

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**From being  
Committee:**                    **General Licensing Committee**

**Date:**                            **Wednesday 18 February 2026**

**Time:**                            **6.30 pm**

**Venue:**                         **39 Castle Quay, Banbury, OX16 5FD**

## Membership

<b>Councillor Rebecca Biegel (Chair)</b>	<b>Councillor Fiaz Ahmed (Vice-Chair)</b>
Councillor Phil Chapman	Councillor Nick Cotter
Councillor Dr Henry Elugwu	Councillor Lesley McLean
Councillor Ian Middleton	Councillor Robert Parkinson
Councillor Chris Pruden	Councillor Douglas Webb
Councillor John Willett	Councillor Barry Wood

**Substitutes**                    **Any member of the relevant political group**

## AGENDA

**1. Apologies for Absence and Notification of Substitute Members**

**2. Declarations of Interest**

Members are asked to declare any interests and the nature of that interest which they may have in any of the items under consideration at this meeting.

**3. Urgent Business**

**4. Minutes** (Pages 5 - 10)

To confirm as a correct record the Minutes of the meeting of the Committee held on 22 October 2025.

**5. Chair's Announcements**

To receive communications from the Chair.

**6. New Cherwell District Council Street Trading Policy (Pages 11 - 52)**

Report of Health Protection, Compliance and Licensing Manager

**Purpose of report**

To present to the General Licensing Committee a new Street Trading Policy. The new policy is included in Appendix 2 together with proposed new standard conditions.

**Recommendations**

The General Licensing Committee resolves:

- 1.1 To approve the new Cherwell District Council Street Trading Policy for adoption from the 1 April 2026.

**7. New Cherwell District Council Pavement Licence Policy (Pages 53 - 86)**

Report of Health Protection, Compliance and Licensing Manager

**Purpose of report**

To present to the General Licensing Committee a new Pavement Licence Policy. The new policy is included in Appendix 2 together with proposed new standard conditions.

**Recommendations**

The General Licensing Committee resolves:

- 1.1 To approve the new Pavement Licence Policy for adoption from the 1 April 2026 to ensure that the Council's policy reflects the current Government guidance.

**Councillors are requested to collect any post from their pigeon hole in the Members' Lounge before or at the end of the meeting.**

**Information about this Meeting**

**Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or 01295 221534 prior to the start of the meeting.

**Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

**Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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### **Queries Regarding this Agenda**

Please contact Aaron Hetherington / Patrick Davis, Democratic and Elections  
democracy@cherwell-dc.gov.uk, 01295 221534

**Shiraz Sheikh**  
**Monitoring Officer**

Published on Tuesday 10 February 2026

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## **Cherwell District Council**

### **General Licensing Committee**

Minutes of a meeting of the General Licensing Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 22 October 2025 at 6.30 pm

Present:

Councillor Rebecca Biegel (Chair)

Councillor Nick Cotter

Councillor Dr Henry Elugwu

Councillor Lesley McLean

Councillor Ian Middleton

Councillor Chris Pruden

Councillor Douglas Webb

Councillor John Willett

Councillor Barry Wood

Substitute Members:

Councillor Simon Lytton (In place of Councillor Robert Parkinson)

Councillor David Rogers (In place of Councillor Fiaz Ahmed)

Apologies for absence:

Councillor Fiaz Ahmed

Councillor Phil Chapman

Councillor Robert Parkinson

Officers:

Jan Southgate, Health Protection, Compliance & Licensing Manager

Christine Pegler, Lead Licensing Enforcement Officer

Amanda Ward, Licensing Enforcement Officer

Sian Parsons, Licensing Technical Officer

Saba Ahmed, Trainee Solicitor

Aaron Hetherington, Principal Officer - Electoral Services Lead

Patrick Davis, Democratic and Elections Officer

Officers Attending Virtually:

Denzil Turbevill, Head of Legal Services

### **3 Declarations of Interest**

There were no declarations of interest

4 **Minutes**

The Minutes of the meetings of the Committee held on 15 April 2025 and 21 May 2025 were agreed as correct records and signed by the Chair.

5 **Chair's Announcements**

There were no Chair's Announcements.

6 **Urgent Business**

There were no items of urgent business.

7 **New Cherwell District Council Taxi Licensing Policy**

The Health Protection, Compliance and Licensing Manager submitted a report to seek approval from the General Licensing Committee for the New Cherwell District Council Taxi Licensing Policy.

In introducing the report, the Health Protection, Compliance and Licensing Manager outlined the changes that has been made to the policy following the outcome of the initial consultation.

In introducing the report, the Health Protection, Compliance and Licensing Manager explained that the new draft policy introduced changes which were designed to bring the Council's policy more in-line with the current Department of Transport guidance, improve safety, inclusion, compliance and enhance incentives for cleaner vehicles. A consultation had taken place in the summer and all feedback considered which resulted in several changes to the draft policy.

In response to questions regarding wheelchair accessible vehicles, the Committee was advised that there were currently fifty wheelchair accessible vehicles registered and the Council was trying to increase this number by offering incentives such as longer vehicle age limits.

In the course of the discussion, Committee members queried the status of vehicles operating in the Cherwell area that were licensed by other local authorities which would have different policies and standards. The Health Protection, Compliance and Licensing Manager explained that legislation did not prevent this and it was not just an issue in the Cherwell district. The Committee requested that, if possible, their concerns were relayed to the relevant Central Government departments.

In response to concerns raised by the Committee relating to the increase in the age limit for vehicles, it was explained that Department of Transport best practice recommended removing vehicle age limits altogether which meant the Council's policy was stricter than national guidance.

Following a question regarding the potential use of video capture or CCTV systems in vehicles, the Committee was advised that this was not a requirement of the new policy as it was difficult to implement the sealed systems that were compliant with legislation to prevent tampering of evidence. The Committee was assured that the current vetting system of drivers was extremely robust.

In response to a question regarding the fee to process taxi licences across different councils, the Health Protection, Compliance and Licensing Manager explained that Cherwell's fees were based on cost recovery and were similar to other councils in Oxfordshire. Whilst some local authorities did charge less, it was not possible to comment on the rationale applied by these authorities.

Following questions surrounding the process of revoking licences, the Health Protection, Compliance and Licensing Manager clarified the process and advised that details of revoked licences was shared with other authorities via a national database to ensure a driver could not obtain a licence in another local authority area. The council's internal points system was being tightened so that points remained on the driver's record for three years rather than the current one year period.

### **Resolved**

- (1) That the post consultation Cherwell District Council Taxi Licensing Policy be approved for adoption by Cherwell District Council.

## **8 New Cherwell District Council Street Trading Policy**

The Health Protection, Compliance and Licensing Manager submitted a report for the Committee to consider and agree a draft Street Trading Policy for consultation with Oxfordshire Country Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. Following consultation and any changes deemed necessary, the Policy would be submitted to the Committee for approval.

In introducing the report, the Health Protection, Compliance and Licensing Manager explained that the current Street Trading Policy was last reviewed in 2019. A new draft Street Trading Policy had been produced which was more comprehensive, reflected changes in legislation, guidance issued to local authorities and incorporated new standard conditions. The new draft Street Trading Policy also removed pavement licensing as this was now covered by different legislation. A draft Pavement Licence Policy would be considered at the next agenda item.

In response to a question, the Health Protection, Compliance and Licensing Manager confirmed that the Street Trading Policy applied to both static and mobile street traders. As part of the application process, the new policy

contained a requirement for consultation with businesses and residents within 100 metres of where the proposed trading would take place.

**Resolved**

- (1) That the new draft Cherwell District Council Street Trading Policy be approved for consultation with the trade and members of the public.

9

**New Cherwell District Council Pavement Licence Policy**

The Health Protection, Compliance and Licensing Manager submitted a report which presented a draft Pavement Licence Policy for consultation with Oxfordshire County Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. Following consultation and any changes deemed necessary, the Policy would be submitted to the Committee for approval.

In introducing the report, the Licensing Enforcement Officer explained that whilst there was no statutory requirement to have a Pavement Licensing Policy, having a transparent Policy was good practice. The Council's current Pavement Permits (Tables & Chairs) policy was part of the combined Street Trading Policy and had last been reviewed in 2019. The new draft Pavement Licence Policy was a standalone policy that reflected current legislation. A review of the fee structure had also been undertaken.

In response to a question regarding the proposed new fees that would be applicable from the 2026/27 financial year, the Licensing Enforcement Officer explained that fees were set locally, and it was for each licensing authority to determine the charge. Fees were capped at a maximum charge of £500 for first time applications and £350 for renewal applications. The Licensing Authority had reviewed costs associated with granting Pavement Licences for a maximum of two years resulting in the proposed fees based on cost recovery, £242.50 for new applications and £182.50 for renewals. The fees would be consistent for all applicants.

In response to Members' comments regarding the use of vapes which was not included in the draft Pavement Licence Policy, the Committee was advised that regulations relating to the use of vapes were not explicitly included in the existing smoke free legislation and could therefore not be included in the Policy.

In response to a question relating to how the space requested for outdoor seating was defined, the Licensing Enforcement Officer explained that the application process required submission of a site plan with clear measurements showing the relevant boundaries for which consent was sought.

**Resolved**

- (1) That the new draft Pavement Licensing Policy be approved for consultation to ensure that it reflects the current Government guidance, and input from relevant consultees.

The meeting ended at 8.10 pm

Chair:

Date:

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<b>This report is public</b>	
<b>New Cherwell District Council Street Trading Policy</b>	
<b>Committee</b>	General Licensing Committee
<b>Date of Committee</b>	18 February 2026
<b>Portfolio Holder presenting the report</b>	Portfolio Holder for Healthy & Safe Communities, Councillor Rob Pattenden
<b>Date Portfolio Holder agreed report</b>	5 February 2026
<b>Report of</b>	Health Protection, Compliance and Licensing Manager, Jan Southgate

## Purpose of report

To present to the General Licensing Committee a new Street Trading Policy. The new policy is included in Appendix 2 together with proposed new standard conditions.

### 1. Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the new Cherwell District Council Street Trading Policy for adoption from the 1 April 2026.

### 2. Executive Summary

- 2.1 Cherwell District Council Street Trading Policy was last reviewed in 2019.
- 2.2 The draft Street Trading Policy was consulted on from 25 November 2025 to the 23 December 2025. Six responses were received, these have been considered, and a list of responses is included in appendix 3. No material changes have been made to the draft policy post consultation.
- 2.3 The Council aims to regulate the location and number of street traders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the districts economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.
- 2.4 This policy is intended to help prospective street traders to understand where trading might be encouraged. It is however important that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.
- 2.5 The Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 (“the Act”) allows local authorities to adopt provisions concerning the control of street trading.

## Implications & Impact Assessments

Implications	Commentary			
<b>Finance</b>	There are no financial implications arising directly from this report. Joanne Kaye, Head of Finance (D151), 15 January 2026			
<b>Legal</b>	<p>The Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 gives the power to local authorities to regulate street trading. Although there is no direct duty for a local authority to publish or update a policy, reviewing and updating the policy is necessary to ensure that the regulation of street trading is fair, safe, and within our legal powers.</p> <p>The report cites the appropriate legislation and does not exceed the Council's powers. Section 5 of the report ensures that the applicable legislation is properly cited within the report.</p> <p>There are no legal implications arising directly as a result of this report.</p> <p>The legal services department provide assistance with implementing and enforcing the existing policy and are able to continue to do so should the new policy be approved by the committee.</p> <p>Denzil – John Turbervill Head of Legal Services 14 January 2026</p>			
<b>Risk Management</b>	<p>There are no risk implications arising as a direct consequence of this report. Any future risks related will be managed through the service risk register and escalated to the leadership risk register as and when deemed necessary.</p> <p>Celia Prado-Teeling, Performance &amp; Insight Team Leader, 14 January 2026</p>			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>		X		<p>There are no equalities implications arising as a direct consequence of this report.</p> <p>Celia Prado-Teeling, Performance &amp; Insight Team Leader, 14 January 2026</p>
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		<p>The policy changes have no impact on inequality in either a positive or negative way.</p>
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		<p>Street trading Consent in the Cherwell district are not predominantly applied for be any groups with protected characterises therefore any changes do not predominately affect any particular groups.</p>

<b>Climate &amp; Environmental Impact</b>				N/A
<b>ICT &amp; Digital Impact</b>				N/A
<b>Data Impact</b>				N/A
<b>Procurement &amp; subsidy</b>				N/A
<b>Council Priorities</b>	Economic Prosperity Supporting businesses, skills development, and the local economy to create growth and vibrant town centres.			
<b>Human Resources</b>	N/A			
<b>Property</b>	N/A			
<b>Consultation &amp; Engagement</b>	The draft policy was consulted via an open public consultation from the 24 November 2025 to the 23 December 2025. The following consultees were contacted to advise for the consultation, Oxfordshire Country Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils.			

## Supporting Information

### 3. Background

- 3.1 The council has designated all streets within the district as consent streets, this means that, subject to certain legal exemptions, nobody can trade in any street in the district without first obtain a street trading consent from the council.
- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 (“the Act”) allows local authorities to adopt provisions concerning the control of street trading. Under the Act there is no legal requirement for the Council to have a policy on how it proposes to control street trading under the Act, however it is considered best practice for a Council to adopt a policy to encourage consistency and transparency in the way that its functions are carried out. It is also considered best practice to review any such policy adopted from time to time. Cherwell’s current Street Trading Policy was last published in 2019.

