE A POSITIVE AND PRACTICAL LINKAGE BETWEEN DIFFERENT 'QUARTERS' OF THE TOWN AS IDENTIFIED IN THE DONALDSONS' REPORT

IN ALL CASES, CONSENT WILL ONLY BE GIVEN IF THE FOLLOWING DETAILED CRITERIA ARE SATISFIED:

1. No street trader may locate in a position which will cause an obstruction to the free flow of pedestrians, or to the access of emergency or service vehicles.

• *No substantial stall will be permitted close to buildings over 9 metres high, to ensure that emergency vehicles can gain access to building frontages. This restriction applies to items that cannot quickly and easily be moved. -*

• *In the interests of Highway safety, no activity will be permitted within a desirable minimum of 2 metres or an absolute minimum of 1 metre of a kerb, at the Council's discretion.*

• *No activity will be permitted within a desirable 4 metres or an absolute minimum of 2 metres of a shop frontage or doorway, at the Council's discretion in deciding the appropriate distance, the need to ensure swift and safe evacuation will be a prime consideration, having regard also to the volume of people likely to be inside the building.*

2. To avoid conflict with the commercial interests of retailers whose premises are in the immediate vicinity, their views will be taken fully into account.

3. Consents will not be granted for the period of any organised event, for trade which is not part of the programme and where conflict with that event is envisaged.

4. The Council must be assured - taking into account the views of the local police and the Cheltenham Crime & Disorder Partnership - that granting the consent will not give rise to problems associated with crime and disorder.

5. To protect the attractiveness of the town centre, which has Conservation Area status:

• *The appearance of a traders business must ideally enhance, or at least not be detrimental TO the street scene. A colour photograph of the business as it would be conducted in the street must be submitted with the application, and precise measurements of height, width and depth. Where the proposed structure has not been constructed, accurate and to scale detailed sketches must be supplied. If this information is not supplied the application will not be accepted.*

• *The trading activity must not cause environmental problems or detract from the amenities of adjacent retailers/occupiers. . For example, there must be no litter problem and smells from food sales, or noise from any type of trade, must not be expected to cause nuisance or annoyance.*

6. Any trading unit must be capable of being easily and conveniently serviced and removed.

Note: the Council's standard conditions will be applied to street trading consents and special conditions may be imposed on individual consents.

Appendix 2

There are activities other than trading which seek a street location; the Council has the power to licence the following by issuing an 'Objects on the Highway Consent'.

Public Interest and Charity Stalls

Campaigns by organisations with a public message political and non-political, and without a motive, do not generally conflict with the commercial interests of retailers, and if limited in number will not interfere with their operational requirements. Such activities, while they can be in the public interest, do not of themselves enhance the family shopping environment and could hinder the free flow of shoppers around the pedestrianised zones. Therefore, the overall number allowed in the town centre at any one time will be limited to four and within that overall limit, no more than one in any pedestrianised zone. Applications will be dealt with on a first come first served basis, and priority given to local organisations, clubs and charities. Examples of the type of activities seeking consent are the Territorial Army, Higher Education establishments, Voluntary Service Overseas, Home Safety, Healthcare, Greenpeace and Friends of the Earth.

Charity collections by hand-held boxes require a street collection permit and are covered by a separate policy.

Some campaigns involve the use of large special exhibition vehicles such as lorries and buses. Vehicle - based campaigns, and LARGE static displays over 2 square metres, will only be permitted on the Imperial Gardens hardstanding and broadwalk, or the Montpellier Gardens broadwalk, subject to compliance with the Council's 'Land Use Policy for Parks' (approved June 1996). Where vehicle-based displays are for charitable or social interest purposes, an alternative location in the Inner Promenade, in front of the Municipal Offices, may be available. This space is only available for one day at a time, no more frequently than twice per month. A single location in the pedestrianised Promenade has also been identified as being suitable for the occasional static display, provided it is no larger than 7.3 x 3.7 metres (24 x 12 feet), is not vehicle-based, and does not involve a parked vehicle.

Tables and Chairs

The Council wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' of Cheltenham because of the added life and vitality this brings to the town centre. To this end, the Council will look favourably on applications by operators in appropriate locations to put tables and chairs on the pavement outside their premises. In considering such applications the Council will give particular cognisance to the Crime and Disorder Act and its responsibilities there under.

