

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

8 September 2014

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held in the Council Chamber at these Offices on Tuesday 16 September 2014 at 10.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield on (01304) 872305 or by e-mail at jemmaduffield@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jemma Duffield", written over a white background.

Chief Executive

Regulatory Committee Membership:

Councillor B W Butcher (Chairman)
Councillor P S Le Chevalier (Vice-Chairman)
Councillor B Gardner
Councillor S C Manion
Councillor R J Thompson

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 3)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 4 - 9)

To confirm the attached Minutes of the meetings of the Committee held on 28 February 2014, 28 March and 29 July 2014.

5 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR STREET TRADING CONSENT** (Pages 10 - 45)

To consider the attached report of the Licensing Team Leader.

6 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 46)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

7 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF DRIVER'S LICENCE** (Pages 47 - 152)

To consider the attached report of the Licensing Team Leader.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Jemma Duffield, Democratic Support Officer, telephone: (01304) 872305 or email: jemmaduffield@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Friday, 28 February 2014 at 10.01 am.

Present:

Chairman: Councillor B W Butcher

Councillors: S C Manion
J M Smith
R J Thompson

Officers: Senior Solicitor
Licensing Enforcement Officer
Team Leader – Democratic Support
Democratic Support Officer

525 APOLOGIES

An apology for absence was received from Councillor P S Le Chevalier.

526 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

527 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

528 MINUTES

The Minutes of the meeting of the Committee held on 26 November 2013 were approved as a correct record and signed by the Chairman.

529 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor S C Manion, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in the Paragraphs 1 and 2 of Schedule 12A of the Act.

530 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

The Licensing Enforcement Officer informed the Committee that an application for a Joint Hackney Carriage and Private Hire Drivers Licence where an Enhanced Disclosure from the Disclosable and Barring Services (DBS) had shown a number

of previous convictions that were relevant to any decision as to the applicant's suitability as a Fit and Proper Person to hold a licence to drive a Hackney Carriage or Private Hire vehicle in the Dover District.

In accordance with the approved procedure Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the convictions. The applicant called upon a witness to speak to his good character and suitability as a fit and proper person. The applicant's last conviction of an offence was on 1 May 2008, which was over 5 years ago

The Committee withdrew to consider its decision and upon resuming the meeting the Senior Solicitor explained that she had advised the Committee in relation to Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and had also advised on how the council's policy regarding fit and proper persons related to offences on record.

RESOLVED: That having regard to the evidence, the application for a Joint Hackney Carriage and Private Hire Drivers Licence be approved for an initial period of six months and;

- a) That the Licensing Team monitor the applicant's performance for the duration of this period and;
- b) That prior to the expiration of the initial six months the Licensing Team Leader submit a report to the Committee on the driver's conduct and that no further licence shall be granted or renewed without Regulatory Committee approval.

The meeting ended at 10.36 am.

Public Document Pack

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Friday, 28 March 2014 at 10.03 am.

Present:

Chairman: Councillor B W Butcher

Councillors: S C Manion
J M Smith
R J Thompson

Also present: Applicant
Applicant's Solicitor

Officers: Senior Solicitor
Licensing Enforcement Officer
Democratic Support Officer

588 APOLOGIES

An apology for absence was received from Councillor P S Le Chevalier.

589 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

590 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

591 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor R J Thompson, duly seconded and:

RESOLVED: That, under Section 10(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item be considered involves the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act.

592 SCRAP METAL DEALERS' ACT 2013 - APPLICATION FOR A SCRAP METAL DEALER'S SITE LICENCE

The Committee considered the report of the Head of Regulatory Services on an application for a Scrap Metal Dealers Licence. The application was for a site licence which authorised the licensee to carry on business at any site in the authority's area identified in the licence.

The application had been referred to the Regulatory Committee as the Basic Disclosure from Disclosure Scotland had disclosed two previous convictions that were 'relevant offences' under the new Scrap Metal Dealers Act 2013 and were therefore relevant to any decision as to the applicant's suitability to hold a licence. As part of the application, the applicant confirmed that he was a registered waste carrier and was in possession of a valid permit, issued by the Environment Agency.

In accordance with the general procedure, Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the convictions. The Members were advised that the offences, which dated from 2010, would be spent as of 2015.

The Committee withdrew to consider the application. Upon reconvening the Senior Solicitor explained that advice had been given to Members in relation to sections 1 and 3 the Scrap Metal Dealers Act 2013. In particular, she had advised in relation to s.3(2), factors which could be taken into consideration and s.3(6), which states that the authority must have regard to the guidance from the Secretary of State on determining suitability. The Senior Solicitor also stated that she advised in relation to s.3(8), which dealt with imposition of conditions if the Committee considered it to be necessary.

RESOLVED: That, in accordance with s.3(1) of the Scrap Metal Dealers Act 2013, the Committee was satisfied that the applicant was a suitable person to carry on business as a scrap metal dealer and therefore a site licence be GRANTED without conditions.

(Councillor S C Manion made a Voluntary Announcement of Other Interests stating that he was a member of the Kent County Council Planning Committee.)

The meeting ended at 10.49 am.

Public Document Pack

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 29 July 2014 at 10.01 am.

Present:

Chairman: Councillor P S Le Chevalier (Vice-Chairman in the Chair)

Councillors: P S Le Chevalier
B Gardner
R J Thompson

Also Present: Applicant
Applicant's Solicitor

Officers: Senior Solicitor
Licensing Enforcement Officer
Democratic Support Officer

1 APOLOGIES

Apologies for absence were received from Councillors B W Butcher and S C Manion.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

3 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

4 MINUTES

In the absence of sufficient members who were present at the previous meetings held on 28 February 2014 and 28 March 2014, it was agreed to defer the consideration of the Minutes to the next meeting of the committee.