### 4. Details

- 4.1 A copy of the Council’s current street trading policy and standard conditions can be seen at Appendix 1. The policy and standard conditions have been in place since 2019. It has therefore been more than five years since these have been formally reviewed. Officers believe the policy and conditions should now be subject to review.

- 4.2 The new street trading policy has been produced and is attached at Appendix 2. The new draft street trading policy is a more comprehensive and detailed document than the current street trading policy and incorporates new standard conditions. The draft policy aims to provide as much information and guidance as possible to assist applicants, consent holders, officers and members with a view to achieving a transparent and consistent approach to how the Council's Street trading functions are carried out.
- 4.3 The new policy begins by giving an introduction to the District. This is followed by a section explaining what the policy is and what objectives it seeks to achieve
- 4.4 The draft policy then sets out the legislative framework within which the Council controls street trading and explains that streets in the District have been designated as "consent streets" and those that are designated as "prohibited streets.
- 4.5 The draft policy goes on to explain the requirements involved in making an application for a street trading consent. This includes reference to the documentation that must be submitted with an application.
- 4.6 The draft policy sets out the way in which applications will be consulted upon and determined.
- 4.7 The application will be notified to a number of relevant stakeholders and other interested parties so that they have the opportunity to pass comment on the application and lodge any objections during a period of 28 days following on from the date that the application is made.
- 4.8 In addition however a further requirement is proposed in respect of applications for new and variation consents, where the trading is proposed to take place from a fixed location. The applicant in these circumstances would be expected to display a public notice at the site of the proposed trading and notify local residence by delivering notification of the application to properties and businesses within a minimum radius of 100m of the proposed site for at least 28 consecutive days from the date the application is made.
- 4.9 The draft policy explains that where representations or objections are received, officers will, in the first instance, explore the possibility that a compromise solution can be reached between the applicant and the person or persons making the objection or representation. If this is not possible, the draft policy explains that the applicant has the right for their application to be referred to a Licensing Sub-Committee for determination.
- 4.10 The draft policy also seeks to set out the Council's approach to enforcement and complaints in respect of street trading activity. This is done in the interests of fairness and transparency and with a view to promoting consistency.
- 4.11 List of changes from the current policy are provided below:

**Amendments to Contents Page** - Page 1.

**Addition of Definition Page** – not provided in the current policy. Page 2.

**Addition of Consultee on the policy section 3** - the current policy does not provide details of who is consulted regarding the adoption of the policy. Page 3.

**Addition of Legislation and Current Provision section 5** –to provide a more comprehensive section covering activities that are exempt from the need to hold a consent. Page 4.

**Addition of Delegation of functions section 6** –addition of this section to provide a clear and consistent licensing service for applicants and consent holders. This section is not contained with the current policy. Page 5.

**Addition of types of consent and definitions**, together with the criteria required to make an application on each type of consent. Addition of section 7, 9,10,11. The current policy covers only Peripatetic Street Trading and Special Events. Pages 6-8.

**Mobile Street Trading Consent section 8 (d)**– addition of trading restrictions relating to educational establishments without formal invitation from the establishment. Not currently contained within the current policy by approving this it would allow officers to undertake enforcement action if no formal agreement is in place. Page 7.

**Amendments to the application process section 12.1** – to increase the consultation period from 14 days to 28 days. Street Trading Consent applications typically have a 28-day consultation period not 14 days. The consultation period allows time for feedback from organisations like the police, highways and local ward members. Page 8.

**Amendments to the application process section 12.3 (c)** - the applicant to include to include a Basic Disclosure & Barring check for new and renewal applications to assess suitability of the applicant. The council needs to be satisfied that the applicant is a suitable person to trade, the certificate would reveal any unspent convictions or cautions. This is not currently checked as not required under the current policy. Page 10.

**Amendments to the application process section 12.3 (d) Proof of Right to Work** - the applicant would need to provide Proof of their Right to Work in the UK. This is currently not requested under the current policy. Page 10.

**Amendments to the application process section 12.3 (k)** an increase of public liability and public indemnity insurance from £2 million to £5 million. This is the most common requirement for market organisers and local council to grant a licence. Most street traders are food vendors therefore due to the increased risks from food poisoning the higher cover should be required. Page 10.

**Amendment to the length of a Street Trading Consent section 12.4** – policy change required the current licensing system has been set up that no renewal application is required after 12 months. Consent have been issued with no expiry date and if the consent fee is paid then the consent holder can continue to trade. This practise is not in line with legislation - a street trading consent may be granted for any period not exceeding 12 months. Approval required to prevent consent being issue unlawfully. And leaving the council open to challenge. Page 10.

**Addition of renewal application sections 12.5 and 12.6** required as this is currently not being completed see 12.4 above - page 11.

**Addition of transfers** section 12.8 and 12.9 addition as the current policy does not refer to transfers of street trading consent; they are only covered on a street trading consent - page 11.

**Proposed set of new Street Trading conditions** for both static and mobile traders to replace the existing conditions contained with the current policy. The new conditions are enforceable and separate static and mobile traders each having specific set of conditions relevant to their activity. Appendix 1 – pages 14-15 and Mobile Street Traders Appendix 2 – pages 16 – 17.

**Addition of Guidelines on the suitability of applicants** – Appendix 3 this is not provide in the current policy page 19.

## 5 Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below
- 5.2 Option 1. Leave the current policy in place. The council policy would remain out of date; safeguarding and right to work checks would not be carried out on existing and new applicants and legislation would not be administered within the requirement set out in legislation.

## 6 Conclusion and reasons for Recommendations

Officers believe that it is important that where a Council decides to exercise control over street trading, the Council should adopt a street trading policy, which sets out clearly how applications for street trading consents will be dealt with and what principles will be applied when determining the suitability of applicants. The policy should be reviewed every 5 years to ensure it is still appropriate and in line with the Council's aims and objectives and relevant legislation updates.

- 6.1 It is requested that this Licensing Committee approve this policy for adoption by Cherwell District Council. If approved the policy will be adopted from the 1 April 2026.

### Decision Information

<b>Key Decision</b>	N/A
<b>Subject to Call in</b>	N/A
<b>If not, why not subject to call in</b>	N/A
<b>Ward(s) Affected</b>	All

## Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Current Street Trading Policy 2019
<b>Appendix 2</b>	New Street Trading Policy 2025
<b>Appendix 3</b>	Consultation Responses
<b>Background Papers</b>	None
<b>Reference Papers</b>	None
<b>Report Author</b>	Jan Southgate, Compliance and Licensing Manager
<b>Report Author contact details</b>	Jan.southgate@Cherwell-dc.gov.uk
<b>Executive Director Approval (unless Executive Director or Statutory Officer report)</b>	Interim Executive Director Neighbourhood Services, Nicola Riley 14 January 2026

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# CHERWELL DISTRICT COUNCIL STREET TRADING POLICY

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## **Introduction**

Cherwell District Council aims to support business ventures and encourages the provision of street trading and cafés within the district. In towns and villages cafes in particular make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces and aid the local economy. In more rural areas, street trading outlets enable residents, visitors and travellers to obtain refreshments when there is nothing else immediately available. Both add to the facilities offered to people who visit, live and work in the district.

## **Purpose of the Policy**

This policy sets out Cherwell District Council's (hereafter referred to as the Council) framework for the management of street trading and the issuing of pavement permits in the Cherwell district. Through this policy the Council aims to regulate the location and number of street traders and pavement permit holders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the districts economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.

This policy is intended to help prospective street traders and cafe proprietors to understand where trading might be encouraged. It is important however, that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.

Anyone wishing to apply for either a Street Trading Consent or Pavement (Tables and Chairs) Permit should read this policy, the associated guidance, and detailed conditions in order to check that their proposal meets all the criteria.

This policy will guide the Council when it considers applications for either Street Trading Consents or Pavement Permits. It will inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.

It also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

Although each application will be considered on its own merits this policy contains key points that must be considered in every case. In order to ensure consistency of decision making, the Council will apply these guidelines to all street trading activities and pavement permits in its area.

## **Review of the Policy**

This policy will be reviewed every 5 years. There will be an on-going evaluation of the policy which may result in updates before the 5 yearly reviews if deemed necessary.

# Street Trading

Local Government (Miscellaneous Provisions) Act 1982.

## General

Under the above legislation locations are designated as either consent, licence or prohibited streets.

As the Council has designated all streets within the district as consent streets, this means that, subject to certain legal exemptions, nobody can trade in any street in the district without first obtaining a street trading consent from the council.

- In order to trade anywhere in Cherwell District Council area you must receive consent from the Council. In certain areas (Banbury, Bicester and Kidlington) the Council maintains a list of designated pitches; however, there is a waiting list, and you may have to wait some time before being considered for one of these.
- You may apply for street trading consent on any other street in the district.

## Definitions of terms used

The following definitions apply:

‘Street trading’ means the selling of, or exposing or offering for sale any article (including a living thing) in any street. A Street includes:

- any road, footway, beach or other area to which the public have access without payment
- a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street

A ‘consent street’ is a street in which street trading is prohibited without a street trading consent.

‘Consent’ means consent to trade on a street within the Council’s area.

‘Consent holder’ means the person or company to whom the consent to trade has been granted by the Council.

‘Static street trader’ means a trader granted permission by the Council to trade from a specified position.

‘Peripatetic trader’ means a trader who moves from street to street but trades for less than 20 minutes at any one point and does not return to a similar trading position within 4 hours.

‘Authorised officer’ means an officer employed and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

## **Peripatetic Street Trading**

Street Traders that meet the criteria laid out below will be classed as peripatetic. Ice Cream Vans and similar would typically be deemed to be mobile traders.

The criteria are as follows;

- moves from location to location
- moves at least 100 metres from the last trading location and does not return within 4 hours
- does not wait in one location for more than 20 minutes
- does not trade within 100 metres of the boundary of any educational establishment without the permission of that educational establishment.

Due to the nature of peripatetic trading there will be limited impact on any one single location so consents will be automatically granted subject to the above criteria being met and a complete application being submitted.

## **Special Events**

For one off events such as a continental street market or old town event the Council will accept one application from the event organiser. The application will require full details of each trader attending the event. A consent listing all traders will be issued to the event organiser; each attending trader will need to display a copy for the duration of the event. A fee will be applicable.

For charitable events the fee may be waived if it is clear the organiser and/or traders are linked to a registered charity and that all profits will be donated to that charity.

## **Exempted street trading activities**

The following activities do not require street trading consent:

- pedlars authorised by a certificate granted under the Pedlars Act 1871 by the police force in which the trader resides.
- anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order
- trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- news vendors
- trading on/from the forecourt of a petrol filling station or at a shop premises
- a roundsman (a person who delivers orders to customers by prior arrangement)
- the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway
- operating facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- doing anything authorised by regulations made under section 5 of the Police, Factories, etc, (Miscellaneous Provisions) Act 1916

# Pavement Permits (Tables & Chairs)

Highways Act 1980

## General

If the area outside particular premises is owned by the town, district or county council, then it is likely that permission will have to be sought under the Highways Act 1980 for permission to place the tables and chairs outside.

As a general guide, a clearance of at least 1.8m is required from the kerb to the perimeter of where the tables and chairs are to be placed.

The area for which a pavement permit is sought must be highway as defined by S115A Highways Act 1980, namely:

- a highway in relation to which a pedestrian planning order is in force;
- a restricted byway;
- a bridleway;
- a footpath (including a walkway as defined in section 35(2) of the Highways Act 1980);
- a footway;
- a subway constructed under section 69 of the Highways Act 1980;
- a footbridge constructed under section 70 of the Highways Act 1980;
- a highway whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and
- to a local Act walkway.

## Other Activities

### General

There are a number of other activities that take place in the streets of the Cherwell district that are not governed by this policy. These include:

- Awareness – people, groups or organisations such as radio stations, television stations or the armed forces may wish to raise awareness by handing out leaflets or undertaking promotional activities.
- Busking – street performance is the practice of performing in public places for gratuities.
- Market research – this type of activity includes mail order companies, insurance companies and national questionnaires.
- Markets – these are dealt with by separate policies.
- Pedlars – they are required to hold a certificate issued by the police force in the area that they reside. They are able to travel to trade within the area. They must only stop to trade when approached by a customer. They must not remain stationary after the sale has been made.
- Petitions – people or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups.
- Street collections - Persons wishing to collect money on a street or public place must obtain a permit from the Council. Applications for Street collections must be applied

for at least one month in advance of the collection date, and would be subject to the conditions outlined in the Street Collections policy.

If you are unsure of any of the above please contact the Council.