Advertising 'A' Boards

It is accepted that some businesses operate from premises which are not in a prominent location and yet rely in large part on passing trade, and it is appropriate to assist in the promotion and success of those businesses to allow the use of 'A' Boards or similar advertising displays. The council does not, however, want to see a proliferation of such items, and will restrict consent to once per business with a clear need. It is not intended that every business in the town centre will be permitted to display an 'A' Board.

Container plant and flower displays

Some traders wish to use these displays outside their premises in order to make themselves more prominent and eye-catching. The Council has no objection to this in principle because, provided that the display is of an appropriate quality, this practice can positively enhance the appearance of the town centre. Containers must comply with requirements in respect of size and location, to prevent obstruction and danger to pedestrians.

Appendix 2

Goods on the pavement

Certain traders, particularly grocers and florists, seek to put goods on display outside of their premises. This can enhance the vitality and vibrancy of the town centre, and is generally acceptable provided the display is not too large and the goods are not hazardous to pedestrians. Particularly in the case of trade in fresh food stuffs, a condition will be attached to any consent, placing responsibility on the trader to ensure that pavement is left clean and tidy after each close of trading.

Entertainment

Activities involving musical or other entertainment will only fall within this Policy if they include placing of object(s) on the highway. The Council generally su entertainment in the streets of the town centre, insofar as those activities do not cause environmental nuisance, do positively enhance the appearance, interest and ambience of the centre, and do not conflict with the operational issues of retailers. 'Busking' is not in itself a licensable activity; however, the Council also operate a Code of Conduct for buskers and street entertaining.

The following policy was drafted having regard to the mobility difficulties of the disabled and the visually impaired. The policy will be applied in the determination of applications to place an object on the highway.

Note: Those applying for a street trading consent do not need to obtain separate consent to place an object on the highway.

NO OBJECT MAY BE PLACED ON THE HIGHWAY WHICH WOULD CAUSE A HAZARD OR AN OBSTRUCTION TO THE FREE FLOW OF PEDESTRIANS, OR TO ACCESS BY EMERGENCY OR SERVICE VEHICLES OR MAY GIVE RISE TO PROBLEMS ASSOCIATED WITH CRIME AND DISORDER, THEREFORE:

- *No substantial stand or event will be permitted close to buildings over 9 metres high, to ensure that emergency vehicles can gain access to building frontages. This restriction applies to items that cannot quickly and easily be moved, including all exhibition vehicles, caravans and roundabouts.*
- *No activity will be permitted within a desirable minimum of 2 metres or an absolute minimum of 1 metre of a kerb, at the Council's discretion.*
- *No activity will be permitted within a desirable minimum of 4 metres or an absolute minimum of 2 metres of a shop frontage or doorway, at the Council's discretion. (This does not apply to display goods or tables and chairs associated with adjacent businesses which meet the Council's other - criteria). In deciding the appropriate distance, the need to ensure swift and safe evacuation will be a prime consideration, having regard also to the volume of people likely to be inside the building*
- *No activity will be permitted where the Council- taking into account the views of the local police and the Crime and Disorder Partnership - consider that crime and disorder problems may result.*

MOTORISED ACTIVITIES WILL NOT NORMALLY BE PERMITTED ON PEDESTRIANISED AREAS BECAUSE OF PROBLEMS OF NOISE, OIL SPILLAGE, FUMES AND THE DANGER TO PEDESTRIANS CAUSED BY POWER CABLES.

Appendix 2

CONSENT WILL ONLY BE GIVEN if THE FOLLOWING CRITERIA ARE SATISFIED:-

1. Consents will not be granted for the period of any organised event, for objects which are not part of the programme and where conflict is envisaged.

2. To protect the attractiveness of the town centre, which has Conservation Area status:-

- The appearance of the 'object' must be ideally enhance, or at least not be detrimental to, the street scene. A colour photograph of the 'object' as it would appear in the street must be submitted with the application, with precise measurements of height, width and depth. Where the proposed structure has not been assembled, accurate and to scale detailed sketches must be supplied. If this information is not supplied the application will not be accepted*
- No object and its associated activity may generate noise which is likely to cause nuisance or annoyance.*

PROVIDED THAT THEY COMPLY WITH THE FOREGOING, THE FOLLOWING ACTIVITIES REQUIRING AN OBJECT TO BE PLACED ON THE HIGHWAY WILL BE PERMITTED:

- Charity and public interest campaigns, local interest and club displays, but no more than four, including one in each pedestrianised zone, and provided that the overall display does not occupy an area more than 2sq Vehicle-based campaigns, and static displays over 2 sq.m will only be permitted on a single pitch in the Promenade, on the Imperial Gardens hardstanding and adjacent paths, and on the Montpellier Gardens broadwalk. These locations are identified on an attached plan, and those within the gardens are subject also to the approval of the Special Events Working Party.*
- Tables and chairs for the consumption of food and drink, provided they are in association with a' business operating from nearby premises.*
- One advertising 'A' Board (or similar object, including container plant and flower displays) per business without direct frontage to normal routes of shopping pedestrian flow. Such objects are subject to a maximum width of 60cm in any direction and height of 1 metre and must be of a colour, design, finish and materials which are of a high standard appropriate to the Conservation Area.*
- Container plant and/flower displays immediately outside of business premises which are for decoration only and do not bear any written advertising, subject to a maximum diameter of 45cm. containers must be of a colour design, finish and materials which are of a high standard appropriate to the Conservation Area. Containers must not be positioned further forward than just in front of the principal building line.*
- Goods displayed for sale by retailers outside of their premises, provided those goods would not be hazardous to pedestrians.*
- Street entertainment where the applicant/organiser undertakes to adhere to the Council approved Code of Conduct.*

Appendix 2

Cheltenham Borough Council

Street Trading/Objects on the Highway

Supplementary Policy

1.0 Purpose

1.1 This document supplements the Council's policy for Town Centre street activities, approved on 27 January, 1997 (amended on 1st March, 1999)

2.0 Scope

1.2 This supplementary policy applies to the positioning of objects on the highway and street trading activities. It details the Licensing Committee's position regarding the acceptance, consideration and determination of applications.

3.0 Tables and Chairs

3.1 With the exception of the pedestrianised area of the High Street between Pittville Street and Winchcombe Street, favourable consideration will be given to applications for the placing of tables and chairs outside the applicant's premises in the Town Centre area subject to sufficient space being present to allow the free-flow of pedestrians to the satisfaction of the Head of Engineering Services.

3.2 Favourable consideration will be given to the placing of tables and chairs outside suitable premises in the centre of the pedestrianised Promenade within the boundary of parallel lines taken from the corner boundaries of the applicants' premises. Subject to:

- No conflict being present to the other users of this area;
- The extent of the area being confirmed as acceptable by the Head of Engineering Services;
- Sufficient space being present outside applicant premises to allow the free flow of pedestrians to the satisfaction of the Head of Engineering Services.

3.3 Permissions for tables and chairs consents will be available on a year round basis.

3.4 Permissions will be subject to conditions as detailed in Appendix B.

3.5 Tables and chairs are to be positioned in areas clearly defined by suitable temporary barriers positioned to the satisfaction of the Head of Engineering Services. The barrier and all furniture shall meet the requirements of the specification which forms part of the conditions subject to which the consent is granted and comply with the council's design guide.

3.6 An applicant will need to satisfy the Committee of a commitment to keeping the highway from being obstructed as a direct or indirect consequence of the tables and chairs being present and that suitable controls to this effect will be in place.

3.7 In considering whether to grant a permission the Committee will have regard to an applicant's previous track record of compliance with the conditions attached to any previous consent he or she may have held.

4.0 Other Activities in Town Centre Pedestrianised Area

4.1 Each application will be taken on its merits within the context of existing policy but a flexible and tolerant view be taken in respect of events, promotions and exhibitions which promote the social, economic and environmental well-being of the town.,

Appendix 2

4.2 Favourable consideration will be given to a fortnightly farmers' markets promoting local food and drink produce in front of the Long Gardens on The Promenade or other locations which maybe deemed to be suitable for such events.

5.0 A' Boards

5.1 Under review.

6.0 Applications

6.1 An application will not be considered unless at least twenty-eight days notice has been given to the Council prior to consideration by the Licensing Committee.

6.2 An application will not be accepted unless it is accompanied by the appropriate fee.

6.3 Late information, or evidence supporting an application or renewal which has not been received at least seven days before the meeting of the Licensing Committee hearing the - application, will not be accepted unless there is a valid and significant reason for the delay and the Licensing Committee agree to accept this as the case. The Licensing Committee, in consultation with their Officers and interested parties, may require an adjournment or take other reasonable steps to ensure that the application is heard properly and fairly.

7.0 Fees

7.1 A fee will be payable within the provisions of the fees scale determined by the Licensing Committee relevant to the period for which the application relates.

7.2 Where an application is unsuccessful the fee will be returned, less an appropriate administration fee.

7.3 Where advertising of the application is required this will be charged at cost and payable at the time of application. It is non-refundable.