5 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor B Gardner, duly seconded and

RESOLVED: That, under Section 10(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item be considered involves the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act.

6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVERS LICENCE

The Committee considered the report of the Licensing Enforcement Officer on an application for a Joint Hackney Carriage and Private Hire Drivers Licence. The applicant had previously held a licence issued by the Council in 2009 but this had lapsed in January 2014 while under suspension and the Committee was asked to consider the applicant's suitability as a fit and proper person to hold a new licence.

In accordance with the approved procedure Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the suspension. The Committee withdrew to consider its decision and upon resuming the meeting the Senior Solicitor explained the she had advised the Committee in relation to Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and had also advised on the Leeds City Council v Hussain case.

RESOLVED: That having regard to the evidence, the Committee considered that the applicant was a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and the application for a Joint Hackney Carriage and Private Hire Drivers Licence be approved for a period of 12 months on condition;

(a) That the Licensing Team Leader monitor the applicant's performance for a period of 6 months and hold a review meeting with the applicant at the end of that period;

(b) That following the meeting required by (a) above, the Licensing Team Leader will liaise with the Chairman and Vice-Chairman of the Committee with regard to the outcome of the meeting and a further report will be presented to the full Committee if considered necessary by the Licensing Team Leader.

The meeting ended at 11.04 am.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS

- | | | |
|-----|--|---|
| 1. | Introduction of all present. | Chairman |
| 2. | Purpose of hearing and procedure. | Licensing Team Leader |
| 3. | Applicant asked to confirm receipt of agenda, Licensing Manager's report, Council's policy guidelines and procedure for hearing. | Legal Adviser |
| 4. | Licensing Manager's report introduced and issues summarised | Licensing Team Leader |
| 5. | Licensing Manager calls any witnesses.
Each witness in turn :
(i) will give evidence
(ii) may be questioned by the applicant or applicant's representatives
(iii) may be questioned by the Committee
(iv) may, if necessary, be re-questioned by the Licensing Manager | Licensing Team Leader |
| 6. | Presentation of case and particular issues (including whether applicant accepts the facts presented or wishes to correct them) | Applicant or his/
her representative |
| 7. | Applicant or his/her representative may call any witnesses (including the Applicant him/herself). Each witness in turn:
(i) will give evidence
(ii) may be questioned by the Licensing Manager
(iii) may be questioned by the Committee
(iv) may, if necessary, be re-questioned by the applicant/applicant's representative | Applicant or his/
her representative |
| 8. | Further questions may be asked of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification | Committee |
| 9. | Final submission. | Licensing Team Leader |
| 10. | Final submission. | Applicant |
| 11. | Committee withdraws to consider in private. Clerk and Legal Adviser may be invited to assist the Committee. | |
| 12. | If the Committee requires any further information from any party or any further evidence, all parties will be recalled and the meeting reconvened. Any Member of the Committee who has not been present during the | |

whole of the proceedings must not take part in the decision making.

13. Committee reconvenes. Any legal advice given to the Committee in private will be summarised to the Applicant. Legal Adviser
14. The decision of the Committee is given to all parties. Chairman
In the event of a decision to refuse, suspend or revoke an application, the applicant is told that he/she has the right of appeal through the Magistrates Court and then to the Crown Court.

NOTES

1. The opportunities given to the parties within this procedure to ask questions should be used only for that purpose - to ask questions. The person asking the question will not be allowed to use this right as an opportunity to make statements.
2. Members of the Committee are, as a general rule, expected to ask questions of the various parties in accordance with this procedure. However circumstances may arise where it is desirable for a Member to seek immediate clarification or a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant or his/her representative will always be given the final right of reply.
3. Under no circumstances must the parties or their witnesses offer members of the Committee information in the absence of the other party. Similarly Members must not attempt to gain information from any party at the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
4. The Chairman may vary this procedure as circumstances require but having full regard to adhering to the rules of natural justice.

Subject: Local Government (Miscellaneous Provisions) Act 1982 – Application for Street Trading Consent

Meeting and Date: Regulatory Committee – 16 September 2014

Report of: Licensing Team Leader

Classification: Unrestricted

Purpose of the report: To consider an application for a Street Trading Consent

1. **Summary**

1.1 Mrs Kim Lock of KB Trading has applied to the Council for permission to trade from a converted vehicle in New Bridge, Dover.

2. **Introduction and Background**

2.1 The Council controls street trading under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

2.2 Paragraph 1 of Schedule 4 to the Act states that:

“street” includes –

(a) any road, footway, beach or other area to which the public have access without payment”

2.3 With effect from 1 April 1994 Dover District Council passed a resolution to designate a number of streets within the district as ‘Consent Streets.’

In a Consent Street, street trading is prohibited without the consent of the Council.

New Bridge is designated a Consent Street. A list of all the designated consent streets within the District is included within the Street Trading Guidance Notes shown at **Appendix A**

2.4 In relation to Street Trading Consents, Paragraph 7(2) of Schedule 4 states that:

“...the Council may grant a Consent if they think fit.”

Paragraph 7(10) goes on to say that:

“a Street Trading Consent may be granted for any period not exceeding 12 months but may be revoked at any time.”

2.5 Mrs Kim Lock has applied to the Council for permission to trade from a converted vehicle in New Bridge, Dover.

The application is to trade Monday to Friday 09:30hrs to 15:00hrs.

The application is to sell speciality teas, coffees and pastries (sourced locally).

