

## London Borough of Havering

### Street Trading Policy Statement

Agreed by the Council on <<date>>

Havering Council has, by resolution, adopted Part III of the London Local Authorities Act 1990 (as amended by the London Local Authorities Act 2007 and 2012 and hereafter termed, 'The Act') for the purpose of controlling and licensing street trading within the London Borough of Havering.

Havering Council has adopted Regulations pursuant to Section 27(3) of The London Local Authorities Act 1990 (as amended).

The Council's Regulations set out general terms and conditions which will relate to the licensing of:

- street trading (in designated streets)
- trading from pavement sites contiguous with retail premises
- pavement cafes
- advertising boards

This policy sets out the circumstances which will be considered when deciding to grant licences which will also apply to the granting of temporary licences which are not normally subject to the Regulations.

## General

### 1. Period of Licence

The Act permits the issue of licences for 3 years or any lesser term agreed by the Council. Licences will be issued initially for a 6-month period and thereafter upon renewal for one year (for approved trading in Licence Streets only). This will provide an initial trial period in which the impact of a licence can be assessed through monitoring activity and any enforcement that may prove necessary. It will also assist in the phasing in of the proposals.

The days and times of trading may be specified by the Council on the licence and will be agreed in consultation with the Council's *Streetcare Service* and the Metropolitan Police.

The council will operate a waiting list process where street trading pitches are oversubscribed and a succession process (in accordance with Sections 25 and 26 of the Act) which are detailed in the Regulations.

## 2. Cleansing and refuse disposal

Licensees will be responsible for litter collection and disposal, by way of an acceptable trade refuse contract which will be subject to the approval of *Streetcare Service*. The licensed area will also be required to be cleaned at the conclusion of trade, to a standard, which is acceptable to the *Streetcare Service*. An additional street trading condition supplements this cleansing requirement.

## 3. Access Implications and Public Safety

Before agreeing any licence application in a designated street, the primary consideration is to be **public safety** and **access**, including accessibility for disabled people and parents with buggies. The safety of **people** with impaired sight or mobility requires special consideration and no licence shall compromise the safety of these groups. Where valid applications are made, licences **are only** granted where **doorway** access to the principal premises is maintained and a width of **pavement** adjacent to the kerb is maintained to allow adequate pedestrian movement. The widths to be maintained shall be in accordance with the Council's stated access guidelines and, in particular, being increased at locations of high pedestrian demand.

Street Trading conditions will restrict the use of any licensed area to display of goods only or use for a controlled number of tables and chairs for customers, or for the display of advertising 'A' boards.

**Access** for maintenance works by the Council is to be provided given seven days notice, or on 12 hours notice for **emergency** highways works. Statutory undertakers are to be allowed immediate access **to** deal with **any** emergency, and access within 2 hours to carry out maintenance work. All applications shall be considered for access and any highway obstruction implications by the *Streetcare Service*

## 4. Planning and Other regulation.

The grant of a street trading licence shall not be deemed to give any approval or consent which may be needed under any bye-law, enactment or Regulation other than Part III of the London Local Authorities Act 1990 (as amended) nor where the licensed street trading pitch is situated on a private forecourt or otherwise within private ownership shall such grant be deemed to give any approval or consent to the continuation of street trading against the wishes of the private freeholder or, where the land is held under the terms of a lease, the leaseholder.

Special note should be taken by proposed licensees of the requirements for Planning permission, the requirements of any applicable Local Development Order and requirements regarding the storage and disposal of trade waste.

## **5. Maximum and Minimum Size**

Provided the access guidelines are met, and subject to the conditions in '3' above, the areas that may be licensed shall comply with the following:

- The depth of any trading area to be licensed shall be no more than 50% of the depth of the pavement;
- Licenses will not normally be issued where the depth of available pavement additional to the required pedestrian access is less than 1.5 metres. This is to provide an adequate minimum trading area and prevent encroachment onto minimum areas required for pedestrian access;
- The width of the trading area shall be contained within the width of the shop frontage;
- For large paved areas, licenses shall only be granted that ensure minimum impact on the free movement of pedestrians;
- Licenses for areas of high pedestrian activity, including town centres and transport interchanges, will only be considered and granted having taken into account the special requirements for that location. The views of the Metropolitan Police, London Ambulance Service, LFEPA, Transport for London, any other appropriate body and the Council's *Streetcare and Planning & Building Control Services* shall be considered and acted upon in respect of any such application.

## **6. Police Consultation**

No licence will be granted contrary to Police advice or where it is shown that there will be an adverse effect on levels of street crime.

## **7. Special Considerations for specific activities:**

### **7.1 'A' Boards and the display of goods on the highway**

#### *Introduction*

'A' Boards and the Display of Goods on the Highway can be a way for businesses to promote and display their goods in and around the town centres of the London Borough of Havering.