## Application Processes

### Street Trading

When making an application you will need to provide the following:

a completed application form available on request from the Council;

- the correct fee;
- a map/street plan or aerial photograph clearly identifying the proposed site position (for static street traders);
- specified areas of trade (for non-static traders);
- proposed trading times;
- photographs of the vehicle, stall, cart, etc, that will be used for the street trading activity (in the case of a vehicle, exterior and interior views are required);
- evidence of public liability insurance;
- other associated permissions i.e. planning and any appropriate licences under the Licensing Act 2003;
- Details of a commercial waste agreement (contact Environmental Services on 01295 221921 for further information).
- Proof of identity, and address of the applicant, such as a passport or DVLA photo card driving licence;
- Details of neighbours, business or otherwise, within the immediate vicinity of the specified trading area

**For food outlets, the Council also requires:**

- (if using gas) a gas safety certificate issued by a GAS SAFE registered engineer;
- (if using electricity) an electrical safety certificate issued by a NICEIC registered contractor or equivalent;
- copies of certificates to confirm all food handlers have undertaken a satisfactory level of food hygiene training;  
if using a mobile unit, confirmation that it is registered under article 6, paragraph 2 of Regulation EC No 852/2004

### Pavement Permits

The Council will not accept an application unless the following have been provided:

- a completed application form available on request from the Council;
- proof of identity, and address of the applicant, such as a passport or DVLA photo card driving licence;
- the correct fee;
- a map/street plan or aerial photograph clearly identifying the proposed site position  
photographs of the type of furniture to be used;
- confirmation of the status of the site (i.e. highway or otherwise);
- evidence of public liability insurance;
- Details of neighbours, business or otherwise, within the immediate vicinity of the specified trading area
- confirmation other associated permissions i.e. planning and any appropriate licences under the Licensing Act 2003;
- Site notice to be displayed on the premises for the duration of the consultation process.

Completed application forms, the fee and supporting documentation should be returned to; Licensing, Cherwell District Council, Bodicote House, Bodicote, OX15 4AA.

## Consultations on applications made

Before a street trading consent or a pavement permit is granted for the first time, the council will carry out a consultation process over a period of 14 days for street trading consents and 28 days for Pavement permits with various persons and groups. Dependent on the type of application, we will consult with one or more the following:

- Thames Valley Police;
- Oxfordshire County Council Highways or Highways England (depending on the location);
- Cherwell District Council Development Control;
- Cherwell District Council Public Protection;
- Cherwell District Council Street Scene;
- the ward member;
- the appropriate parish or town council;
- neighbouring businesses or properties;
- all businesses or properties within a minimum radius of 100m of the proposed site (but this may vary on a case by case basis) \*

*\*Note: It is the applicant's responsibility to notify these owners/occupiers by delivering the form (part B of the application) to the relevant property/business. If they fail to do so the application will be refused.*

## Site assessment and inspections

The site will be assessed by an authorised officer of the Council. Consents or permits will not normally be granted where:

- a significant effect on road safety could arise, either from the siting of the trading activity, from customers visiting or leaving the site, or from inadequate light or visibility;
- there is a conflict with traffic orders such as waiting restrictions;
- there is already adequate provision of similar trading facilities in the vicinity;
- there would be a significant loss of amenity caused by traffic, noise, odour, etc.

Additionally in the case of street trading food or drink, the vehicle, trailer, stall or other device to be used for the proposed trading activity will be inspected by a Public Protection Officer prior to the issue of consent. It must comply with the legal requirements relating to type of trading proposed. Food hygiene standards must be broadly compliant.

Further advice can be obtained by telephoning Licensing on 01295 753744

Email; [licensing@cherwell-dc.gov.uk](mailto:licensing@cherwell-dc.gov.uk)

Website; <http://www.cherwell.gov.uk>

## Decision Making

In considering applications for the grant or renewal of Street Trading Consents and Pavement Permits the following will be taken into consideration;

- Public Safety – whether the activity represents, or is likely to represent a substantial risk to the public. Factors taken into account will include; obstruction, fire hazard, unhygienic conditions or a danger that may occur when a trader is accessing the site.
- Public Order – whether the activity represents, or is likely to represent, a substantial risk to public order. All traders will conduct themselves in a professional manner.
- Public Nuisance – whether the activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise and/or odour particularly in residential areas.
- Appearance – the stall / vehicle / tables and chairs must be maintained in good condition and be of smart appearance. The general appearance will be considered in order to determine that the business will not have a detrimental impact on the surrounding area.

If the application meets the Council's requirements and no representations are received the consent / permit will be granted as applied for.

If valid representation(s) are made during the consultation period, then the application will be considered at a hearing by the Council's Licensing Sub-Committee.

Applications will normally be determined within two months of receipt and may be either:

- granted, whereby the consent or permit will be issued with conditions attached, or
- refused, whereby the fee will be refunded (as appropriate) to the applicant.

The reasons for the decision will be communicated to the applicant, but it should be noted that the Act does not provide a right of appeal against any decision made in relation to the grant or refusal of a street trading consent.

## Trading hours and staff requirements

The Council does not permit street trading before 6.00am. Provision of hot food and drink after 11.00pm requires a premises licence under the Licensing Act 2003

Trading consents are granted to individuals. The consent holder does not have to be present at the site during trading hours but must nominate a person aged 17 or over to cover in their absence, and if selling food must hold a Food Hygiene Certificate.

Pavement permits will only be issued to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises, employ sufficient staff to provide table service to the outside area and have sufficient provision of sanitary conveniences for use by the public.

In approving consents or permits, the Council will have regard to an applicant's previous record of compliance with the conditions attached to any previously held consents or permits.

## Consent and Permit Details

Every consent or permit issued will show specific details and carry conditions which must be complied with. The consent or permit must be clearly displayed and/or produced for inspection by an authorised officer of the Council or a police officer.

Street trading consents will specify:

- the trader's/business name;
- their address;
- a description of items to be sold;
- details of the trading location/s, days and times.

Pavement permits will specify:

- the trader's/business name;
- their address;
- a description of items to be sold;
- details of the trading location, days and times;
- the number of tables and chairs allowed.

In addition, any conditions considered necessary to individual applications may also be attached. The Council retains the right to vary the conditions at any time.

## Enforcement

### General

This section of the policy details the Council's commitment to enforcing the provisions contained within the appropriate legislation. It also highlights the Council's commitment to work in partnership with other enforcement agencies, in order to provide consistent enforcement on licensing issues.

Licensing officers aim to work closely with other enforcement authorities when dealing with issues on the street. We will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.

Authorised officers from the Council will visit street traders and holders of pavement permits to assess compliance with the conditions or to undertake any other duty that the authority has, such as food hygiene inspections.

Where licensable activities are conducted without the benefit of a consent or permit, we will gather evidence and take enforcement action as appropriate in line with the Council's own Enforcement Policy and the Regulators Code. We may call for assistance from the Police when dealing with such issues.

If an officer is of the opinion that the holder of the trading consent has contravened any conditions, the consent or permit may be revoked.

## Offences

### Street trading

1. A person who -
  - (a) engages in street trading in a prohibited street; or
  - (b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule; or
  - (c) contravenes any of the principal terms of a street trading consent; or
  - (d) being authorised by a street trading consent to trade in a consent street, trades in that street -
    - (i) from a stationary van, cart, barrow or other vehicle; or
    - (ii) from a portable stall, without first having been granted permission to do so under paragraph 7(8) above; or
  - (e) contravenes a condition imposed under paragraph 7(9) above, shall be guilty of an offence.
2. It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
3. Any person who, in connection with an application for a street trading consent or licence makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
4. A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### Pavement permits

Section 115A of the Highways Act 1980 covers the placing of tables and chairs on the highway. Any person doing so without permission is obstructing the highway. No person may place tables and chairs on the highway without a valid pavement permit issued by Cherwell District Council, and if they do so they may be committing an offence.

## Further Information

For further details of any of these consents or permits please contact:  
Licensing, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA  
Phone: 01295 753744  
Email: [licensing@cherwell-dc.gov.uk](mailto:licensing@cherwell-dc.gov.uk)

### Useful links

- [Street trading](#)
- [Pavement licences](#)

# Appendices

## Appendix A – Consent and Permit Conditions

The following conditions will be attached to relevant consents or permits:

### Street trading

- This street trading consent does not convey any other approvals that may be necessary under the food hygiene regulations, planning legislation or other appropriate legislation.
- The holder of a street trading consent shall take all reasonable precautions to prevent obstruction of the street or danger to persons using the street and to prevent nuisance or annoyance, whether to persons using the street or otherwise.
- The holder of a street trading consent, at his or her own expense, shall ensure that suitable arrangements are made for the disposal of waste and litter that may be caused in connection with the trading permitted under this consent.
- **Waste from the consent holder's operations must not be disposed of in the permanent litterbins provided by the Council.**
- The holder shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at the time be taken, made or incurred in consequence of trading. For this purpose they must take out at the consent holder's expense a policy of insurance approved by the Council in the sum of at least £2 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
- The holder of a street trading consent shall be required to seek the approval of the Council to any proposed change to the mode of trading permitted under the consent.
- The name of the holder of a street trading consent trading with a vehicle shall be displayed on the vehicle used in connection with the trading.
- This street trading consent does not convey any right to trade on privately owned property.
- The holder of the street trading consent shall ensure that no excessive noise emitting machinery is used in connection with the trading, inclusive of liquid fuelled generators.
- The Council reserves the right to add further conditions, or suspend and revoke a consent if the holder breaches any of the conditions
- Street trading consents are non-transferable.

## **Pavement (tables & chairs) permits**

- This permission is not transferrable.
- The tables, chairs and umbrellas shall only be placed outside the premises between the hours of 10 am and 6 pm.
- The area so permitted to be used solely for the purpose of consuming food and drink purchased on the premises. It is strictly forbidden to prepare any food and drink in this area.
- The tables, chairs and umbrellas shall be of such a design as may be approved by the Council in writing and be kept in good repair and condition at the permit holder's expense.
- Nothing contained in this permit gives the holder permission to make fixtures to or excavations of any kind in the surface of the highway which shall be left entirely undisturbed.
- The permit holder shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
- The permit holder shall indemnify the Council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the permit holder's expense a policy of insurance approved by the Council in the sum of at least £2 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
- No charge shall be made by the permit holder for the use of the chairs and tables and other objects.
- Waste from the permit holder's operations must not be disposed of in the permanent litterbins provided by the Council.
- Refuse and litter deposited on the highway in the vicinity of the chairs and tables and other objects must be removed each day by the permit holder at their expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990.
- The permit holder shall remove the tables, chairs and windbreaks from the highway outside the hours permitted by Clause 2, and immediately if required to do so in order to permit works in or the use of the highway by:  
the Council, the County Council, the police, fire and ambulance services, any utility operator or builders' vehicles, hearses and furniture removal vans.
- The permit holder shall be responsible for any rates, taxes and other outgoings which may be charged.
- Permissions run from the date of this permit, and would be subject to an annual renewal fee. Failure to pay any relevant fees would result in suspension or removal of permissions.
- The Council reserves the right to condition, suspend or revoke a permit if the permit holder breaches any of the conditions.
- Upon request permit holders will be required to clearly define the permitted area by the use of barriers of a type agreed with the Council

# CHERWELL DISTRICT COUNCIL STREET TRADING POLICY

## Contents

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Appendix 1	Standard Conditions for Annual Street Trading Consent
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Activities not requiring consent	<p>Trading:</p> <ul style="list-style-type: none"> <li>• as a pedlar under a pedlar's certificate</li> <li>• at an established market or fair</li> <li>• as a news vendor</li> <li>• at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop</li> <li>• as a roundsman (i.e. delivering pre-ordered goods to customers)</li> <li>• from a licensed highway area (as defined in Part VIIA of the Highways Act 1980) under a street collection permit for charitable purposes</li> </ul>
Applicant	The individual who has submitted an application for a street trading consent
Consent holder	An individual that holds a street trading consent
Council	Cherwell District Council
Licensing officer	An officer employed by the councils and authorised by the councils to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982
Pedlar	<p>A pedlar is a trader who must:</p> <ul style="list-style-type: none"> <li>• keep moving, stopping only to serve customers at their request</li> <li>• move from place to place and not circulate within the same area</li> <li>• carry all goods for sale and not use a trolley or stall</li> </ul> <p>hold a valid pedlar's certificate, issued by a Chief Constable of Police</p>
Mobile trader	<p>A mobile street trader is one that:</p> <ul style="list-style-type: none"> <li>• continually moves from location to location</li> <li>• moves at least 50 metres from the last trading location and does not return to that location within four hours</li> <li>• does not wait in one location for more than 20 minutes does not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)</li> </ul>
Roundsman	An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice cream van is not classed as a roundsman.
Street trading consent	A permission to trade, which is granted by a council subject to conditions and the payment of a fee
Street trading	The selling, exposing or offering of articles for sale in a street
Street	Includes any road, footway, beach or other area - including privately owned land - to which the public have access without payment.
Town	A location that has a town council as opposed to a parish council

Cherwell District Council aims to support business ventures and encourages the provision of street trading within the district. In more rural areas, street trading outlets enable residents, visitors and travellers to obtain refreshments when there is nothing else immediately available.

## **2 Purpose of the Policy**

- 2.1 This policy sets out the framework for the management of street trading in the Cherwell District Council (hereafter referred to as the Council). Through this policy the Council aims to regulate the location and number of street traders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the district's economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.
- 2.2 The powers to control street trading within the Council's areas are conferred by Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, 'the Act', which has been adopted by the Council. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.
- 2.3 This policy is intended to help prospective street traders to understand where trading might be encouraged. It is important however, that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.
- 2.4 Issues can arise where street traders do not pay due regard to their location and operation or make it dangerous for people and road users to move around them. Street trading can also result in littering and other nuisance to persons in the vicinity
- 2.5 This policy will guide the Council when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.
- 2.6 Although each application will be considered on its own merits this policy contains key points that must be considered in every case. This document sets out the criteria the Council will use when they consider applications for street trading consents. It sets out the grounds upon which decisions are made about street trading applications and enforcement actions if required.