A copy of the application and location plan is included at **Appendix B**. Photographs of the proposed site and the mobile unit are shown at **Appendix C**.

2.6 Following receipt of a valid application on 5 June 2014, a 28 day consultation exercise was conducted with notices posted to properties in the vicinity of the proposed site and consultation with the Highways Authority, Dover Town Council,, Kent Fire & Rescue, Kent Police and various internal Council departments

2.7 One representation was received objecting to the application during the consultation period:

BEST WESTERN PLUS Dover marina Hotel & Spa objected to the application as they feel that this would compete with their coffee shop on an unfair basis, they feel that there are enough coffee shops in the vicinity and that the area in question should be aesthetically preserved.

2.8 Copy of the representation is included at **Appendix D**.

2.1 Identification of Options

Options:

- (a) To grant permission for the Street Trading Consent to be issued for a period not exceeding 12 months.
- (b) To refuse permission

2 Evaluation of Options

Options:

- (a) The Committee may choose to issue the consent for a shorter period than 12 months for review.
- (b) If the Committee felt that there were insufficient reasons to grant the consent then the application should be refused.

Members should have regard to criteria at page 7 of Appendix A.

3 Appendices

Appendix A – Street Trading Guidance Notes including a list of designated consent streets
Appendix B – Application & Location Plan
Appendix C – Photographs of proposed site and mobile unit
Appendix D – Representation

4 Background Papers

Local Government (Miscellaneous Provisions) Act 1982
Dover District Council Street Trading Guidance Notes March 1995

Contact Officer: Rebecca Pordage, Licensing Team Leader. Ext.2279



DOVER DISTRICT COUNCIL

STREET TRADING GUIDANCE NOTES

Appendix A

Appendix A

STREET TRADINGStatutory Powers

Street trading is controlled by an adoptive code contained in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. The code was adopted by the Council on 12 October 1963. Having adopted Schedule 4 the Council may by resolution designate any street (a) a prohibited street, (b) a licensed street or (c) a consent street.

Definitions

Prohibited Street:	This is a street in which trading is prohibited.
Licensed Street:	This is a street in which street trading is prohibited without a licence granted by the District Council.
Consent Street:	This is a street in which street trading is prohibited without the consent of the District Council.
Street:	Includes any road, footway, beach or other area to which the public have access without payment.
Street Trading:	Means, subject to certain exemptions, the selling or exposing or offering for sale of any article.

Exemptions

The following types of trading are excluded from the definition of street trading and those traders are not required to obtain a licence or consent. They may also trade in a street designated as a prohibited street:-

- (a) Trading by a person acting as a pedlar.
- (b) Anything done in a market or fair the right to hold which was acquired by virtue of a grant, enactment or order.
- (c) Trading in a trunk road picnic area.
- (d) Trading as a news vendor subject to a restriction upon articles sold and the type of stall used.
- (e) Trading which is carried on at petrol filling stations or at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.
- (f) Roundsmen
- (g) The use for trading under the Highways Act 1980 of an object or structure placed on, in or over a highway (pavement cafes etc.).
- (h) The operation of facilities for recreation or refreshment under the Highways Act 1980.
- (j) Street collection.

Essential Differences

The main differences between the two types of street designation are as follows:-

<u>Licensed</u>	<u>Consent</u>
(1) District Council obliged to grant a licence unless the application ought to be refused on one or more of the grounds specified in the Act.	District Council under no duty to grant a street trading consent and need not specify statutory grounds for refusal.
(2) District Council may only revoke or refuse to renew a licence on the statutory grounds relating to principle terms (i.e. days, times, articles for sale).	No statutory limitation on a District Council's power to revoke or refuse to renew a street trading consent.
(3) Before a District Council may vary a principle term of a street trading licence or before it may refuse to grant or renew or revoke a street trading licence it must first invite the applicant/licence holder to make representations and then afford that person a reasonable opportunity to make those representations.	No notice requirements apply to a street trading consent.
(4) Statutory grounds of appeal against the refusal, revocation or variation of a principal term of a street trading licence are contained in the Schedule.	There is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.
(5) A licence holder may be prosecuted for a breach of the "principle terms" which relate to the street in which the days and times upon which and the articles in which the holder trades.	A street trading consent holder may only be prosecuted for a breach of a condition where he trades from a stationary van, cart, vehicle or from a portable stall in a place or at a time not included in the consent, or for breach of the condition relating to the positions and times in which he may trade but not for a breach of a condition relating to the type of article to be sold.
(6) A District Council may recover from a licence holder such reasonable charges as they may determine for the collection of refuse and the cleansing of streets etc.	A District Council may not charge the holder of a street trading consent for the collection of refuse and cleaning of streets etc.
(7) Where a licence is surrendered or revoked the Council has a discretion to remit or refund any fee paid to it.	Where a consent is surrendered or revoked a Council is under a duty to remit or refund the whole or part of any fee paid for the consent.
(8) The consent of the Highway Authority is necessary for the designation of a street as a licensed street.	Highway Authority consent is not required before the designation of a street as a consent street

Street Trading Licences (Street Markets)

Broadly speaking the licensing system is designed to cover street markets. It is rather complex and has been designed in an attempt to maintain a balance between the needs of stallholders who are dependent upon street trading for their livelihood and those of the Council.

Unless previously revoked or surrendered a street trading licence remains valid for a determined period not exceeding 12 months.

Street Trading Consents (Itinerant Traders)

Street trading consents provide a separate form of control than the licensing system with no rights of appeal for the trader. It is intended to cover the activities of itinerant traders ranging, for example, from the single flower seller with a basket to the ice-cream vendor or hot dog stall.

