

# APPENDIX E

## (DRAFT) STREET TRADING GUIDELINES IN CRANBROOK

### Introduction

East Devon District Council is the licensing authority for street trading and Cranbrook Town Council will be consulted when applications for new licences or renewals come forward.

**East Devon District Council's policy statement is to create a street trading environment which complements premises-based trading, is sensitive to the needs and amenities of residents, provides diversity of consumer choice and seeks to enhance the character and ambience of local environments.**

Town Council experience to date has identified that there are a number of issues which have emerged in connection with previous consultations. These include the fact that the Main Local Route (MLR), now experiences increased vehicle movements including more buses per hour, is unsuitable as a street trading location and that no applications on the MLR could be supported and the fact that residential (in parcel) streets are generally narrow and are unsuitable as locations for street trading. Equally, street trading in residential parcels is likely to lead to impacts on residential amenity. These factors were confirmed by East Devon District Council and the Town Council in December 2019.

Cranbrook is a designated Healthy New Town (HNT) and one of ten NHS pilots. The basic aim of the HNT project was to reduce the impact on the NHS by encouraging lifestyle changes leading to a healthier population. Whilst it is an argument that people should have a choice about what they purchase and consume, the reality is that the pressures on the NHS created by unhealthy lifestyles is unsustainable. Cranbrook Town Council therefore takes the view that health and lifestyle considerations are material in this context.

In considering the balance of established shops and street traders, it is noted that the number of take-away premises in existing shops is limited by planning condition to no more than two. The Town Council therefore takes the view that the number of street trading permissions should be commensurate with this restriction.

### Guidelines

Both the District and Town Council will consider each individual application on its merits.

The Street Trading Policy adopted by the District Council includes criteria listed under 'Stage – 5 Consideration of Applications' that allow licensing officers to accept relevant factors received from the consultation process.

The current criteria includes:

Site Safety

Public order

Avoidance of Annoyance

Conflict with other like trading outlets and school premises

Compliance with legal and Environmental requirements

Permitted Trading Hours

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## Compatibility of the proposed street trading operation General Factors

Emergence of the issues identified in this report may add further weight to the Stage 5 criteria already listed in the Street Trading policy providing further grounds to refuse approval of an application. Where any of the following factors sit outside the Stage 5 criteria, due consideration will still be given by licensing officers.

The following factors will be taken into consideration:

### Location

Is there enough space for the applicant to trade in the manner proposed without causing undue interference or inconvenience to persons using the street?

How many traders are already trading in the vicinity (from shops or other stalls) in the type of goods in which the applicant desires to trade?

Is there undue concentration of traders trading in the street in which the applicant desires to trade?

### Residential amenity

Will the consent, if granted, result in nuisance to members of the public, residents and local businesses due to the likely noise, smell, litter, disturbance or other problems which will be caused by granting the consent?

### Highway safety

Is the proposed location on a main local route and likely to result in highway obstruction?

Is the proposed location likely to result in highway obstruction caused by parking of customers' vehicles?

Is the size, nature or appearance of the proposal (and any associated signage or equipment) appropriate for the proposed location in terms of amenity or public or highway safety?

### Economic considerations

Are the proposed trading hours outside the usual business hours of shops in the vicinity?

How close is the proposed location to established shops trading similar goods?

Would the proposal lead to the number of traders exceeding the number of permitted established shops trading in similar goods?

### Health considerations

Is the proposal consistent with the aspiration of Cranbrook as a Healthy New Town?

### Operating History

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Is there a history of complaints or any other issues which might impact on a decision to grant or refuse an application?

### Potential acceptable sites

Town Council may wish to work with the Licensing Authority in identifying potential sites which may be acceptable as venues for street trading. In doing so, it is proposed that this be based on the provision of services to those parts of the town which are not as well served because they are located remotely from established services, are sufficiently removed from existing established providers to mitigate unfair competition and are situated away from locations which might give rise to highway or amenity issues. For example, until the town centre comes forward there may well be locations in that part of the town which are acceptable in all respects and meet the needs of residents. Such potential locations may have a lifespan and require revision as the town builds out.

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### **Recommendations**

- a) To adopt the guidelines set out in this document as a basis for consideration of any application for a new or renewal street trading licence. The Licensing Manager will seek approval from the District Council's Licensing and Enforcement Committee to adopt these guidelines when it next meets in February 2020.
- b) The Town Council to work with the Licensing Authority to identify potential acceptable locations for street trading.