## **3 Consultation**

- 3.1 In determining this policy, the Council have consulted:
- Thames Valley Police
  - Oxfordshire Fire and Rescue Service
  - Oxfordshire County Council Highways or Highways England (depending on location)
  - Oxfordshire County Council Trading Standards
  - Parish and Town Councils
  - Current Street Traders
  - Local business organisations

- Residents

3.2 In addition the following teams within the Council has been consulted

- Development Control
- Environmental Health
- Parks and Leisure
- Car Parks
- Economic Development

## 4 Review of the Policy

4.1 This policy will be reviewed every 5 years. When required, periodic reviews and updates may be undertaken.

## 5 Legislation and Current Provision

Local Government (Miscellaneous Provisions) Act 1982 Schedule 4

5.1 The Act sets out a number of definitions and provisions:

'Street Trading' is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions:

- (a) Pedlars authorised by a certificate granted under the Pedlars Act 1871 by the police force in which the trader resides
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- (d) Trading as a news vendor
- (e) Trading at premises used as a petrol filling station or from a street adjoining a shop premises as part of the business of the shop
- (f) Offering or selling things as a roundsman. (a person who delivers orders to customers by prior arrangement)
- (g) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway
- (h) The operating of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- (i) The doing of anything authorised by regulations made under section 5 of the Police Factories etc. (Miscellaneous Provisions) Act 1916 for charitable purposes

5.2 Schedule 4 defines a street as any road, footway, beach or other area to which the public have access without payment and a service area as defined in section 329 of the Highways Act 1980.

5.3 A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

- 5.4 All streets within the Council's area are designated as consent streets this means that, subject to certain legal exemptions, nobody can trade in any street in the district without first obtaining a street trading consent from the Council.
- 5.5 Prohibited streets are streets where no street trading may take place.
- 5.6 In order to trade anywhere in Cherwell District Council area you must receive consent from the Council. In certain areas (Banbury, Bicester and Kidlington) the Council maintains a list of designated pitches; however, there is a waiting list, and you may have to wait some time before being considered for one of these.
- 5.7 There are no prohibited streets within the councils' areas. The A34 and M40 are designated as a trunk road and motorway respectively. No street trading is permitted on motorways and Oxfordshire County Council Highways will not approve any street trading applications for lay-bys or slip roads along the A34.
- 5.8 A licence street is a street that requires a formal licence before any form of street trading can take place.
- 5.9 There are no licence streets in the Council's area.
- 5.10 Street traders that serve hot food or drink at any time between 23.00 and 05.00 the following day will also require a premises licence that authorises late night refreshment under the Licensing Act 2003.
- 5.11 All applications for street trading consents must include written permission from the landowner for the business to operate from that location.
- 5.12 All applications for street trading consents must include written confirmation that planning permission has been granted for the business or that planning permission is not required.
- 6 Delegation of functions**
- 6.1 The Council aim to provide a clear, consistent licensing service for applicants and consent holders.
- 6.2 The General Licensing Committee
- reviews and adopts the street trading policy
  - determines applications and reviews
- 6.3 The General Licensing Committee appoints a street trading panel to:
- determine the grant, variation, refusal or revocation of street trading consents when requested by the Head of Communities
- 6.4 The Head of Communities is authorised to:
- a) issue street trading consents and attach such conditions as are considered

reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1982

- b) vary the conditions attached to an existing street trading consent when necessary to promote public safety and/or prevent nuisance or annoyance to affected parties.
- c) refuse any application for a consent that:
  - (i) in the opinion of the Head of Communities does not comply with the Council's policy or consent conditions,
  - (ii) has been subject to objections from Thames valley Police, or Oxfordshire Council highways on the grounds of public or highway safety.
- d) refer consents granted to existing street traders to the street trading panel when there has been a substantiated complaints about the trader or the trader has breached the conditions of his/her street trading consent.
- e) refer any applications for street trading consents to the street trading panel when valid objections have been received.
- f) revoke a consent if a site is no longer viable or consent holder is no longer able to comply with conditions.

## **7 Multiple Site Traders**

- 7.1 Street trading on private land such as pub and social club car parks, village hall and community centre car parks is growing in popularity. This type of activity falls within the definition of street trading and needs to be suitably controlled.
- 7.2 Where there are multiple traders operating similar businesses from one site, where simultaneous applications are submitted, the consultation may be combined to reduce the consultation fee payable. In addition, further consultations to add or to change the traders at a site will not generally be required unless there has been a material change in the area, or complaints or concerns have been raised in respect of existing traders.
- 7.3 An agent or other nominated person will be responsible for coordinating the consultation process and be the point of contact for all matters relating to the application.
- 7.4 Applicants must follow the remainder of the application process as set out in this policy. Any site-specific conditions issued to other consents for the same site would apply to any consent granted.
- 7.5 Each trader must pay a consent fee before the consent is issued.

## **8 Mobile Street Trading Consents**

- 8.1 Street traders that meet the conditions below will be classed as mobile. Ice cream vans and mobile sandwich sellers would typically be deemed to be mobile street traders.
- 8.2 Mobile traders must:

- (a) move from location to location
- (b) move at least 50 metres from the last trading location and not return to that location within four hours
- (c) not wait in one location for more than 20 minutes
- (d) not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)

8.3 Due to the nature of a mobile trader, there will be limited impact on any one single location so consents will be automatically granted subject to the above criteria being met and a complete application being submitted. Mobile street traders will generally not be subject to the consultation process.

## 9 Special Temporary/Occasional Street Trading Consents

- 9.1 For special temporary/occasional events such as a continental street market, or Christmas fayre the Council may issue a special temporary/occasional consent at a reduced fee. It is not expected that such events would last longer than 72 hours or occur more frequently than once in any four week period.
- 9.2 All applications should be made at least 28 days prior to the special temporary event to ensure there is enough time for the application to be processed, and the standard application process will apply.
- 9.3 The consent will be issued for the duration of that special event only and will be to a named individual who will be responsible for compliance with the conditions of the consent.
- 9.4 The consent holder will be required to keep records of all traders that operate under their consent including the date, trading location, trader name and company name, address, vehicle registration, contact numbers and items being offered for sale.
- 9.5 Special temporary/occasional consents do not provide exclusive control over trading in the designated area.

## 10 Markets

- 10.1 A market or fair, the right to hold which has been obtained by a grant, enactment or order (charter markets) are exempt and do not require a street trading consent. For clarity, it will be expected that the market traders will trade during the course and hours of a regular market and it is not the case that the location is simply exempt from the requirement for street trading consents at all other times.

## 11 Community and charity events

- 11.1 Traders at an event organised and run by a registered charity or recognised community association or other not for profit organisation for public benefit will be exempt from the

requirement to obtain a street trading consent for that location, subject to the following restrictions:

- (a) traders (or a nominated point of contact on behalf of the traders) must notify the licensing team of the trading at the event in writing at least ten working days in advance
- (b) traders cannot remain at the location for more than 72 hours or return to the location more frequently than once in any four week period
- (c) traders must be invited to trade at the event by the organisers
- (d) hot food traders operating after 23:00 must submit a Temporary Event Notice, if required, prior to the event, to meet the requirements of the Licensing Act 2003

## 12 Application process and criteria

- 12.1 All new and variation street trading consent applications will be subject to a 28-day consultation period. Mobile street traders will generally not be subject to the consultation process as detailed in 8.3. The consultation will seek the views of local residents and businesses\* with a minimum radius of 100m of the proposed site and statutory agencies whose responsibilities may be impacted by the proposed business, such as Oxfordshire County Council Highways, Thames Valley Police, Cherwell District Council Development Control, Cherwell District Council Public Protection, Cherwell District Council Street Scene, the Ward Member, the appropriate Parish or Town Council. Consideration will be given to all written objections, which are not irrelevant, frivolous, vexatious, or repetitive.

\*Note: It is the applicant's responsibility to notify these owners/occupiers by delivering the site notice to the relevant property/business. If they fail to do so the application will be refused.

- 12.2 The following criteria will be considered in deciding whether or not a street trading consent should be granted and appropriate conditions to be attached:

### a) Public Safety

Whether the street trading activity represents, or is likely to represent, a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. Oxfordshire County Council Highways department will be consulted on all applications to ensure high standards of road safety for applicants, customers and other road users.

Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.

### b) Crime and disorder and safeguarding

Whether the street trading activity and/or applicant represents, or is likely to represent, a risk to the public in relation to crime and disorder or a safeguarding concern. Thames Valley Police will be consulted on all applications regarding the prevention of crime and disorder and safeguarding matters.

**c) Preventing nuisance or annoyance**

Whether the street trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public from noise, odour, fumes, litter or the discharge of fluids, particularly in residential areas. The relevant council's environmental protection team will be consulted on all applications regarding the prevention of nuisance.

**d) Written objections or support from local residents or their representatives**

Residents will be alerted to street trading applications via a A4 notice erected by the applicant at the proposed consent location. The relevant town or parish council and district ward councillors will be consulted on applications for street trading consents in their area.

**e) Proximity to schools and colleges**

Street trading consents for businesses supplying hot or cold food or confectionery between 08:00 and 16:00 will not be granted for locations within 100 metres of the boundary of a school or college.

**f) Planning permission**

A street trading consent will only be issued where planning permission has been granted or there is written confirmation that permission is not required.

**g) Appearance of the stall or vehicle**

Any stall or vehicle from which trading is permitted must be maintained and presented to the same standard as originally manufactured. Internal and external finishes must be free from defects or damage. Any stall or vehicle must meet the criteria, including size, laid down in the standard consent conditions.

**h) Food traders**

Applicants for stalls or vehicles selling food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, The Royal Society of Health, or The Royal Institute of Public Health and Hygiene. All businesses must be registered with the Food and Safety team in the district within which the stall or vehicle is kept overnight. If this is not within the Vale of White Horse district or South Oxfordshire district the business should notify the Food and Safety team of the location from which they intend to trade. Any changes must be notified to the Food and Safety Team 28 days prior to the change.

**i) Proximity of similar businesses**

Objections based on the proximity of similar business will be considered but limited weight will be given to objections based solely on grounds of competition

### Contents of a Street Trading Consent Application

12.3 All applications for the grant of a new street trading consent site shall include:

- a) completed application form downloaded from the council website
- b) street trading consent fee
- c) a basic Disclosure & Barring Service (DBS) certificate (no more than one calendar month old)
- d) proof of right to work in the UK
- e) written consent of the landowner (unless the site is public highway)
- f) written confirmation of the existence of, or no requirement for planning permission
- g) a map showing all streets and other public areas within a radius of 100 metres from the proposed location of the street trading site. The map must clearly indicate the location of the proposed site in the centre of the map, and the locations of other street traders, and shops trading in similar commodities to those proposed
- h) current photographs of the vehicle/stall showing external condition and signage
- i) electrical/gas safety certificates as required (certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer)
- j) food hygiene certificates (for food businesses only)
- k) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
- l) details of a commercial waste agreement.

### Duration of Street Trading Consents

12.4 Street trading consents are generally issued for 12 months from the date of approval unless they are only required for a shorter period. Consents may be revoked at any time.

### Renewals - Street Trading Consents/Mobile Street Trading Consents

- 12.5 Applications for renewal should be submitted no later than one month prior to the expiry date of the current consent, to allow the application to be processed and a new consent to be issued prior to the expiry date. If the consent expires and no new consent has been issued any street trading beyond the expiry date is an offence and may lead to refusal of further applications.
- 12.6 All renewal application will be consulted on with Thames Valley Police, Oxfordshire County Council Highways, Cherwell District Council Public Protection, Cherwell District Council Street Scene. Consideration will be given to all written objections, which are relevant.
- 12.7 All applications for renewal of a street trading consent shall include:
- a) a completed application form.
  - b) street trading consent fee
  - c) a Disclosure and Barring Service (DBS) certificate (no more than one calendar month old)
  - d) proof of right to work in the UK (unless provided previously)
  - e) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
  - f) current photographs of the vehicle/stall showing external condition and signage
  - g) electrical/gas safety certificates as required. Certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer
  - h) details of a commercial waste agreement.

### Transfers

- 12.8 A street trading consent cannot be transferred or sold to another person. A new application must be submitted following the application process details in this policy.
- 12.9 The sub-letting of a street trading consent location or pitch is prohibited. The consent holder must be the principal operator and have day-to-day control of the vehicle/stall. The consent holder may employ other person(s) to assist in operating the vehicle/stall

### Determination of Applications

- 12.10 Each application will be determined on its merits having regard to the application, criteria, relevant policy and guidance, and any valid objections or concerns received. Valid objections are those that relate to the criteria and aims of the street trading policy.

- 12.11 Following the determination of an application, the applicant will be notified of the decision in writing within ten working days of the decision.
- 12.12 If the application meets the Council's requirements and no representations are received the consent will be granted as applied for.
- 12.13 If valid representation(s) are made during the consultation period, then the application will be considered at a hearing by the Council's Licensing Sub-Committee.
- 12.14 Applications may be approved subject to additional conditions. Additional conditions form part of the street trading consent and must be complied with at all times.
- 12.15 If the application does not meet the criteria, or there are valid objections the relevant council may contact the applicant and objectors to discuss changes that could be made to the proposed location, goods or trading hours and/or additional conditions that could be introduced. If all parties are satisfied that changes to the application and/or additional conditions will resolve the concerns, a consent may be issued with those amendments.
- 12.16 Where the Council refuses an application the applicant will be informed in writing of the reasons. There is no right of appeal to the Magistrates' Court. A person aggrieved by a decision of the Council may make an application to the High Court for judicial review of the potential grounds. Applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

### 13 Fees

- 13.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the cost of processing applications including consultation, administration and issue of the consent along with the cost of ensuring compliance with the conditions in the consent. Fees must be paid in full and in advance. Details of the current fees can be found on the council's website or on request to the licensing team
- 13.2 Refunds will not be given where a consent is surrendered during the term.