The Council may attach to a consent such conditions as they may consider reasonably necessary including conditions designed to prevent obstruction of the street or danger to persons using it or nuisance or annoyance (whether to persons using the street or otherwise).

If a street trading consent includes permission for its holder to trade in a consent street either (a) from a stationary van, cart or other vehicle or (b) from a portable stall it may be made subject to conditions as to where and the times between which or periods for which trading may take place.

A street trading consent may be granted for any period not exceeding 12 months and may be revoked at any time.

General Provisions

The holder of the street trading licence or consent may employ any other person to assist him in his trading without a further licence or consent being required subject to no such person being under 17 years of age.

A decision by the Council to designate a street is not irrevocable if one form of control or the absence of it proves inappropriate a new resolution may be made.

Designation Procedure

Before designating a street under any of the three categories mentioned notice of such intention has to be published in a local newspaper and a copy served on the Chief Officer of Police and the Highway Authority, the consent of the Highway Authority being required in the case of licensed streets. A period of not less than 28 days must be given for the submission of representations and these have to be considered by the Council before proceeding, if they think fit, to pass the proposed resolution. Public notice has also to be given of the passing of the resolution and the date specified for the coming into force of the designation must be not less than 28 days after the first publication of that notice.

Fees

The level of fees set by the District Council for the grant or renewal of a street trading licence or consent need not be restricted to the recovery of the cost of administration. The Council may set different fees relating to the duration of a licence or a consent and relating to the street and articles to be sold recognising that market forces may be taken into consideration to a certain extent in determining the different fee levels. Whilst there is no requirement to publish notice of fees payable for the issue of a licence or consent a District Council must give notice to the licence holders and publish notice of fees to be charged for the cleansing etc. of street and any variations thereof.

Offences

A person who:-

- (a) Engages in street trading in a prohibited street.
- (b) Engages in street trading in a licensed street or a consent street without being authorised to do so.
- (c) Contravenes any of the principal terms of a street trading licence.
- (d) Being authorised by a street trading consent to trade in a consent street:
 - (i) trades from a stationary van, cart, barrow or other vehicle
 - or
 - (ii) from a portable stallwithout first having been granted permission to do so.
- (e) Contravenes certain conditions shall be guilty of an offence, subject to a statutory defence.

In addition a person who, in connection with an application for a street trading licence or consent, makes a false statement which he knows to be false in any material respect or which he does not believe to be true shall also be guilty of an offence.

LICENCE\MISC\ST-GN

DOVER DISTRICT COUNCIL - PRESENT POSITION

In order to obtain the benefit of greater flexibility the District Council has designated those streets or parts thereof, together with any road, footway, beach or other area detailed in Appendix A to which the public has access without payment which is adjacent to the street or part of it.

In addition every other street adjoining any street referred to in Appendix A for a distance of 20 metres from its junction with each such designated street have also been designated as consent streets.

The Council has, on individual application, also designated additional streets as consent streets for specific dates in connection with Deal and Dover carnivals and Deal braderie.

Criteria

All applications for consent will be considered on their merits but regard will be had to the following criteria:-

- (a) In the case of persons wishing to trade on a commercial basis the goods to be sold should usually be restricted to food, beach goods and souvenirs.
- (b) Consents should not be granted when there already exists sufficient retail outlets in the area.
- (c) Consent should not be granted if there is insufficient space and undue inconvenience and interference to pedestrians or road users will be caused or where to do so would be prejudicial to highway safety.
- (d) The Council should be satisfied as to the suitability of the applicant.
- (e) That street trading should only be permitted to take place between specified hours.

Roundsman

For the purposes of exemption "Roundsman" has been defined as follows:-

A person who regularly travels a set route making deliveries to regular customers at their home.

Consent Conditions

Details of the general conditions applying to a consent are attached at Appendix B.

Fees

The Council has established the following criteria in respect of fees.

- (i) The annual fee should be such that the costs of the service are met by the users thereof.
- (ii) A daily fee is also payable in respect of one off applications.
- (iii) Local carnivals, braderies and tourism promotions - to be determined by Officer in consultation with Co-Chairmen of the Technical Services Committee.
- (iv) Registered charities - no charge.

In the event of an application being refused the whole fee is refunded and in those cases where consent is prematurely surrendered or revoked a proportion of the fee relating to the unexpired completed months is refunded upon request.

Determination of Applications

Applications must be made on the correct form (Appendix C) and be accompanied by the appropriate fee.

The Council will seek the views of the Chamber of Trade, Town Council, Local Police and any other organisation that may be deemed appropriate prior to the matter being placed before the relevant Committee of the Council. As meetings of the Committee are some weeks apart time scales should be discussed with the relevant member of staff.

Consents

Consents are issued for a maximum of 12 months and applications for renewal should be made in good time.

If you sell the business that has the benefit of a street trading consent you must notify the Council immediately. The new owner of the business must apply to the Council for consent.

A consent holder may employ other persons to assist in his trading without further consents being required.

Enforcement

The Licensing Manager is empowered to revoke consents in the event of a breach of conditions or institute legal proceedings against anyone trading in a designated consent street without the benefit of a valid consent.

The submission of an application for consent does not permit trading.