Licences are required for 'A' Boards and the Display of Goods on the Highway. This is to ensure that they are properly set up, licensed and operated so that it benefits the business, enhances the shopping area and does not cause a problem for other users of the street.

#### **Licence conditions**

Each application is considered on its merits and its suitability to the local environment. When a licence is granted, the licence holder must adhere to the conditions set out in Regulations and on the licence itself.

### *Size, Layout & Means of Enclosure*

The Council appreciates that people will want to organise their 'A' Boards or Goods in a way that is attractive and will encourage customers to enjoy their facilities. However, the following factors have to be taken into account when planning the layout:

- Available space
- Type of premises
- Street width
- Street character
- Number of passers-by
- Existing furniture e.g. benches, planters etc. Other 'A' Boards, Goods or Street
- Cafes nearby
- Residential properties

The needs of people using the shopping area are of paramount importance when considering 'A' Boards and Goods layout. The size, access and freedom of movement for the disabled, pedestrian flows, access for emergency vehicles etc. will all be considered.

The type, size and colour of the 'A' Board and layout of Goods used, along with access points and the way the Goods are enclosed, will also need approval and this information must be provided as part of the application.

It is essential that 'A' Boards or Goods do not cause an obstruction or inconvenience to members of the public (particularly people who are disabled) and, to this end, adequate space must be left for wheelchair access.

'A' boards will not normally be licensed in conservation areas but, when they are, they will be subject to strict licence conditions in relation to their size, design and positioning.

'A' boards will be required to be removed on scheduled street cleansing days.

### **7.2 Pavement Cafes**

Pavement cafes can contribute to an attractive and welcoming environment, creating an atmosphere that broadens the appeal of a town centre to a wider range of visitors. They may help encourage people to stay within the town centre and potentially contribute to its economic well-being. This policy is designed to encourage local businesses to establish well-designed pavement cafes to support a coherent street scene.

A Local Development Order (LDO) for designated areas in Central Romford is in place which grants planning permission to any pavement café in those areas which comply with its requirements.

The LDO does not remove the need for a street trading licence and compliance with its conditions.

The general conditions for street trading licences for pavement cafes reflect the requirements of the Romford LDO.

Permitted times of use for pavement tables and chairs may be restricted to reflect concerns around public order and noise nuisance.

#### *General conditions for pavement cafes*

- Tables and chairs are placed adjacent to the building and do not extend more than 4 metres from the building frontage into the highway or beyond the length of the frontage of the premises.
- The external seating area leaves a minimum unobstructed footway width of 3 metres, extending to 3.7 metres in pedestrianised streets.
- Where the proposed seating area is more than a single row of tables and chairs, the seating area is marked out on the highway by temporary barriers not exceeding a height of 1 metre.
- The external seating area is not used outside the hours of 8am to 11pm, with all furniture and equipment removed from the highway at the end of each day.
- No marks or studs are placed on the highway, and nothing is fixed into the surface of the highway.
- Any lighting provided to the pavement cafe is attached to the building.
- Design of the café area, including barriers and materials used, must be of high quality and appropriate to the character of the area, and should comply with the guidance in the Romford Local Development Order.

### **7.3 Romford Market Place**

The Council wishes to preserve the unique nature of Romford Market.

Romford Market, itself, is normally exempt from street trading Regulation due to its historical status.

To avoid possible confusion between street trading and Romford Market, the Council will not normally issue licences for street trading in the Market Place, either on market days or on non market days (including Sundays and Bank Holidays).

Exemptions to this general policy will be:

- The issue of temporary licences for trading during special events or charity events.
- The issue of licences to pavement cafes, provided they do not encroach on the Market and/or prevent free movement of pedestrians

on Market days (to ensure which, they may be subject to special conditions).

- Trading on private land adjacent to shops, provided that (i) the trading forms part of the business of the owner or occupier of the shop and takes place only during the shop's normal trading hours and (ii) it does not encroach on the Market and/or prevent free movement of pedestrians on market days (to ensure which, they may be subject to special conditions).
- Night time trading in designated pitches.

#### **7.4 Temporary Licences**

A Temporary Licence is as defined in Section 27(1) of The London Local Authorities Act 1990 (as amended) and means *a licence granted under this Part of this Act valid for a single day or for such period as may be specified in the licence not exceeding six months.*

The Council may issue temporary licences for street trading in accordance with s.31 of The London Local Authorities Act 1990 (as amended).

Such licences valid from one day to six months shall prescribe such conditions as the Council deem appropriate. They will normally only be issued in accordance with this policy and the conditions will normally reflect the conditions imposed by the Council's Regulations for Street Trading Licences.