### 14 Conditions

- 14.1 The Council will generally apply standard conditions to all street
- 14.2 The standard conditions applied to street trading consents (including multiple site traders and special temporary events) are attached to this policy as Appendix 1. The standard conditions applied to mobile street trading consents are attached to this policy as Appendix 2. These lists are not exhaustive, and other conditions may be added to individual consents as required.
- 14.3 Street trading can only be carried out from a vehicle or stall authorised under the conditions of the consent. The Council must approve any changes to or replacement of the vehicle or stall.

### 15 Enforcement

- 15.1 This section of the policy details the council's commitment to enforcing the provisions contained within the appropriate legislation. It also highlights the Council's commitment to work in partnership with other enforcement agencies, in order to provide consistent enforcement on licensing issues.
- 15.2 Licensing officers aim to work closely with other enforcement authorities when dealing with issues on the street. We will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.
- 15.3 Authorised officers from the Council will visit street traders to assess compliance with the conditions or to undertake any other duty that the authority has, such as food hygiene inspections.
- 15.4 Where licensable activities are conducted without the benefit of a consent we will gather evidence and take enforcement action as appropriate in line with the Council's own Enforcement Policy and the Regulators Code. We may call for assistance from the Police when dealing with such issues.
- 15.5 If an officer is of the opinion that the holder of the trading consent has contravened any conditions, the consent or permit may be revoked.

**Appendix 1 Standard Conditions for Annual Street Trading Consent**

1. No trading to which the attached consent relates shall take place except between the dates of:
2. The operational hours shall be:
  - Between the hours of ..... and ..... on Mondays
  - Between the hours of ..... and ..... on Tuesdays
  - Between the hours of ..... and ..... on Wednesdays
  - Between the hours of ..... and ..... on Thursdays
  - Between the hours of ..... and ..... on Fridays
  - Between the hours of ..... and ..... on Saturdays
  - Between the hours of ..... and ..... on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The relevant council must approve any changes to or replacement of the stall or vehicle.
6. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at [www.food.gov.uk](http://www.food.gov.uk) and the Health and Safety Executive at [www.hse.gov.uk](http://www.hse.gov.uk).
7. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
8. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
9. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The consent holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
10. The consent holder's vehicle/stall shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
11. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.

12. The consent holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the location/s for which the street trading consent is issued. All goods must be displayed on the stall/vehicle and no freestanding racks or displays are permitted. If a consent holder or operator/assistant is requested to move the vehicle/stall by a licensing officer or Police officer they shall immediately comply with that request.
13. The consent holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle or stall has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
14. All hot food vans/trailers are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
15. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
16. A street trading consent cannot be transferred or sold to another person.
17. The sub-letting of a street trading consent location is prohibited.
18. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ any other person to assist in operating the stall/vehicle.
19. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
20. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
21. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
22. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
23. These general conditions, which apply to all street trading consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the street trading consent.
24. Annual fees must be paid in advance.

### **Failure to comply with these conditions**

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

## Appendix 2 Standard Conditions for Annual Mobile Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of: DATE and DATE.
2. The operational hours shall be:  
Between the hours of ..... and ..... on Mondays  
Between the hours of ..... and ..... on Tuesdays  
Between the hours of ..... and ..... on Wednesdays  
Between the hours of ..... and ..... on Thursdays  
Between the hours of ..... and ..... on Fridays  
Between the hours of ..... and ..... on Saturdays  
Between the hours of ..... and ..... on Sundays
3. The street trading consent relates to the following area:
4. The street trading consent relates to the following vehicle:
5. The vehicle must move from location to location within the above area.
6. The vehicle must move at least 50 metres from the last trading location and must not return to that location within four hours.
7. The vehicle must not wait in one location for more than twenty minutes.
8. The vehicle must not trade or park within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment).
9. Street trading can only be carried out from the vehicle identified under the conditions of the consent. The relevant council must approve any changes to or replacement of the vehicle.
10. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990 and the Environmental Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at [www.food.gov.uk](http://www.food.gov.uk) and the Health and Safety Executive at [www.hse.gov.uk](http://www.hse.gov.uk).
11. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
12. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.

13. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property.
14. The consent holder's vehicle shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the vehicle so that members of the public can clearly see it during hours of business.
15. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
16. If a consent holder or operator/assistant is requested to move the vehicle by a licensing officer or Police officer they shall immediately comply with that request.
17. The consent holder's vehicle shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
18. The consent holder must take adequate precautions to prevent the risk of fire at the vehicle. All hot food vehicles are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
19. All hot food vehicles are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vehicles should have access to a minimum of one mobile phone that must be serviceable at all times.
20. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
21. A street trading consent cannot be transferred or sold to another person.
22. The consent holder must be the principal operator and have day-to-day control of the vehicle. The consent holder may employ any other person to assist in operating the business.
23. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
24. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
25. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
26. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.

27. These general conditions, which apply to all street trading consents, may be varied. Additional conditions may be required and will be displayed and listed on the street trading consent.
28. Annual fees must be paid in advance.

**Failure to comply with these conditions**

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

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### **Appendix 3 Guidelines on the suitability of applicants**

The primary aim of this policy is protection of the public. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, wherever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a licence unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- Whether the applicant has been convicted of any relevant offence
- Whether the applicant has been the subject of any relevant enforcement action
- Any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal)
- Any previous revocation of a street trading consent (and the reasons for the revocation), and
- Any substantiated complaints or concerns received in respect of the behaviour of the trader or any person working with them.

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### APPENDIX 3

DATE	CONTACT DETAILS	COMMENTS	RESPONSES
28.11.2025	Neil Whitton - Environmental Protection	No comments	No response required
25.11. 2025	Licensed Street trader	Advised would participate in consultation process - no further comments received	No response required
25.11.2025	Licensed Street trader	Requested further information on changes from the old policy to New policy	email sent advising of changes 26 11 2025 - no further contact received
25.11.2025	Licensed Street trader	confirmed still hold a consent is there anything else he needed to do - No further comments received	Responded 25.11.2025 to review the new policy and sent comments if they want to
24.12.2025	Licensed Street trader	<p>Thank you for your email, we have reviewed the draft policy and have some comments which we have listed below:</p> <p>12.2 f) Clarification on who confirms planning is not required?</p> <p>12.2 h) Clarification on how to contact the Food &amp; Safety Team at Cherwell DC - is this not automatic as part of the STL application ? 12.3 c) Why is a DBS required ? Clarification that DBS is only required for the holder of the STL?</p> <p>12.3 f) Refer back to 12.2f) - from whom?</p> <p>Appendix 1 18. We are a limited company with two directors and, currently two mobile catering trailers. We run a small team across both sites, As the STL is granted only in one person's name it is not always the case that the person is the principal operator. One or other of the business partners does have day to day control however it may not be the named licence holder - please advise how our operation can become compliant with this condition?</p>	Most points are unrelated to the policy itself. In response to "why is a DBS required", this is required for public safety and to allow applicants to be evaluated for suitability to hold a licence.
24.12.2025	Nathanael Stock - Development Management Team Leader	Further to the consultation ref below, we would comment as follows: 3.2, first bullet - either "Development Control" or Development Management" 5.12 - thank you for including this section. Similarly 12.2 (f). The local planning authority has no other comments or observations to make.	3.2 Name change only done to "Development Control", no other changes made.

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<b>This report is public</b>	
<b>New Cherwell District Council Pavement Licence Policy</b>	
<b>Committee</b>	General Licensing Committee
<b>Date of Committee</b>	18 February 2026
<b>Portfolio Holder presenting the report</b>	Portfolio Holder for Healthy & Safe Communities, Councillor Rob Pattenden
<b>Date Portfolio Holder agreed report</b>	5 February 2026
<b>Report of</b>	Health Protection, Compliance and Licensing Manager, Jan Southgate

## Purpose of report

To present to the General Licensing Committee a new Pavement Licence Policy. The new policy is included in Appendix 2 together with proposed new standard conditions.

### 1. Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the new Pavement Licence Policy for adoption from the 1 April 2026 to ensure that the Council's policy reflects the current Government guidance.

### 2. Executive Summary

- 2.1 This report presents options for the Committee to review the Council's pavement licensing process and guidance following the commencement of the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023. A public, partner agency and trade consultation was undertaken from the 25 November 2025 to the 23 December 2025. Eight responses were received; these can be found in Appendix 3. No material changes were made to the draft policy following the consultation.
- 2.2 The provisions included in the 2023 Act introduce a permanent pavement licensing regime to replace the temporary provisions introduced by the Business and Planning Act 2020. The new legislation retains most of the features of the temporary regime but introduces some changes and is supported by updated government guidance.

## Implications & Impact Assessments

Implications	Commentary
<b>Finance</b>	<p>The proposed fees for this license and its renewal have been calculated according to a full cost recovery model. The proposed fee will be included in the Fees &amp; Charges schedule which will be considered by the Executive at its meeting in February 2026.</p> <p>Joanne Kaye, Head of Finance, 14 January 2026</p>
<b>Legal</b>	<p>The Levelling up and Regeneration Act 2023 makes the pavement licensing regime under the Highways Act 1980 permanent. Therefore, this has conferred a duty on local authorities to process and operate pavement licensing as a standing function.</p> <p>On 31 March 2024, the Levelling Up and Regeneration Act 2023 amended the Business and Planning Act 2020 to make the following permanent provisions for businesses wishing to place furniture on the highway for the consumption of food or drink. It is not a statutory requirement to have a policy. However, it is necessary to have a clear policy as we have a duty to process and determine pavement licenses (as per the Levelling up and Regeneration Act 2023). This legislation contains specific provisions which we must comply with, such as;</p> <ul style="list-style-type: none"> <li>• A Pavement Licence may be granted by a Local Authority for such period as the Authority may specify in the licence. This period may not exceed two years.</li> <li>• An application for a Pavement Licence must be accompanied by a fee not exceeding £500.00.</li> <li>• An application to renew a Pavement Licence must be accompanied by a fee not exceeding £350.00</li> </ul> <p>Cherwell District Council's draft policy is in line with this (£242.50 to apply for a pavement license, £182.50 to renew, maximum 2 years license issued).</p> <p>Furthermore, government guidance has been issued in relation to pavement licences. As the existing policy is not compliant with the updated legislative framework, it must be updated to reflect and align with this guidance.</p> <p><a href="https://www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance">https://www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance</a>.</p> <p>The report identifies that our current policy needs to be updated in order to reflect the current legislation and the government guidance.</p> <p>Denzil – John Turbervill Head of Legal Services 14 January 2026</p>
<b>Risk Management</b>	<p>There are no risk implications arising as a direct consequence of this report. The proposals seek to ensure that the Pavement Licensing Policy continues to be relevant and compliant with the legislation to which it relates.</p> <p>Celia Prado-Teeling, Performance &amp; Insight Team Leader, 12 January 2026</p>

<b>Impact Assessments</b>	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equality Impact</b>		X		There is no equalities' impact as consequence of this report. Celia Prado-Teeling, Performance & Insight Team Leader, 12 January 2026
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		The policy changes have no impact on inequality in either a positive or negative way.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Pavement Licenses in the Cherwell district are not predominantly applied for by any groups with protected characteristics therefore any changes do not disproportionately affect any particular groups.
<b>Climate &amp; Environmental Impact</b>				N/A
<b>ICT &amp; Digital Impact</b>				N/A
<b>Data Impact</b>				N/A
<b>Procurement &amp; subsidy</b>				N/A
<b>Council Priorities</b>	Economic Prosperity Supporting businesses, skills development, and the local economy to create growth and vibrant town centres.			
<b>Human Resources</b>	N/A			
<b>Property</b>	N/A			
<b>Consultation &amp; Engagement</b>	The draft policy was consulted via an open public consultation from the 24 November 2025 to the 23 December 2025. The following consultees were contacted to advise for the consultation, Oxfordshire Country Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils.			

## Supporting Information

### 3. Background

- 3.1 As a result of the COVID pandemic the Council has been responsible since 2020 on a temporary basis for the processing and determination for Pavement Licences under the Business and Planning Act. The Levelling up and Regeneration Act 2023 makes this process a permanent licensing function of the Council. The application process for a Pavement Licence is enshrined and broadly prescribed in legislation, however there are elements within the process which the Council may determine locally, this includes the setting of application fees, the period of time that a licence will have effect up to 2 years and conditions appended to licences which must be complied with.
- 3.2 The temporary measures were due to expire on 30 September 2021 but were extended on a number of occasions, until 2024, in order to further support the hospitality sector.
- 3.3 On 31 March 2024, the Levelling Up and Regeneration Act 2023 amended the Business and Planning Act 2020 to make the following permanent provisions for businesses wishing to place furniture on the highway for the consumption of food or drink.
- A Pavement Licence may be granted by a Local Authority for such period as the Authority may specify in the licence. This period may not exceed two years.
  - An application for a Pavement Licence must be accompanied by a fee not exceeding £500.00.
  - An application to renew a Pavement Licence must be accompanied by a fee not exceeding £350.00.
- 3.4 The Council's current Pavement Permits (Tables & Chairs) policy is out of date and contains out of date legislation. The policy was last reviewed in 2019 prior to the pandemic in 2020 where temporary measures were introduced to facilitate businesses being able to provide seating for customers outdoors.
- 3.5 There is no statutory requirement to have a Pavement Licensing Policy, however having a transparent Policy in place is good practice. When determining applications the Council must have regard to the Guidance issued by the Secretary of State. There is no statutory appeal process against a decision to refuse an application.
- 3.6 This policy is intended to help prospective applicants to understand where trading might be encouraged. It is important that licences are properly administered and managed to ensure that they meet the legal requirements and the high standards expected by the council.

### 4. Details

- 4.1 During 2020, the Government introduced relaxations to Planning and Licensing laws to help the hospitality industry recover from the coronavirus lockdown restrictions. The Business and Planning Act 2020 received Royal Assent in July 2020 and came into force immediately. It introduced measures to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing. The legislation provided the Licensing Authority with the power to issue a Pavement Licence for a period of 12 months and set a maximum fee of £100.00.
- 4.2 A Pavement Licence allows the licence holder to place removable furniture on the highway adjacent to their premises. This furniture must be related to the consumption of food or drink and can include tables, chairs, umbrellas, barriers, heaters and other items used in connection with the outdoor consumption of food or drink
- 4.3 A copy of the Council's current Pavement Licence Policy and standard conditions can be seen at Appendix 1 (page 5 of the Street Trading Policy). The policy and standard conditions have been in place since 2019. It has therefore been more than five years since these have been formally reviewed. Officers believe the policy and conditions should now be subject to review.
- 4.4 The new pavement licensing policy has been produced and is attached at Appendix 2. The new policy is a more comprehensive and detailed document and incorporates the updated legislation and new standard conditions to be applied to all licences granted.
- 4.5 An application for a Pavement Licence must be submitted to the Licensing Authority and specify the premises and part of the highway to which the application relates. The application must also specify the days of the week and the hours between which it is proposed to have furniture on the highway and the type of furniture that will be used.
- 4.6 The applicant is required to place a public notice on the premises which must remain in place for a period of 14 days beginning with the day after the application is submitted to the Licensing Authority. This notice will give an opportunity for members of the public to make representations in relation to the application. Details of the application will also be published on the council website.
- 4.7 Prior to making a determination in respect of the application, the Licensing Authority must take into account any representations made to it during the public consultation period. In accordance with the legislation the Licensing Authority must also consult with the relevant Highway Authority to which the application relates. The legislation also provides that the Licensing Authority may consult such other persons as they consider appropriate.
- 4.8 Licensing Authorities regularly review licences and enforce any breaches of the conditions attached to the Pavement Licence. The Licensing Authority may revoke or amend a licence if it is considered that the highway is no longer suitable for furniture, there are risks to public health and safety, the highway is being obstructed or the use is causing, or there is a risk of causing, anti-social behaviour or public nuisance

4.9 List of changes from the current policy are provided below:

New policy – no longer part of the combined Cherwell District Council Street Trading Policy.

Removal of out-of-date legislation - Pavement Licences are no longer issued under the Highways Act 1980

Consultation period for applicants reduced from 28 days to 14 days as set out in legislation.

Review of the current fees charged for licences, currently charged on a per chair basis with a cap at £100. These fees are no longer applicable.

4.10 There are implications to the Council in undertaking this statutory duty and this is recognised in the legislation which gives provision for the Council to recover the costs of administering the processes associated with Pavement Licences. Fees will be set locally, and it is for the licensing authority to determine the appropriate charge. Fees are capped at a maximum of £500 for first time applications and £350 for renewals.

The Licensing Authority have reviewed the costs associated with granting Pavement Licences for a maximum of 2 years.

The fees for 2026/27 have been calculated at:  
Grant of a New Application £242.50p  
Renewal Application £182.50p

## 5. Alternative Options and Reasons for Rejection

5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1. Make no changes to the current policy. The council policy would remain out of date and not being administered in line with the correct legislation.

## 6 Conclusion and Reasons for Recommendations

6.1 The amendments within the new Pavement Licensing Policy are required to reflect current legislation and Government guidance, which the council must implement.

### Decision Information

<b>Key Decision</b>	N/A
<b>Subject to Call in</b>	N/A
<b>If not, why not subject to call in</b>	N/A
<b>Ward(s) Affected</b>	All

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## Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Current Pavement Licence Policy
<b>Appendix 2</b>	Revised Pavement Licence Policy
<b>Appendix 3</b>	Consultation Responses
<b>Background Papers</b>	None
<b>Reference Papers</b>	Business and Planning Act 2020 - <a href="https://www.legislation.gov.uk/ukpga/2020/16/contents">https://www.legislation.gov.uk/ukpga/2020/16/contents</a> Department for Levelling Up, Housing and Communities Pavement Licences: guidance, published 2 April 2024 <a href="https://www.gov.uk/government/publications/pavement-licencesguidance/pavement-licences-guidance#pavement-licences">https://www.gov.uk/government/publications/pavement-licencesguidance/pavement-licences-guidance#pavement-licences</a> Cherwell District Council Street Trading Policy <a href="#">Street Trading Policy   Cherwell District Council</a>
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<b>Executive Director Approval (unless Executive Director or Statutory Officer report)</b>	Interim Executive Director Neighbourhood Services, Nicola Riley 14 January 2026

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# CHERWELL DISTRICT COUNCIL STREET TRADING POLICY

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## **Introduction**

Cherwell District Council aims to support business ventures and encourages the provision of street trading and cafés within the district. In towns and villages cafes in particular make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces and aid the local economy. In more rural areas, street trading outlets enable residents, visitors and travellers to obtain refreshments when there is nothing else immediately available. Both add to the facilities offered to people who visit, live and work in the district.

## **Purpose of the Policy**

This policy sets out Cherwell District Council's (hereafter referred to as the Council) framework for the management of street trading and the issuing of pavement permits in the Cherwell district. Through this policy the Council aims to regulate the location and number of street traders and pavement permit holders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the districts economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.

This policy is intended to help prospective street traders and cafe proprietors to understand where trading might be encouraged. It is important however, that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.

Anyone wishing to apply for either a Street Trading Consent or Pavement (Tables and Chairs) Permit should read this policy, the associated guidance, and detailed conditions in order to check that their proposal meets all the criteria.

This policy will guide the Council when it considers applications for either Street Trading Consents or Pavement Permits. It will inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.

It also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

Although each application will be considered on its own merits this policy contains key points that must be considered in every case. In order to ensure consistency of decision making, the Council will apply these guidelines to all street trading activities and pavement permits in its area.

## **Review of the Policy**

This policy will be reviewed every 5 years. There will be an on-going evaluation of the policy which may result in updates before the 5 yearly reviews if deemed necessary.

# Street Trading

Local Government (Miscellaneous Provisions) Act 1982.

## General

Under the above legislation locations are designated as either consent, licence or prohibited streets.

As the Council has designated all streets within the district as consent streets, this means that, subject to certain legal exemptions, nobody can trade in any street in the district without first obtaining a street trading consent from the council.

- In order to trade anywhere in Cherwell District Council area you must receive consent from the Council. In certain areas (Banbury, Bicester and Kidlington) the Council maintains a list of designated pitches; however, there is a waiting list, and you may have to wait some time before being considered for one of these.
- You may apply for street trading consent on any other street in the district.

## Definitions of terms used

The following definitions apply:

‘Street trading’ means the selling of, or exposing or offering for sale any article (including a living thing) in any street. A Street includes:

- any road, footway, beach or other area to which the public have access without payment
- a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street

A ‘consent street’ is a street in which street trading is prohibited without a street trading consent.

‘Consent’ means consent to trade on a street within the Council’s area.

‘Consent holder’ means the person or company to whom the consent to trade has been granted by the Council.

‘Static street trader’ means a trader granted permission by the Council to trade from a specified position.

‘Peripatetic trader’ means a trader who moves from street to street but trades for less than 20 minutes at any one point and does not return to a similar trading position within 4 hours.

‘Authorised officer’ means an officer employed and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

## **Peripatetic Street Trading**

Street Traders that meet the criteria laid out below will be classed as peripatetic. Ice Cream Vans and similar would typically be deemed to be mobile traders.

The criteria are as follows;

- moves from location to location
- moves at least 100 metres from the last trading location and does not return within 4 hours
- does not wait in one location for more than 20 minutes
- does not trade within 100 metres of the boundary of any educational establishment without the permission of that educational establishment.

Due to the nature of peripatetic trading there will be limited impact on any one single location so consents will be automatically granted subject to the above criteria being met and a complete application being submitted.

## **Special Events**

For one off events such as a continental street market or old town event the Council will accept one application from the event organiser. The application will require full details of each trader attending the event. A consent listing all traders will be issued to the event organiser; each attending trader will need to display a copy for the duration of the event. A fee will be applicable.

For charitable events the fee may be waived if it is clear the organiser and/or traders are linked to a registered charity and that all profits will be donated to that charity.

## **Exempted street trading activities**

The following activities do not require street trading consent:

- pedlars authorised by a certificate granted under the Pedlars Act 1871 by the police force in which the trader resides.
- anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order
- trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- news vendors
- trading on/from the forecourt of a petrol filling station or at a shop premises
- a roundsman (a person who delivers orders to customers by prior arrangement)
- the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway
- operating facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- doing anything authorised by regulations made under section 5 of the Police, Factories, etc, (Miscellaneous Provisions) Act 1916

# Pavement Permits (Tables & Chairs)

Highways Act 1980

## General

If the area outside particular premises is owned by the town, district or county council, then it is likely that permission will have to be sought under the Highways Act 1980 for permission to place the tables and chairs outside.

As a general guide, a clearance of at least 1.8m is required from the kerb to the perimeter of where the tables and chairs are to be placed.

The area for which a pavement permit is sought must be highway as defined by S115A Highways Act 1980, namely:

- a highway in relation to which a pedestrian planning order is in force;
- a restricted byway;
- a bridleway;
- a footpath (including a walkway as defined in section 35(2) of the Highways Act 1980);
- a footway;
- a subway constructed under section 69 of the Highways Act 1980;
- a footbridge constructed under section 70 of the Highways Act 1980;
- a highway whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and
- to a local Act walkway.

## Other Activities

### General

There are a number of other activities that take place in the streets of the Cherwell district that are not governed by this policy. These include:

- Awareness – people, groups or organisations such as radio stations, television stations or the armed forces may wish to raise awareness by handing out leaflets or undertaking promotional activities.
- Busking – street performance is the practice of performing in public places for gratuities.
- Market research – this type of activity includes mail order companies, insurance companies and national questionnaires.
- Markets – these are dealt with by separate policies.
- Pedlars – they are required to hold a certificate issued by the police force in the area that they reside. They are able to travel to trade within the area. They must only stop to trade when approached by a customer. They must not remain stationary after the sale has been made.
- Petitions – people or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups.
- Street collections - Persons wishing to collect money on a street or public place must obtain a permit from the Council. Applications for Street collections must be applied

for at least one month in advance of the collection date, and would be subject to the conditions outlined in the Street Collections policy.

If you are unsure of any of the above please contact the Council.

## Application Processes

### Street Trading

When making an application you will need to provide the following:

a completed application form available on request from the Council;

- the correct fee;
- a map/street plan or aerial photograph clearly identifying the proposed site position (for static street traders);
- specified areas of trade (for non-static traders);
- proposed trading times;
- photographs of the vehicle, stall, cart, etc, that will be used for the street trading activity (in the case of a vehicle, exterior and interior views are required);
- evidence of public liability insurance;
- other associated permissions i.e. planning and any appropriate licences under the Licensing Act 2003;
- Details of a commercial waste agreement (contact Environmental Services on 01295 221921 for further information).
- Proof of identity, and address of the applicant, such as a passport or DVLA photo card driving licence;
- Details of neighbours, business or otherwise, within the immediate vicinity of the specified trading area

**For food outlets, the Council also requires:**

- (if using gas) a gas safety certificate issued by a GAS SAFE registered engineer;
- (if using electricity) an electrical safety certificate issued by a NICEIC registered contractor or equivalent;
- copies of certificates to confirm all food handlers have undertaken a satisfactory level of food hygiene training;  
if using a mobile unit, confirmation that it is registered under article 6, paragraph 2 of Regulation EC No 852/2004

### Pavement Permits

The Council will not accept an application unless the following have been provided:

- a completed application form available on request from the Council;
- proof of identity, and address of the applicant, such as a passport or DVLA photo card driving licence;
- the correct fee;
- a map/street plan or aerial photograph clearly identifying the proposed site position  
photographs of the type of furniture to be used;
- confirmation of the status of the site (i.e. highway or otherwise);
- evidence of public liability insurance;
- Details of neighbours, business or otherwise, within the immediate vicinity of the specified trading area
- confirmation other associated permissions i.e. planning and any appropriate licences under the Licensing Act 2003;
- Site notice to be displayed on the premises for the duration of the consultation process.

Completed application forms, the fee and supporting documentation should be returned to; Licensing, Cherwell District Council, Bodicote House, Bodicote, OX15 4AA.

## Consultations on applications made

Before a street trading consent or a pavement permit is granted for the first time, the council will carry out a consultation process over a period of 14 days for street trading consents and 28 days for Pavement permits with various persons and groups. Dependent on the type of application, we will consult with one or more the following:

- Thames Valley Police;
- Oxfordshire County Council Highways or Highways England (depending on the location);
- Cherwell District Council Development Control;
- Cherwell District Council Public Protection;
- Cherwell District Council Street Scene;
- the ward member;
- the appropriate parish or town council;
- neighbouring businesses or properties;
- all businesses or properties within a minimum radius of 100m of the proposed site (but this may vary on a case by case basis) \*

*\*Note: It is the applicant's responsibility to notify these owners/occupiers by delivering the form (part B of the application) to the relevant property/business. If they fail to do so the application will be refused.*

## Site assessment and inspections

The site will be assessed by an authorised officer of the Council. Consents or permits will not normally be granted where:

- a significant effect on road safety could arise, either from the siting of the trading activity, from customers visiting or leaving the site, or from inadequate light or visibility;
- there is a conflict with traffic orders such as waiting restrictions;
- there is already adequate provision of similar trading facilities in the vicinity;
- there would be a significant loss of amenity caused by traffic, noise, odour, etc.

Additionally in the case of street trading food or drink, the vehicle, trailer, stall or other device to be used for the proposed trading activity will be inspected by a Public Protection Officer prior to the issue of consent. It must comply with the legal requirements relating to type of trading proposed. Food hygiene standards must be broadly compliant.

Further advice can be obtained by telephoning Licensing on 01295 753744

Email; [licensing@cherwell-dc.gov.uk](mailto:licensing@cherwell-dc.gov.uk)

Website; <http://www.cherwell.gov.uk>

## Decision Making

In considering applications for the grant or renewal of Street Trading Consents and Pavement Permits the following will be taken into consideration;

- Public Safety – whether the activity represents, or is likely to represent a substantial risk to the public. Factors taken into account will include; obstruction, fire hazard, unhygienic conditions or a danger that may occur when a trader is accessing the site.
- Public Order – whether the activity represents, or is likely to represent, a substantial risk to public order. All traders will conduct themselves in a professional manner.
- Public Nuisance – whether the activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise and/or odour particularly in residential areas.
- Appearance – the stall / vehicle / tables and chairs must be maintained in good condition and be of smart appearance. The general appearance will be considered in order to determine that the business will not have a detrimental impact on the surrounding area.

If the application meets the Council's requirements and no representations are received the consent / permit will be granted as applied for.

If valid representation(s) are made during the consultation period, then the application will be considered at a hearing by the Council's Licensing Sub-Committee.

Applications will normally be determined within two months of receipt and may be either:

- granted, whereby the consent or permit will be issued with conditions attached, or
- refused, whereby the fee will be refunded (as appropriate) to the applicant.

The reasons for the decision will be communicated to the applicant, but it should be noted that the Act does not provide a right of appeal against any decision made in relation to the grant or refusal of a street trading consent.

## Trading hours and staff requirements

The Council does not permit street trading before 6.00am. Provision of hot food and drink after 11.00pm requires a premises licence under the Licensing Act 2003

Trading consents are granted to individuals. The consent holder does not have to be present at the site during trading hours but must nominate a person aged 17 or over to cover in their absence, and if selling food must hold a Food Hygiene Certificate.

Pavement permits will only be issued to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises, employ sufficient staff to provide table service to the outside area and have sufficient provision of sanitary conveniences for use by the public.

In approving consents or permits, the Council will have regard to an applicant's previous record of compliance with the conditions attached to any previously held consents or permits.

## Consent and Permit Details

Every consent or permit issued will show specific details and carry conditions which must be complied with. The consent or permit must be clearly displayed and/or produced for inspection by an authorised officer of the Council or a police officer.

Street trading consents will specify:

- the trader's/business name;
- their address;
- a description of items to be sold;
- details of the trading location/s, days and times.

Pavement permits will specify:

- the trader's/business name;
- their address;
- a description of items to be sold;
- details of the trading location, days and times;
- the number of tables and chairs allowed.

In addition, any conditions considered necessary to individual applications may also be attached. The Council retains the right to vary the conditions at any time.

## Enforcement

### General

This section of the policy details the Council's commitment to enforcing the provisions contained within the appropriate legislation. It also highlights the Council's commitment to work in partnership with other enforcement agencies, in order to provide consistent enforcement on licensing issues.

Licensing officers aim to work closely with other enforcement authorities when dealing with issues on the street. We will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.

Authorised officers from the Council will visit street traders and holders of pavement permits to assess compliance with the conditions or to undertake any other duty that the authority has, such as food hygiene inspections.

Where licensable activities are conducted without the benefit of a consent or permit, we will gather evidence and take enforcement action as appropriate in line with the Council's own Enforcement Policy and the Regulators Code. We may call for assistance from the Police when dealing with such issues.

If an officer is of the opinion that the holder of the trading consent has contravened any conditions, the consent or permit may be revoked.

## Offences

### Street trading

1. A person who -
  - (a) engages in street trading in a prohibited street; or
  - (b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule; or
  - (c) contravenes any of the principal terms of a street trading consent; or
  - (d) being authorised by a street trading consent to trade in a consent street, trades in that street -
    - (i) from a stationary van, cart, barrow or other vehicle; or
    - (ii) from a portable stall, without first having been granted permission to do so under paragraph 7(8) above; or
  - (e) contravenes a condition imposed under paragraph 7(9) above, shall be guilty of an offence.
2. It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
3. Any person who, in connection with an application for a street trading consent or licence makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
4. A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### Pavement permits

Section 115A of the Highways Act 1980 covers the placing of tables and chairs on the highway. Any person doing so without permission is obstructing the highway. No person may place tables and chairs on the highway without a valid pavement permit issued by Cherwell District Council, and if they do so they may be committing an offence.

## Further Information

For further details of any of these consents or permits please contact:  
Licensing, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA  
Phone: 01295 753744  
Email: [licensing@cherwell-dc.gov.uk](mailto:licensing@cherwell-dc.gov.uk)

### Useful links

- [Street trading](#)
- [Pavement licences](#)

# Appendices

## Appendix A – Consent and Permit Conditions

The following conditions will be attached to relevant consents or permits:

### Street trading

- This street trading consent does not convey any other approvals that may be necessary under the food hygiene regulations, planning legislation or other appropriate legislation.
- The holder of a street trading consent shall take all reasonable precautions to prevent obstruction of the street or danger to persons using the street and to prevent nuisance or annoyance, whether to persons using the street or otherwise.
- The holder of a street trading consent, at his or her own expense, shall ensure that suitable arrangements are made for the disposal of waste and litter that may be caused in connection with the trading permitted under this consent.
- **Waste from the consent holder's operations must not be disposed of in the permanent litterbins provided by the Council.**
- The holder shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at the time be taken, made or incurred in consequence of trading. For this purpose they must take out at the consent holder's expense a policy of insurance approved by the Council in the sum of at least £2 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
- The holder of a street trading consent shall be required to seek the approval of the Council to any proposed change to the mode of trading permitted under the consent.
- The name of the holder of a street trading consent trading with a vehicle shall be displayed on the vehicle used in connection with the trading.
- This street trading consent does not convey any right to trade on privately owned property.
- The holder of the street trading consent shall ensure that no excessive noise emitting machinery is used in connection with the trading, inclusive of liquid fuelled generators.
- The Council reserves the right to add further conditions, or suspend and revoke a consent if the holder breaches any of the conditions
- Street trading consents are non-transferable.

## **Pavement (tables & chairs) permits**

- This permission is not transferrable.
- The tables, chairs and umbrellas shall only be placed outside the premises between the hours of 10 am and 6 pm.
- The area so permitted to be used solely for the purpose of consuming food and drink purchased on the premises. It is strictly forbidden to prepare any food and drink in this area.
- The tables, chairs and umbrellas shall be of such a design as may be approved by the Council in writing and be kept in good repair and condition at the permit holder's expense.
- Nothing contained in this permit gives the holder permission to make fixtures to or excavations of any kind in the surface of the highway which shall be left entirely undisturbed.
- The permit holder shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
- The permit holder shall indemnify the Council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the permit holder's expense a policy of insurance approved by the Council in the sum of at least £2 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
- No charge shall be made by the permit holder for the use of the chairs and tables and other objects.
- Waste from the permit holder's operations must not be disposed of in the permanent litterbins provided by the Council.
- Refuse and litter deposited on the highway in the vicinity of the chairs and tables and other objects must be removed each day by the permit holder at their expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990.
- The permit holder shall remove the tables, chairs and windbreaks from the highway outside the hours permitted by Clause 2, and immediately if required to do so in order to permit works in or the use of the highway by:  
the Council, the County Council, the police, fire and ambulance services, any utility operator or builders' vehicles, hearses and furniture removal vans.
- The permit holder shall be responsible for any rates, taxes and other outgoings which may be charged.
- Permissions run from the date of this permit, and would be subject to an annual renewal fee. Failure to pay any relevant fees would result in suspension or removal of permissions.
- The Council reserves the right to condition, suspend or revoke a permit if the permit holder breaches any of the conditions.
- Upon request permit holders will be required to clearly define the permitted area by the use of barriers of a type agreed with the Council



## **Pavement Licences Guidance for applicants and licence holders**

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## 1. Introduction

The Business and Planning Act 2020 ('the Act') introduced provisions designed to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors, maximising their ability to trade, assisting them to operate safely and promoting economic recovery in response to the impact of the global COVID-19 pandemic.

The Act created a regime for processing applications for 'pavement licences' to authorise businesses such as cafes, restaurants and bars to place furniture on the highway. This is a fasttrack procedure to get the same permissions a business would previously have had from a Part 7A Highways Act permit, street trading consent and planning permission (change of use).

The Levelling Up and Regeneration Act 2023 made the provisions of the Business and Planning Act permanent with effect from 31 March 2024.

This guidance will be kept under review and may be amended periodically as required. The government has also published their own [guidance on pavement licences](#).

The council must also have regard to its wider duties, including those under the Public Sector Equality Duty, Equality Act 2010, Human Rights Act 1998, Environmental Protection Act 1990, and the Crime and Disorder Act 1998.

Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

## 2. Scope

### 2.1 Definition of pavement licence

A pavement licence allows the holder to place removable furniture on a section of the highway adjacent to the premises in relation to which the application was made, for certain purposes.

### 2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

### 2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted). Oxfordshire County Council maintains [a map showing the extent of highway](#) which may be useful to applicants.

A licence is not required for furniture sited on private land.

The licensed area is normally expected to be an area directly in front of and visible from the premises. The area should not extend beyond the width of its frontage unless there are exceptional circumstances.

## 2.4 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink
- tables, counters or shelves on which food or drink can be placed
- chairs, benches or other forms of seating, and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away when not in use. Furniture should also be of a type that is not likely to cause damage to the highway surface. Furniture should be nonreflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind and thereby cause obstruction or a safety hazard.

The council would also expect the type of furniture to be 'in keeping' with the local area.

## 2.5 Planning Permission

If a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid and remains in force.

## 2.6 Existing tables/chairs

The new pavement licence regime runs alongside the provisions in Part 7A of the Highways Act 1980, which remain in place. Any existing permissions issued under Part 7A of the Highways Act 1980 remain valid.

# 3. Application Process

## 3.1 How to Apply

An application for a pavement licence (either grant or renewal) must be made electronically (either by email or through the online applications portal) on the council's application form and accompanied by the following:

- public liability insurance to a minimum value of £5 million
- site plan to a suitable scale or with clear measurements showing:
- property boundary and proposed boundary of area to be covered by the pavement licence (with a red line to indicate the area to be licensed)
- building and kerb lines
- measurements of the clear space between the licensed area and any obstacles or the edge of the pavement/road
- furniture layout
- location and type of barriers to separate the licensed areas from the rest of the highway
- position of any lighting columns, litter bins, road signs or other existing street furniture
- evidence of the right to occupy the premises e.g. the lease

There is no provision to vary a licence and therefore any such application will be required to be made as a grant.

An application will not be considered complete until the application form, all required documents and the application fee have all been received. The consultation period will commence the day after a complete application has been made.

### 3.2 Fees

The fee for applying for a licence in 26/27 financial year is £242.50p. This charge covers administration and compliance costs. This is not refundable in the event that an application is deemed invalid, rejected, or a licence subsequently surrendered, suspended or revoked.

The fee for the renewal of a licence in 26/27 financial year is £182.50p. A renewal application is defined as one made before expiry of the previous licence by the same holder, for the same premises and in the same terms.

The fees above will rise in line with the Council's annual increase in fees.

### 3.3 Consultation

The consultation period is 14 days (not including public holidays), starting with the day after the day on which a valid application was made to the council.

The council will aim to publish details of the application on its website.

The council is required by law to consult with the Highways Authority, and will also aim to consult with the following:

- Planning
- Environmental Protection
- Food & Safety Team
- Thames Valley Police
- Oxfordshire Fire and Rescue
- Town/parish councils
- Ward councillors

The council must take into account any representations received during the consultation period and consider these when determining the application.

### 3.4 Site Notice

The applicant has to post a notice of the application (using the council's template, available on the website) on the premises to which it relates, on the same day that they submit the application. The notice must be easily visible and legible to the public and the applicant must ensure the notice remains in place for the whole of the public consultation period as detailed above.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

Applicants should record and retain evidence that they have complied with all requirements, including posting the notice at their premises. It is recommended that you take a photo of the notice on a mobile phone each day during the consultation period so that you can prove the notice was there for the required period.

### 3.5 Site Assessment

All applications will be considered on their merits. The following matters will be used by the council and consultees in considering the suitability of the proposed application:

- public health and safety including security – for example any reasonable crowd management measures needed as a result of a licence being granted;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site, its surroundings and its users, taking account of:
  - considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people;
  - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
  - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
  - the impact on any neighbouring premises; and
  - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in [Inclusive Mobility](#), and other users of the space, for example if there are high levels of pedestrian or cycle movements.

Section 4.2 of [Inclusive Mobility](#) sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm of 'clear space' is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. The council will take a proportionate approach if this is not feasible due to physical constraints but a minimum width of 1500mm is regarded as the minimum acceptable 'clear space' under most circumstances, as this should enable a wheelchair user and a walker to pass each other.

The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded.

In general, all parts of the highway may be used for pavement furniture, assuming all safety and non-obstruction requirements are met. The exceptions are:

- Any carriageway or 'shared use surface'
- Any highway verge
- Where the width of the pavement makes it impractical
- Where other authorised street furniture makes it impossible
- Where sight lines are compromised and may give rise to health and safety issues.

Emergency exit routes, including those of adjacent buildings, must not be obstructed by the furniture and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets.

In granting pavement licences, it is important to ensure that the rights and safety of other persons using the highway are not detrimentally affected, with special attention to wheelchair users and those with impaired vision. The licensed area should be at least partially enclosed with barriers, to demarcate the area and to contain the furniture, thus making it distinguishable to other pavement users, and particularly to assist blind and visually impaired pedestrians. Any barrier should ideally have solid bars/elements at around 100mm and 1000mm above ground level for long cane users.

In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of furniture within the licensing regime, therefore should not be used as a barrier.

The layout of furniture and means of enclosure will only be approved if adequate provision has been made for customers with disabilities.

All licences will be issued with a condition requiring a licence holder to make reasonable provision for seating where smoking is not permitted. It is expected that this will be the majority of the area. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012 which can be viewed [here](#).
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2 metre distance between non-smoking and smoking areas, wherever possible.

### 3.6 Determination

At the end of the consultation period, the council has 14 days (excluding public holidays) to determine the application.

If the council determines the application before the end of the determination period the council can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- reject the application.

If the council does not determine the application within the determination period, the application will be deemed to have been granted subject to any local conditions published by the council at the time the application is submitted.

### 3.7 Issue of licences

If the council chooses to approve the application, a pavement licence will be issued to which conditions will be attached. The licence will also contain specific details such as days and hours when furniture is permitted for use, and a copy of the plan to confirm the authorised positions for furniture.

Licences will be granted for two years unless there are good reasons for granting a licence for a shorter period, such as plans for future changes to the highway in that area.

If the council does not decide the application within the determination period, the licence which was applied for is deemed to be granted for two years with the standard conditions.

The council will generally only grant pavement licences to operate between 08:00 and 21:00.

Applicants wishing to operate outside these hours may wish to include additional information as to how they will prevent nuisance affecting nearby residents. The council also retains the right to specify permitted hours on the licence that are reduced from those specified above in appropriate circumstances.

Licences are not transferable, so a new application would be required to issue a licence to a new licence holder.

### 3.8 Rejected Applications

If the site is deemed unsuitable for a pavement licence, or if relevant representations are made during the consultation period which cannot be mitigated by conditions, then the application will be considered at a hearing by the Council's Licensing Sub-committee.

If an applicant or objector does not believe due process has been followed when determining an application, they are entitled to use the council's complaints procedure.

## 4. Conditions

The Council's standard conditions can be found at **Annex B**. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis, and the council will confirm the reasons why any additional conditions have been imposed.

The Act contains two national conditions that all granted and deemed granted licences must adhere to if the council fails to publish their own conditions, or the published conditions fail to make provision for observing the national conditions. The two conditions are:

- a no-obstruction condition
- a smoke free seating condition

The council's published conditions make provision for these conditions, but for the sake of transparency, the national conditions are detailed in Annex A to this document.

The Act also allows for the Secretary of State to produce via regulations conditions for pavement licences, and to stipulate whether these conditions have effect as well as, or instead of, the conditions placed on a licence by the council. If such conditions are created, this guidance will be amended to reflect them, and all licence holders will be notified of any changes this may create.

Where a local authority sets a local condition that covers the same matter as set out in national conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

## 5. Enforcement

The highway authority retains the power under s.149 of the Highways Act 1980 to remove items on the highway which are a nuisance – whether they are licensed or not. This power is exercisable immediately in cases where the furniture causes a danger.

Where a business sites furniture for use by customers to consume food or drink without a licence, a notice may be served under 7A of the Act requiring the business to remove the furniture before a specified date, and to refrain from putting furniture on the highway without a licence. If furniture continues to be sited without permission, the council can remove the furniture and store it. The business will be liable for any costs associated with removal and storage, and the furniture will not be removed until such costs are paid in full. After 3 months of serving of the notice, the furniture can be disposed of as the council sees fit, which may include sale of the furniture with the proceeds applied towards the costs of storage.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, such as health and safety legislation, food hygiene requirements and premises licence conditions under the Licensing Act 2003.

All enforcement activity by the council will be undertaken in line with our Enforcement Policy. Periodic inspections of premises with pavement licences will be made by the council to ensure compliance with the licence and conditions.

If there is a breach of a licence condition, the council may either revoke the licence, or serve a notice on the licence holder requiring them to take steps to remedy the breach within a specified time. If the licence holder fails to comply with a notice, the council may revoke the notice or take the steps itself and recover the costs of doing so from the licence holder.

The council may also revoke a licence where:

- (a) all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted - for example, the licensed area (or road adjacent) is no longer to be pedestrianised.
- (b) there are risks to health or safety – for example by placing tables and chairs too close together
- (c) the use of the highway is causing an unacceptable obstruction – for example the furniture preventing a wheelchair user from passing along the highway
- (d) there is anti-social behaviour or public nuisance
- (e) it comes to light that the applicant provided false or misleading statements in their application, or
- (f) the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

Where a licence is revoked, full notice with reasons will be given.

In addition, licences can be amended (with the agreement of the licence holder) to remedy any concerns in respect of items (a) to (d) above.

The usual procedure for a breach of conditions will be a warning to comply and that further contravention will result in revocation of the licence. The licensee will be allowed reasonable time to comply. If the contravention continues or is repeated within the licence period, the licence is likely to be revoked. If any breaches of conditions are serious enough in nature, the licence may be revoked without the warning letter stage.

## **6. Further information and contact**

The application form, template notice and our contact information can be found on our website [www.Chewell-dc.gov.uk/pavementlicences](http://www.Chewell-dc.gov.uk/pavementlicences)

### **Annex A - National Conditions**

[All section references are to the Business and Planning Act 2020]

#### **No-obstruction condition**

Section 5(5) A “no-obstruction condition” is a condition that anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6):

Section 3(6)

The effects referred to in subsection (5) are-

- a) preventing traffic, other than vehicular traffic, from—
  - i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
  - ii. passing along the relevant highway, or
  - iii. having normal access to premises adjoining the relevant highway,
- b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

### **Smoke-free seating condition:**

Section 5(6) A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

### **Annex B - Pavement Licence Conditions**

Please note that these conditions are not an exhaustive list. Each application will be considered on its own merits and individual, specific conditions may be attached where deemed appropriate. Where a licence is deemed granted, the applicant is deemed to be a ‘licence holder’ and is required to comply with all of the below conditions. In such circumstances, references to ‘licensed area’ should be understood to mean the area proposed for licensing within the application.

- 1) The licence holder must ensure that no activity undertaken by them by the placing of furniture on the highway will:
  - (a) prevent traffic, other than vehicular traffic, from:
    - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
    - (ii) passing along the relevant highway, or
    - (iii) having normal access to premises adjoining the relevant highway,
  - (b) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
  - (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
  - (d) prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
- 2) The licence holder must ensure clear routes of access are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances

required for access by mobility impaired and visually impaired people as set out in the Department for Transport's [Inclusive Mobility](#) document.

- 3) Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.
- 4) Furniture placed on the highway must be in accordance with the details and plans provided at the time of the application. No changes are permitted without prior approval from the council.
- 5) The licence may be suspended where necessary to allow highway maintenance, any other necessary remedial work and special events to take place. In addition the licence holder must comply with any request to remove the furniture due to an emergency situation. A reasonable period of notice will be given to the licence holder where possible. The Highway Authority and/or council will not be liable for any loss of earnings arising out of the suspension of a licence.
- 6) Furniture must not be set out on the highway before 07:30 for a 08:00 trading start, and the area must be closed by 21:00 and all furniture removed from the highway by 21:30. When not in use, all furniture must be stored securely inside a premises away from the highway.
- 7) If the furniture is (a) not removed outside the permitted hours or (b) located in breach of the licence, conditions or other regulatory requirements, the Highway Authority may remove and store or dispose of furniture, at the cost of the licence holder and with no responsibility for safekeeping.
- 8) A clear route of access shall fall equally either side of the centre line of the highway to ensure the space available for tables and chairs is shared equally between premises on each side of the street. A clear pathway of at least 1 metre wide shall also be maintained to allow entry and exit from the premises.
- 9) Furniture must not protrude beyond the designated boundary of the licensed area or interfere with required vision lines for traffic and pedestrians.
- 10) The licensed area should be separated from the rest of the highway (for example, with a barrier or planters) to guide persons with a visual impairment around the area.
- 11) The licence holder shall ensure that the footway is not obstructed by patrons waiting to be seated, or by any other items of furniture or personal possessions of patrons.
- 12) The placement of furniture must not obstruct any emergency exits from the premises or any adjacent buildings, and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets.
- 13) Any furniture shall be kept in a clean, safe and well maintained condition. Any canopies or umbrellas must be adequately secured.
- 14) The licensed area must be kept clean and tidy at all times. This will include washing down the area and removing any refuse and litter on the highway in the immediate vicinity of the furniture.
- 15) No forms of musical entertainment (i.e. live music, recorded music and background music) are permitted in the area.
- 16) The licence holder must ensure that the licensed area is monitored regularly by staff to ensure compliance with the licence conditions and to ensure that the area operates in a safe and orderly manner to reduce the risk of nuisance.

- 17) The licence holder shall not allow their customers to cause any form of nuisance or annoyance to:
  - (a) any other users of the highway
  - (b) any neighbouring residents, or
  - (c) any neighbouring businesses.
- 18) During hours of use, the licence holder or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to neighbouring residents and businesses upon request.
- 19) During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed area must be approved in writing by the Highway Authority.
- 20) When the licensed area is in use, the licence holder shall make toilets and hand washing facilities available for customers, including to wheelchair accessible standards where it is practicable and reasonable to do so.
- 21) The licence holder shall ensure that disabled persons and wheelchair users can be adequately served.
- 22) The licence holder is not permitted to make any fixtures or excavations of any kind to the surface of the highway without prior written approval from the Highway Authority. Any costs incurred as a result of damage to the highway or council property, due to the use of the area under this licence, will be recovered in full from the licence holder by the Highway Authority.
- 23) If the premises does not hold a licence under the Licensing Act 2003 which authorises the sale of alcohol, the licence holder must not allow the consumption of alcoholic liquor within the licensed area. Only alcohol purchased from the connected premises may be consumed within the licensed area.
- 24) The front page of the licence and Annex 1 plan must be prominently displayed on the premises so that it may be easily viewed.
- 25) The licence holder shall maintain a policy of public liability insurance indemnifying the council and Highway Authority against any injury or damage to any person or property and against any claim, liability, expense or damage arising by reason or in consequence of the use of the area under this licence. The policy shall provide cover of not less than £5 million in respect of any one incident.
- 26) At the end of the licence period or on revocation of the licence the licence holder must remove any tables, chairs and other furniture immediately and reinstate the highway to its former state and condition. If they fail to do so, the Highway Authority will be empowered to carry out such work of reinstatement and recover the costs of such work from the licence holder.
- 27) These conditions may be varied where necessary and the new conditions will come into effect upon written notification by the council.

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### APPENDIX 3

RESPONSES RECEIVED FROM PAVEMENT LICENCE CONSULTATION		
DATE	COMMENTS RECEIVED	RESPONSES
25.11.2025	Advised No longer trading busines closed on 5.10.2025	No response required
25.11.2025	Advised current holds a pavement licence - no additional comments received	No response required
25.11.2025	Advised no longer had café, no longer had pavement license	No response required
25.11.2025	advised not able to find questions	Responded on 26 11 2025 advising no survey questions - licensing seeking comments on the new policy No further contact received
25.11.2025	No Comment auto e-mail response from business	Auto response rceived - no further contact received
25.11.2025	No Comment auto e-mail response from business	Auto response received - no further contact received
28.11.2025	No Comments	No response required
21.12.2025	Further to the consultation ref below, we would comment as follows: General comm,ent - please could consideration be given to advising operatives/business to check whether planning permission is required? 3.2, last line- add an apostrophie i.e."Council's" 3. 6 - we wonder if the first sentence should start"Upon the end of the consultation period...." or "After the consultation has ended ..." The local planning authority has no other comments or observations to make.	Grammer corrected, Planning consulted on applications therefore, amended to policy not necessary.

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