White Cliffs Business Park
Dover
Kent
CT16 3PJ

DOVER DISTRICT COUNCIL
DESIGNATED CONSENT STREETS

Deal

Albert Road
Alfred Square (High Street to Alfred Row)
Beach Street
Broad Street
Court Road
Cornwall Road
Deal Castle Road
Dover Road (Ripple Road to The Strand)
Duke Street (High Street to Robert Street)
Farrier Street (High Street to Middle Street)
George Alley
Gilford Road
Godwyn Road
Golf Road (Godwyn Road to Western Road)
Granville Road
Griffin Street (High Street to George Street)
Hamilton Road
High Street
Ivy Place
King Street
Kingsdown Road
London Road (Queen Street to Sholden New Road)
Manor Road
Marine Road
Marina, The
Market Street (High Street to Middle Street)
Middle Deal Road
Middle Street (King Street to Market Street
King Street to Middle Street Car Park
Broad Street in southerly direction for 20 metres
South Street in northerly direction for 20 metres)

Mill Hill
Mill Road
Mongeham Road (London Road to St Richards Road)
New Street
Oak Street (High Street to Middle Street)
Park Avenue
Park Street (High Street to eastern boundary of No. 4)
Peter Street
Prince of Wales Terrace
Promenade (From junction of The Marina/Beach Street to southern boundary of Deal Castle)
Queen Street
St George's Road (High Street to western boundary of Town Hall Car Park)
St Georges Passage
St Richards Road
Salisbury Road

Sondes Road
South Court
South Parade
South Street
Stanhope Road (High Street to eastern boundary of Astor Theatre)
Station Road (Dover Road to Court Road)
Strand, The
Union Road (High Street to western boundary wall of Union Road Car Park)
Victoria Parade
Victoria Road
Water Street (High Street to Robert Street)
Wellington Road (High Street to eastern boundary wall of No. 27)
Western Road

Dover

A20 (Eastern Dock to Court Wood Interchange)
Alkham Road (Abbey Road to London Road, Temple Ewell)
Astor Avenue
Barton Road
Beaconsfield Avenue
Beaconsfield Road
Bench Street
Biggin Street
Bridge Street
Brookfield Avenue (Whitfield Avenue to Buckland Avenue)
Buckland Avenue
Cambridge Road
Camden Crescent
Cannon Street
Castle Hill Road (Maison Dieu Road to Upper Road)
Castle Street
Chapel Lane
Charlton Green (Frith Road to Maison Dieu Road)
Cherry Tree Avenue
Chilton Way
Church Street
Coombe Valley Road
Connaught Road
Crabble Hill
Crabble Road
Dieu Stone Lane (Cannon Street to bridge over the River Dour)
Dolphin Lane
Dolphin Passage
Dolphin Place
Duoro Place
Eaton Road
Edwards Road
Effingham Crescent
Elms Vale Road (Elms Hill to Folkestone Road)
Esplanade
Fishmongers Lane
Flying Horse Lane
Folkestone Road (Little Farthingloe Farm to Priory Road)
Frith Road

Gaol Lane
High Street
Honeywood Road
King Street
Ladywell
Last Lane
Lewisham Road
London Road, Dover
London Road, River
London Road, Temple Ewell (Railway Bridge to London Road, River)
Maison Dieu Place
Maison Dieu Road
Marine Parade (Waterloo Crescent to Townwall Street)
Market Square
Market Street
Melbourne Avenue
Mill Lane
New Bridge
New Street
Park Avenue
Park Place
Pencester Road
Peter Street
Priory Hill (High Street to the western boundary of the United Reformed Church)
Priory Road
Priory Street
Queen Street
Queens Gardens
Russell Street
St James Lane
St James Street
St Mary's Passage
Snargate Street (Service Road)
Stembrook
Tavernors Lane
Tower Hamlets Road
Tower Hamlets Street
Unnamed road between Cambridge Terrace and Waterloo Crescent
Victoria Crescent
Waterloo Crescent
Wellesley Road
Whitfield Avenue
Whitfield Hill
Wood Street
Woolcomber Street
Worthington Street
York Street

NB. The promenade of Dover has been specifically excluded from consent street provisions but the prior approval of the Dover Harbour Board is required.

Sandwich

All streets within area bounded by The Butts, Millwall, Ropewalk, The River Stour and The Guestling Stream

The Ash Road (A257) (Town Wall to Sandwich Bypass)

Deal Road (Dover Road to Sandwich Bypass)

Dover Road (Town Wall to Deal Road)

Ramsgate Road (High Street to Sandwich Bypass)

Woodnesborough Road (Town Wall to Sandwich Bypass)

CCGENIST-GN

STANDARD CONDITIONS APPLICABLE TO STREET TRADING CONSENT

1. The consent is personal to the trader and is not transferable.
2. The holder may only site the permitted structure at the approved location(s).
3. A plate bearing THE NAME OF THE HOLDER AND THE NUMBER OF HIS CONSENT or a copy of the consent, shall be shown in a conspicuous plan.
4. The holder may only trade between the approved times.
5. The holder may only sell articles approved by the Council.
6. The holder shall indemnify the District Council against any claims in respect of injury damage or loss arising out of the grant of this consent (except insofar as any claim in respect of injury damage or loss is attributable to the negligence of the Council) and shall if required maintain a public liability insurance policy with a limit of indemnity of up to 5 million. The holder shall produce the certificate of insurance and any renewal thereof within 24 hours of the original expiry date.
7. The name and address of all employees shall be notified to the relevant local Police Station at least 48 hours before the commencement of the period of employment.
8. All employees must be issued with an identification/authority card.
9. No person under the age of 17 years shall engage or be employed in street trading.
10. Suitable fire extinguishers shall be provided in appropriate cases.
11. A suitable first aid box shall be provided.
12. The prior consent of the Council shall be obtained to the use of temporary electrical fittings and such fittings are to be correctly wired and powered via recognised standard electrical outlets. Electrical leads to such fittings are to be run out of reach of the public and all electrical lampholders within reach of the public shall be kept fitted with lamps or otherwise protected.
13. The holder shall take all reasonable and proper precautions for the safety of all other persons using the street(s) and to prevent danger to persons using the street(s).
14. The consent holder shall not cause any nuisance or annoyance howsoever arising to the occupiers of the adjoining properties or to any person using the said properties or adjoining streets, nor shall he cause any obstruction of the highway.
15. The consent holder shall comply with the reasonable requests of a duly authorised officer of the Council to take such action as is considered necessary to abate any nuisance or obstruction.
16. Public highways shall be maintained in a clean condition during each days trading and all rubbish and waste paper accumulated throughout the daily operation of this consent shall be removed at the end of each days trading.

