

Standard Conditions

This permission, if granted, does not relieve the applicant of their duties to comply with any other enactments.

The following conditions will normally apply to any permission that may be granted:-

Guidance and Conditions

1. Applications should be submitted in writing, to the Director of Development Services, Roads Services, Earls Road Grangemouth FK3 8XD outlining the purpose of the application. Consultation will be carried out with other Services to ascertain if there are any associated issues e.g. Licensing, Planning, & Cleansing etc. requirements.
2. Consents will be valid for one year or part thereof. All consents will expire at midnight on 31st December each year.
3. Applications will only be considered for footways or pedestrianised areas where the proposed commercial use is ancillary to the applicant's main business.

With the exception of applications for Street Cafes in fully pedestrianised areas applications will only be considered immediately adjacent to the associated premises.

4. Areas of footway will require to be surveyed to determine the most appropriate area for occupation: different criteria will be considered appropriate for fully pedestrianised precincts, shared-use surfaces, traditional footways.

As a general rule there should be a minimum passage for pedestrians remaining of 1.8 metres which can be varied by +/- 0.5 metres depending on local conditions, as determined by the Council. Where the remaining footway is substantial the occupation may be restricted in proportion to the frontage width of the application site, as determined by the Council.

5. For street cafes, the consent holder must provide suitable barriers to delineate the area of occupation and to separate the area from pedestrians. These should be of solid construction, as a minimum having two rails set at 100mm & 900mm above ground level, in a colour to be agreed with the Council.

Permanent or semi-permanent barriers may be considered appropriate at suitable locations.

For the display of goods, clear boundary delineation is required, capable of providing a clear warning of the obstruction to pedestrians. The barrier must be approved by the Council and should be solid in appearance and suitably coloured for clear visibility to all pedestrians.

6. Occupation of the footway may be restricted to certain times, dependant on the use and needs as determined by the Council, having regard to Traffic orders, local use and residential amenity.
7. The area of the occupation shall be cleaned and tidied on a daily basis as a minimum. Road drainage systems shall not be utilised for this purpose except for footway washing water which must be completely free of any solids (litter or foodstuffs).
8. Any furniture to be used must be suitable for the purpose and approved by the Council.
9. No permanent fixings, which may present a safety hazard to pedestrians, are to be placed on the footway at any time.

10. All furniture or goods included in the occupation shall be removed daily.
11. Fire exits are to be kept clear at all times.
12. Street Cafes will have table service only. No amplified music will be permitted.
13. The display of vehicles on public footways will not be permitted.
14. Occupation of the road by signs, of any type, will not be permitted.
15. The consent, including a plan of the area, shall be displayed in an outside window for inspection purposes in a position where it can be easily read.
16. A charge for site inspection shall be included as part of the application fee. Unsuccessful applicants will have the consent & inspection portions of the fee returned.
17. If Planning Permission, a Licence or any other form of Certification is deemed necessary, the applicant will be advised. A separate application should be made to the relevant Council service accompanied by the appropriate fee.
18. Road Occupation permits will only be granted upon written verification that suitable third party insurance against personal injury to the public and their property is held for the commercial use.
19. The permit holder will indemnify the Council against any actions, claims, demands, costs, charges, losses and expenses of whatever kind which may be attributable to the occupation. The minimum indemnity cover will be £5M
20. Breaches of Section 59 of the Roads (Scotland) Act 1984 will be addressed by the issue of a formal notice giving a suitable period for the obstructing material to be removed. In the event of continued obstructions the material will be removed and a reasonable charge will be made for removal and storage.
21. Access to any public utility plant or roads apparatus must be made available when required. Access to fire hydrants shall be readily available at all times and associated signage clearly visible at all times.
22. The consent may be suspended subject to an appropriate period of notice if public utility works, road works or works associated with any adjacent infrastructure are required.
23. The Council, Chief Constable or Fire Master can suspend or terminate the consent at any time, without notice, should the occupation endanger the public or be the cause of disorder.
24. Contravention of any of the above conditions & guidelines may lead to suspension of permission and recovery of any costs incurred by the Council.