Appendix A

17. The consent holder shall observe perform and comply with all relevant statute law, common law and bye law provisions, including Road Traffic Regulation Orders made by the Highway Authority.
18. The prior approval of the local police is needed in connection with the entry into pedestrian areas of any vehicle associated with the consent.
19. Any vehicle or stall etc. used in connection with the operation of this consent shall comply with all relevant food hygiene and health and safety legislation.
20. Any vehicle used in connection with the operation of this consent shall be properly taxed, have a valid certificate of motor insurance and, where appropriate, a valid M.O.T. Certificate.
21. The consent holders vehicle shall not wait for the purposes of loading in any residential street for a period of longer than 30 minutes in any period of 3 hours.
22. The issue of a street trading consent shall purport to grant to the holder any other licence or permission required under any other enactment or requirement.
23. A consent may be surrendered at any time.

CCGENIST-GN

Useful contacts:

Environmental Health Food Safety Team: 01304 872216

http://www.dover.gov.uk/environment/environmental_health/food_safety.aspx

Kent County Council Highways: 08458247800 (ask for Roadworks Team)

www.kent.gov.uk

Trading standards: <http://www.tradingstandards.gov.uk/kent/contact.htm>

For information on starting up a business: <https://www.gov.uk/>

DOVER DISTRICT COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR STREET TRADING CONSENT

APPLICANT

SURNAME:	
FIRST NAME(S) in full	
TRADING AS PERMANENT ADDRESS	
COUNTY	POST CODE
TELEPHONE NO:	Code ()
DATE OF BIRTH:	

TRADING DETAILS

NAME OF STREET(S):	
DATES OF TRADING:	
BETWEEN THE TIMES:	AND
DESCRIPTION OF ARTICLES TO BE SOLD:	

Is any cart, barrow, stationary van or other vehicle or portable stall to be used in connection with the trading of the above articles: YES/NO	
IF YES (i) SPECIFY TYPES:	
(ii) GIVE DETAILS INCLUDING DIMENSIONS:	
(iii) DETAIL PRECISE LOCATION REQUIRED:	
30	

(iv) REGISTRATION NO. (if appropriate):	
---	--

Appendix A

HAVE YOU SOUGHT THE ADVICE OF THE ENVIRONMENTAL HEALTH OFFICER IN RESPECT OF FOOD HYGIENE AND HEALTH AND SAFETY MATTERS

YES/NO

IF YES, PLEASE ATTACH COPIES OF RELEVANT CORRESPONDENCE

HAVE YOU EVER BEEN REFUSED A STREET TRADER'S LICENCE OR CONSENT IN THIS OR ANY OTHER AREAS?

YES/NO

IF YES, PLEASE GIVE DETAILS

HAVE YOU EVER BEEN CONVICTED OF ANY OFFENCE INVOLVING DISHONESTY, VIOLENCE OR FOOD MATTERS. IF YES, PLEASE GIVE DETAILS

YES/NO

* I DECLARE THAT I HAVE CHECKED THE INFORMATION GIVEN ON THIS APPLICATION FORM AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS CORRECT.

~ I ENCLOSE £490.00 BEING THE APPROPRIATE FEE (£130 FOR AN OCCASIONAL)

~ TWO RECENT PHOTOGRAPHS OF MYSELF (PHOTOS CAN BE TAKEN AT THE OFFICES BY PRIOR APPOINTMENT)

~ WRITTEN APPROVAL FROM THE OWNER OR OCCUPIER OF ANY PRIVATE LAND FORMING PART OF THE APPLICATION

SIGNED:

DATED: _____

NOTE:

If any person makes a false statement or omits any material particular in giving the foregoing information knowingly he shall be guilty of an offence under Paragraph 10 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, and shall be liable on summary conviction to a fine not exceeding four hundred pounds.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on the form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

15/05/14 - attached
to wk/2014/2257

10/05/14

Tel

Dover District Council
Licensing Section

13 MAY 2014

Beccy Pordage
Licensing
Dover District Council Offices
Whitfield

Dear Beccy

Further to my recent enquiry I have enclosed an application form for Street Trading Consent, photographs of my vehicle and the proposed site of New Bridge, a cheque and passport photo.

I have an immaculate, unique and professionally converted vehicle which is a real 'head turner'. I wanted it to compliment the ideal image of Dover and further promote a positive experience of the town.

As I have lived and worked in and around Dover all my life and am a proud resident, I intend to offer quality (inc, locally sourced pastries). As I am also working at street level, I am happy (as when I sold Doughnuts in the town for several years) to point people in the right direction to the town, local attractions and amenities. I would also be pleased to give out leaflets with local information and use my extensive knowledge of Dover to further promote the town.

In addition, my unit is silent running and so will not cause any noise pollution to those nearby.

I look forward to hearing from you soon. Please contact me with any further queries.

Kind regards



Kim Lock (Mrs)

[Redacted text]

13/05/14 - chg rec'd for £490.00.
paid on receipt 235753.

15/05/14 - attached
to wt(2014)2257

13 MAR 2014

DOVER DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR STREET TRADING CONSENT

APPLICANT

SURNAME:	Lock (nee Batty)	
FIRST NAME(S) in full	Kim	
TRADING AS	KB Trading	
PERMANENT ADDRESS		
COUNTY		
TELEPHONE NO:	Code	
DATE OF BIRTH:	24/4/72	

TRADING DETAILS

NAME OF STREET(S):	New Bridge
DATES OF TRADING:	MON - FRI
BETWEEN THE TIMES:	9.30am AND 3pm
DESCRIPTION OF ARTICLES TO BE SOLD:	Speciality teas, coffees and pastries (sourced locally)

Is any cart, barrow, stationary van or other vehicle or portable stall to be used in connection with the trading of the above articles:	
YES NO	
IF YES (i) SPECIFY TYPES:	Axiam Megavan 600cc
(ii) GIVE DETAILS INCLUDING DIMENSIONS:	4ft 10' by 11ft
(iii) DETAIL PRECISE LOCATION REQUIRED:	New Bridge - see diagram and photos
(iv) REGISTRATION NO. (if appropriate):	KX12 EUO

[REDACTED]

HAVE YOU SOUGHT THE ADVICE OF THE ENVIRONMENTAL HEALTH OFFICER IN RESPECT OF FOOD HYGIENE AND HEALTH AND SAFETY MATTERS

YES/NO

IF YES, PLEASE ATTACH COPIES OF RELEVANT CORRESPONDENCE

HAVE YOU EVER BEEN REFUSED A STREET TRADER'S LICENCE OR CONSENT IN THIS OR ANY OTHER AREAS?

YES/NO

IF YES, PLEASE GIVE DETAILS

HAVE YOU EVER BEEN CONVICTED OF ANY OFFENCE INVOLVING DISHONESTY, VIOLENCE OR FOOD MATTERS. IF YES, PLEASE GIVE DETAILS

YES/NO

* I DECLARE THAT I HAVE CHECKED THE INFORMATION GIVEN ON THIS APPLICATION FORM AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS CORRECT.

~ I ENCLOSE £490.00 BEING THE APPROPRIATE FEE (£130 FOR AN OCCASIONAL)

~ TWO RECENT PHOTOGRAPHS OF MYSELF (PHOTOS CAN BE TAKEN AT THE OFFICES BY PRIOR APPOINTMENT)

~ WRITTEN APPROVAL FROM THE OWNER OR OCCUPIER OF ANY PRIVATE LAND FORMING PART OF THE APPLICATION

SIGNED: Al Houk

DATED:

10/5/14

NOTE:

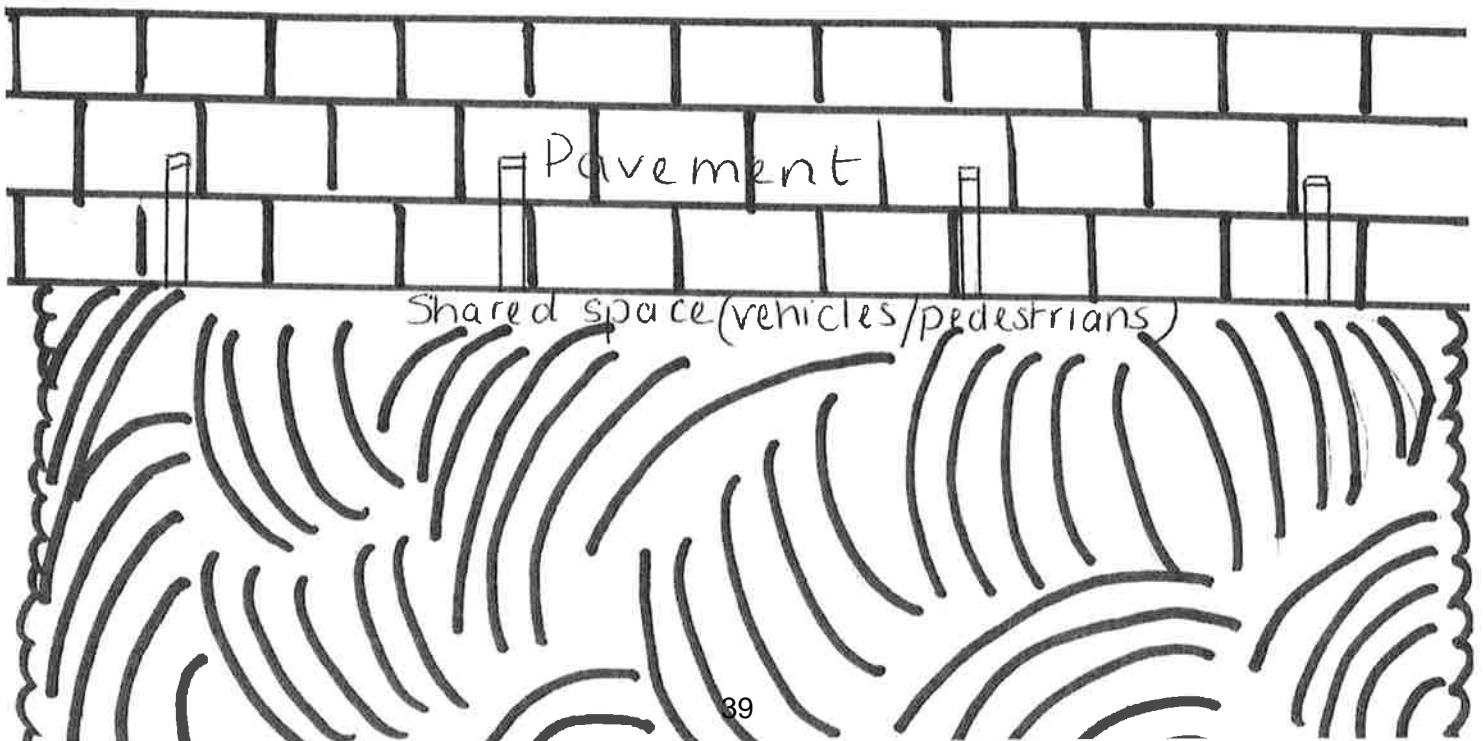
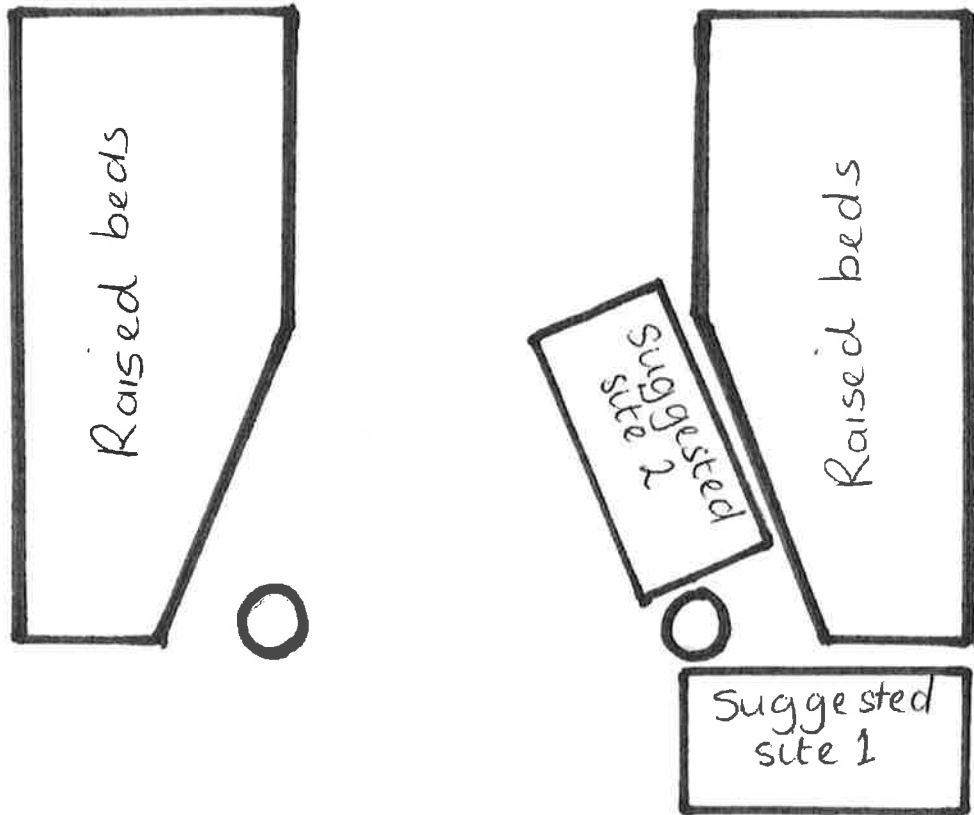
If any person makes a false statement or omits any material particular in giving the foregoing information knowingly he shall be guilty of an offence under Paragraph 10 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, and shall be liable on summary conviction to a fine not exceeding four hundred pounds.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on the form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

LICENCE\MISC\STAPPL

Proposed site for unit

New Bridge



15/05/14 - attached to
Wk/201412257.





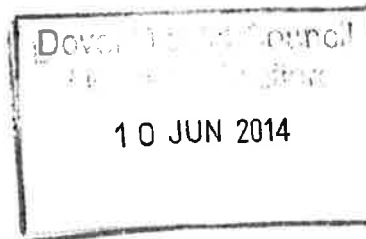




12/06/14 -
attached to
Wk/201412257

Rebecca Pordage

From: Trevor Bond
Sent: 10 June 2014 08:17
To: DDC Licuser
Subject: KB Trading - New Bridge Dover



Attn: D J Cracker
 Head of Regulatory Services

Dear Sir

Re Licence application - KB Trading, New Bridge, Dover

The BEST WESTERN PLUS Dover Marina Hotel & Spa would like to lodge an objection to this application on the following grounds

1. As a Street Trader KB Trading will compete with our Coffee Shop (Waterfront Café) on an unfair basis as we have to pay business rates on our premises and KB Trading does not
2. Our Coffee shop is one of several in the immediate area and it unfair to have a street trader who is not subject to the costs including business rates that we are subject to, come in and erode our business unless the Council subject to the vendor to similar costs
3. We are in final discussions re the development of a property in the immediate area facing onto New Bridge and to have a mobile vendor in front of it would place the project in jeopardy (and Dover Jobs) as it would have an impact on the visual aspects of the wedding/conference business planned
4. The area in question aesthetically should be preserved and a mobile street vendor would detract from what is one of the nicest areas in Dover

Yours faithfully

Trevor Bond
 Sales & Marketing Manager
 BEST WESTERN PLUS Dover Marina Hotel & Spa
 Tel 01304 203633
 Mob 07737 478000

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE – 16 September 2014

EXCLUSION OF THE PRESS AND PUBLIC

Recommendation

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item</u>	<u>Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
7	Local Government (Miscellaneous Provisions) Act 1976 – Review of Driver’s Licence	1	Information relating to any individual

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item No 7

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted