

Public Document Pack



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07 July 2017

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 18 July 2017 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 be 'Jemma Duffield', written over a white background.

Chief Executive

Regulatory Committee Membership:

B W Butcher (Chairman)
P S Le Chevalier (Vice-Chairman)
B Gardner
S J Jones
D P Murphy

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 4)

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

4 **MINUTES** (Pages 5 - 8)

To confirm the attached Minutes of the meeting of the Committee held on 16 May 2017.

PROCEDURE FOR HEARING (Pages 9 - 14)

The procedures for the Hearings are attached.

5 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR STREET TRADING CONSENT** (Pages 15 - 36)

To consider the attached report of the Licensing Team Leader.

6 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR STREET TRADING CONSENT** (Pages 37 - 59)

To consider the attached report of the Licensing Team Leader.

7 **HIGHWAYS ACT 1980 - SECTION 115E - PORT OF CALL, MARKET SQUARE, DOVER** (Pages 60 - 69)

To consider the attached report of the Licensing Team Leader.

8 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 70)

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

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE** (Pages 71 - 85)

To consider the attached report of the Licensing Team Leader.

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE** (Pages 86 - 100)

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.
- 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 Tuesday, 16 May 2017 at 10.02 am.

Present:

Chairman: Councillor B W Butcher

Councillors: P S Le Chevalier
B Gardner
S J Jones
D P Murphy

Officers: Contentious and Regulatory Lawyer
Licensing Team Leader
Democratic Support Officer

Also present: Ms D Champion – English Heritage (Minute No.31)
Mr S Dumigan (Minute No.32)
Mr D Saunders (Minute No.32)
Applicant (Minute No.34)
Applicant's representative (Minute No.34)

27 APOLOGIES

There were no apologies of absence received from Members.

28 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

29 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

30 MINUTES

The Minutes of the meeting of the Committee held on 17 January 2017 were approved as a correct record and signed by the Chairman.

31 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR STREET TRADING CONSENT

The Committee considered an application by Mr Ben Palmer for permission to trade from a catering van on the grass that runs alongside Deal Promenade in front of Deal Castle. The application was to trade every day from 10.00am to 6.00pm and to

sell ice cream, hot and cold beverages, hot food and cold snacks including sausages and burgers, cakes, wrapped snacks, confectionery, crisps, fruit, etc. Ms Dawn Champion of English Heritage was in attendance on behalf of Mr Palmer.

The Licensing Team Leader advised the Committee that following the 28 day consultation period, 34 representations had been received - 33 objecting and 1 in favour of the application. Councillor R J Frost, who was not in attendance at the meeting and in accordance with Council Procedure Rule 24.2 (iii), used his right as ward member to make representation at the meeting by submitting a statement that was read out at the meeting.

In accordance with the approved procedure Ms Champion presented her application to the Committee and sought to address some of the concerns raised by the objectors. Ms Champion acknowledged that the application was misleading in that it had not accurately explained the actual nature of the business. Contrary to what was set out in the application, Ms Champion confirmed that there was no intention to sell hot dogs, burgers and fried onions from the van and that this was therefore being withdrawn from the application. The food would be a high quality English menu compiled by English Heritage's national catering team. There would be no deep fat fryer in the van although there would be a hot plate with a self-contained gas unit. Members were also advised that there would be no generator and that the only mechanical operational noise would be the van arriving and leaving the area.

English Heritage had considered different locations for the siting of the van within their grounds, including within the castle's car park. The intention of the facility was to raise funds for Deal Castle and promote the English Heritage brand. It was a facility for the public and not just visitors to the castle and that siting the van within the car park would restrict its visibility to the public. Careful consideration had taken place so as to not harm the characteristics of the castle and as part of this consultation had taken place with Historic England over the colour and branding of the van – which would be dark grey with the English Heritage logo.

Members queried the use of the Captain's Garden opposite which was within the ownership of English Heritage and that investment from Deal Town Council had previously been provided for a catering facility there. Ms Champion advised Members that it was not currently in use as it was not sustainably possible at this time.

Members were advised that the intention was for the van to be operational during the castle's opening hours and that regular litter picking by the castle's staff would take place hourly within the vicinity of the van and the castle's grounds.

Members accepted the application had altered, by way of the removal of the burgers, hot dogs and fried onions offer, and that those changes may have allayed some of the objectors concerns in respect of noise and food smells.

In accordance with the approved procedure the Committee and the Contentious and Regulatory Lawyer withdrew to consider the application and upon returning it was

RESOLVED: (a) That, having considered the application and taken into account the removal of the sale of burgers, hot dogs and fried onions from the application and the objections with regards to that offer, the application for street trading consent be GRANTED subject to:

- (i) A member of staff must complete a litter pick of the immediate and surrounding area hourly and the litter to be disposed of by English Heritage.

32 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR LIVERIED TAXI ADVERTISING

The Licensing Team Leader informed the Committee that Mr Scott Dumigan of Unity Cars had applied for permission to place different style signs onto his vehicles.

Mr Dumigan advised the Committee that the different styles of logo would allow for the customer to differentiate between the types of vehicle available to hire of which included; Unity VIP (an 8 seater), Unity Eco (hybrid vehicle) and Unity+ (wheelchair access vehicle). Members were advised that these signs would be consistent in style with the existing logo.

The Committee withdrew to consider the application. Upon reconvening the Contentious and Regulatory Lawyer stated that she had advised the Committee on the Council's policy regarding signage being the same across the fleet vehicles.

RESOLVED: That, notwithstanding the Council's current policy guidelines, Mr Scott Dumigan of Unity Cars be granted permission to place the different style signs as had been provided to the Committee onto his vehicles by reason that it would benefit customers to have that distinction.

33 EXCLUSION OF THE PRESS AND PUBLIC

It was proposed by Councillor B W Butcher, 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 paragraphs 1 of Part I of Schedule 12A of the Act.

34 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A DRIVER'S LICENCE

The Committee considered the report of the Licensing Team Leader on an application for a Joint Hackney Carriage and Private Hire Driver's Licence where an Enhanced Disclosure from the Disclosure and Barring Service had shown previous convictions that were relevant to the decision as to the applicant's suitability as a fit and proper person to hold a licence to drive a taxi in the Dover District.

In accordance with the approved procedure Members offered the applicant the opportunity to present evidence concerning the convictions and the applicant and applicant's representative answered Members' questions.

The Committee withdrew to consider its decision and upon resuming the meeting the Contentious and Regulatory Lawyer explained that she had reminded the Committee of the guidelines within the Council's policy and that they could grant a licence if they were satisfied the convictions were significantly spent and that the applicant was a fit and proper person in accordance with Dover District Council's policy.

RESOLVED: That having regard to the evidence and in accordance with the Council's policy, the applications for a Joint Hackney Carriage and Private Hire Licence be granted for 12 months; and

- (a) The Licensing Team Leader shall monitor and review the applicant's progress; and
- (b) Provided there are no issues during the initial 12 months the licence will be renewed with the approval of the Licensing Team Leader, without the requirement to return before the Regulatory Committee.

The meeting ended at 11.35 am.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS

INTRODUCTIONS AND PRELIMINARIES		
1	Chairman	The Chairman invites all present to introduce themselves.
2	Legal Adviser	The applicant is asked to confirm receipt of: <ul style="list-style-type: none"> • the agenda • Licensing Officer's report • Council's policy guidelines • procedure for hearing
HEARING		
3	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> • advises of the purpose of the hearing • presents the Licensing Officer's report • summarises any issues
4	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> • Will give evidence • May be questioned by the applicant or applicant's representatives • May be questioned by the Committee • May, if necessary, be re-questioned by the Licensing Officer
5	Applicant or applicant's representative	The applicant is asked to present his/her case and any particular issues (including whether the applicant accepts the facts presented or wishes to correct them).
6	Applicant or applicant's representative	The applicant or the applicant's representative may call any witnesses (including the applicant themselves). Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the Licensing Officer • may be questioned by the Committee • may, if necessary, be re-questioned by the applicant/applicant's representative.
7	Members	The Committee may ask further questions of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification.
8	Licensing Officer	The Licensing Officer may give their final submission.
9	Applicant or applicant's representative	The applicant/applicant's representative may give their final submission.

DETERMINATION		
10	Members	The Committee withdraws to consider in private. The Legal Adviser and Clerk may be invited to assist the Committee.
11	Members	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.
12	Legal Adviser	The Committee reconvenes. Any legal advice given to the Committee in private will be summarised to the Applicant.
13	Chairman	The decision of the Committee is given to all parties.

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.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS LICENSING OF A DRIVER, VEHICLES AND OPERATORS

INTRODUCTIONS AND PRELIMINARIES		
1	Chairman	The Chairman invites all present to introduce themselves.
2	Chairman	The Chairman advises the applicant of the reason for the Hearing and the procedure.
3	Legal Adviser	The applicant is asked to confirm receipt of: <ul style="list-style-type: none"> • the agenda • Licensing Officer's report • Council's policy guidelines • procedure for hearing • extract from the Rehabilitation of Offenders Act 1974
HEARING		
3	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> • presents the Licensing Officer's report • summarises any issues
4	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the applicant or applicant's representatives • may be questioned by the Committee • may, if necessary, be re-questioned by the Licensing Officer
5	Applicant or applicant's representative	The applicant is asked to present his/her case and any particular issues (including whether the applicant accepts the facts presented or wishes to correct them).
6	Applicant or applicant's representative	The applicant or the applicant's representative may call any witnesses (including the applicant themselves). Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the Licensing Officer • may be questioned by the Committee • may, if necessary, be re-questioned by the applicant/applicant's representative.
7	Members of the Committee	The Committee may ask further questions of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification.
8	Licensing Officer	The Licensing Officer may give their final submission.
9	Applicant or applicant's representative	The applicant/applicant's representative may give their final submission.

DETERMINATION		
10	Committee members/Legal Adviser	The Committee will withdraw to consider its determination. The Legal Adviser may be requested by the Chairman to accompany the Committee.
10	Committee members	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.
11	Legal Adviser	Any legal advice given to the Committee in private will be summarised to the Applicant.
12	Chairman	The decision of the Committee is given to all parties. 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 – 18 July 2017**

Report of: **Licensing Team Leader**

Classification: **Unrestricted**

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

1. Summary

1.1 Mr Melvin Nobbs has applied to the Council for permission to trade from a Ford Transit van (ice cream van).

2. Introduction and Background

2.1 The Council controls street trading having adopted 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.

The area requested is the Promenade at Deal which 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 Mr Melvin Nobbs has applied to the Council for permission to trade from an ice cream van on Deal Promenade (North East corner of Marine Road, Deal).

The application is to trade every day from 11:00hrs to 18:00 hrs between 1 March – 31 October each year).

The application is to sell fresh soft ice cream, frozen lollies and chilled drinks.

A copy of the application is shown at **Appendix B**.

A copy of the location plan is included at **Appendix C**.

2.6 Following receipt of a valid application on 18 May 2017, 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, Deal Town Council, Kent Fire & Rescue, Kent Police and various internal Council departments

2.7 1 representation was received objecting to the application during the consultation period.

As is usual once such a representation is received, it was attempted to contact the person in order to see whether any mediation could take place, and check that they are happy with their details to be shared as part of the hearing pack.

The Licensing Team Leader has written to, and visited the property of the individual who has made the representation. Unfortunately, it has not been possible to make contact. In view of this, the personal details are held on record, but are not being shared as part of the report.

The representation raises the following concerns:

- Does not feel the need for more ice cream and drink sellers as there are already plenty of shops selling these items in the area.
- Feels that this may generate extra rubbish.
- Is concerned about obesity and does not feel consumption of sugary snacks and drinks should be encouraged.
- Feels that this section of the promenade is always busy with cyclists, walkers and joggers.
- Concerned that this would spoil the ambience of this historical corner of the town as it is adjacent to the ancient Deal Castle.

2.8 A copy of the representation (with personal details removed) is included at **Appendix D**.

2.9 **Options available to the Committee:**

- (a) To grant permission for the Street Trading Consent to be issued for a period not exceeding 12 months (with or without conditions)
- (b) To refuse permission

Members should have regard to criteria at page 6 of Appendix A in coming to their decision. The Committee may choose to issue the consent for period shorter than 12 months.

3 Appendices

Appendix A – Street Trading Guidance Notes including a list of designated consent streets

Appendix B – Application

Appendix C – Location plan

Appendix D -

Representations

4 Background Papers

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

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



DOVER DISTRICT COUNCIL

STREET TRADING GUIDANCE NOTES

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)	Highway Authority consent is not required before the designation of a

The consent of the Highway Authority is necessary for the designation of a street as a licensed street.

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 stall
 without 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.

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 Team Leader 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

APPENDIX A

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)

CCGEN1ST-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.

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

5

APPLICANT

SURNAME:	NOBBS
FIRST NAME(S) in full	MELVIN RICHARD
TRADING AS PERMANENT ADDRESS	Melvin's Super Soft Ices 21 Ethelbert Road Deal
COUNTY	Kent POST CODE CT14 6RA
TELEPHONE NO:	Code (01304) 381043 / 07931441477
DATE OF BIRTH:	28 December 1954

TRADING DETAILS

NAME OF STREET(S):	East of the 'Captain's Paddock' by the promenade (see the map)
DATES OF TRADING:	March till October yearly
BETWEEN THE TIMES:	11:00 AND 18:00
DESCRIPTION OF ARTICLES TO BE SOLD:	Fresh soft ice cream, frozen lollies, chilled drinks

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:	FORD TRANSIT VAN
(ii) GIVE DETAILS INCLUDING DIMENSIONS:	2m x 5m
(iii) DETAIL PRECISE LOCATION REQUIRED:	see map Marnie Road
(iv) REGISTRATION NO. (if appropriate):	N 927 VOC

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:

Mel Nalls

DATED:

8th - 5 - 2017.
~~*17/4/2017*~~

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.

LICENCEMISCISTAPPL



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Title: Dover District Council

Author: Dover District Council

Scale 1:1,250

Map Dated: 18/05/2017



Licensing Section
 Dover District Council
 White Cliffs Business Park
 Dover
 Kent
 CT16 3PJ

5th June 2017

Dear Sir / Madam,

I am writing concerning the application for street trading by Mr MELVIN K NOBBS on the Deal Promenade (NE corner of Marine Rd).

I am opposed to this application for the following reasons:

- I do not see the need for more ice cream + drink sellers as there are already plenty of shops selling these items in the town and on the strand.
- It would be competing with the existing tradespeople in the town.
- I am not happy with the extra rubbish it would produce, there is already too much litter and it is often strewn across the grass areas due to

the wind, seagulls or foxes. Litter also finds its way onto the beach and into the sea causing marine pollution.

- With the increasing obesity problems in our society we should not be encouraging more consumption of sugary snacks & drinks
- ~~this~~ section of the promenade is always busy with walkers, cyclists and joggers and it would be a shame to change this healthy scene.
- It would spoil the ambience of this historic corner of the town as it is adjacent to the ancient Deal Castle.

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

Meeting and Date: **Regulatory Committee – 18 July 2017**

Report of: **Licensing Team Leader**

Classification: **Unrestricted**

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

1. **Summary**

1.1 Mr Taha Sadiq has applied to the Council for permission to trade from a towable catering trailer in Beaconsfield Road, Dover.

2. **Introduction and Background**

2.1 The Council controls street trading having adopted 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.

The area requested is the Promenade which 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 Mr Taha Sadiq has applied to the Council for permission to trade from a towable catering trailer in Beaconsfield Road, Dover.

The application is to trade from Monday to Saturday from 11:00hrs to 21:00 hrs.

The application is to sell burgers, shawarma, chips, falafel, drinks, rice and sauces.

A copy of the application is shown at **Appendix B**.

A copy of the location plan is included at **Appendix C**.

2.6 Following receipt of a valid application on 17 May 2017, 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 3 representations were received objecting to the application during the consultation period:

1 **Mr Hakan Babaoglan** has objected to the application. He is the owner of Pizza Plus and does not think it is fair to have a catering trailer when there are so many empty shops along London Road. He is concerned about smells, people hanging around on the pavement obstructing pedestrians, and noise.

2 **Tim Overall** objects to this application as he resides close to the car wash and is worried that there may be an increase in trade, noise and the cooking smells. He has already experienced high fat cooking smells, and is worried that as the trailer is requesting to open until 21:00 hrs, this will spoil his enjoyment sitting in his garden.

3 **Martin Atkins** objects to this application as he feels there are already adequate premises in the area offering food and drink (both hot and cold). Mr Atkins feels that this trailer would be unwelcome in view of the fact there are a number of empty shops currently to be found in Dover.

2.8 Copy of the representations are included at **Appendix D**.

2.9 **Options available to the Committee:**

(a) To grant permission for the Street Trading Consent to be issued for a period not exceeding 12 months (with or without conditions)

(b) To refuse permission

Members should have regard to criteria at page 6 of Appendix A in coming to their decision. The Committee may choose to issue the consent for period shorter than 12 months.

3 **Appendices**

Appendix A – Street Trading Guidance Notes including a list of designated consent streets

Appendix B – Application

Appendix C – Location plan

Appendix D -

Representations

4 **Background Papers**

Local Government (Miscellaneous Provisions) Act 1982

Dover District Council Street Trading Guidance Notes



DOVER DISTRICT COUNCIL

STREET TRADING GUIDANCE NOTES

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)	Highway Authority consent is not required before the designation of a

The consent of the Highway Authority is necessary for the designation of a street as a licensed street.

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 stall
 without 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

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

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

White Cliffs Business Park
Dover
Kent
CT16 3PJ

DOVER DISTRICT COUNCIL
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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

APPENDIX A

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)

CCGEN1ST-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.

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:	SADIQ
FIRST NAME(S) in full	TAHA AHMED
TRADING AS	BCF
PERMANENT ADDRESS	OK CARWASH BEACONSFIELD RD, DOVER
COUNTY	POST CODE CT16 2LL
TELEPHONE NO:	Code () 07492 903030 07492 903030
DATE OF BIRTH:	01 / FEB. / 1972

TRADING DETAILS

NAME OF STREET(S):	BEACONSFIELD ROAD .
DATES OF TRADING:	MON, TUE, WED, THU, FRI, SAT.
BETWEEN THE TIMES:	11.00am AND 9.00pm .
DESCRIPTION OF ARTICLES TO BE SOLD:	BURGER, SHAWARMA, CHIPS FALAFEL, DRINKS, Grills on gas grill Rice and Sauces.

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:	Towable catering trailer
(ii) GIVE DETAILS INCLUDING DIMENSIONS:	5mtre x 2mtre approx
(iii) DETAIL PRECISE LOCATION REQUIRED:	Beacons field road .
(iv) REGISTRATION NO. (if appropriate):	

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:

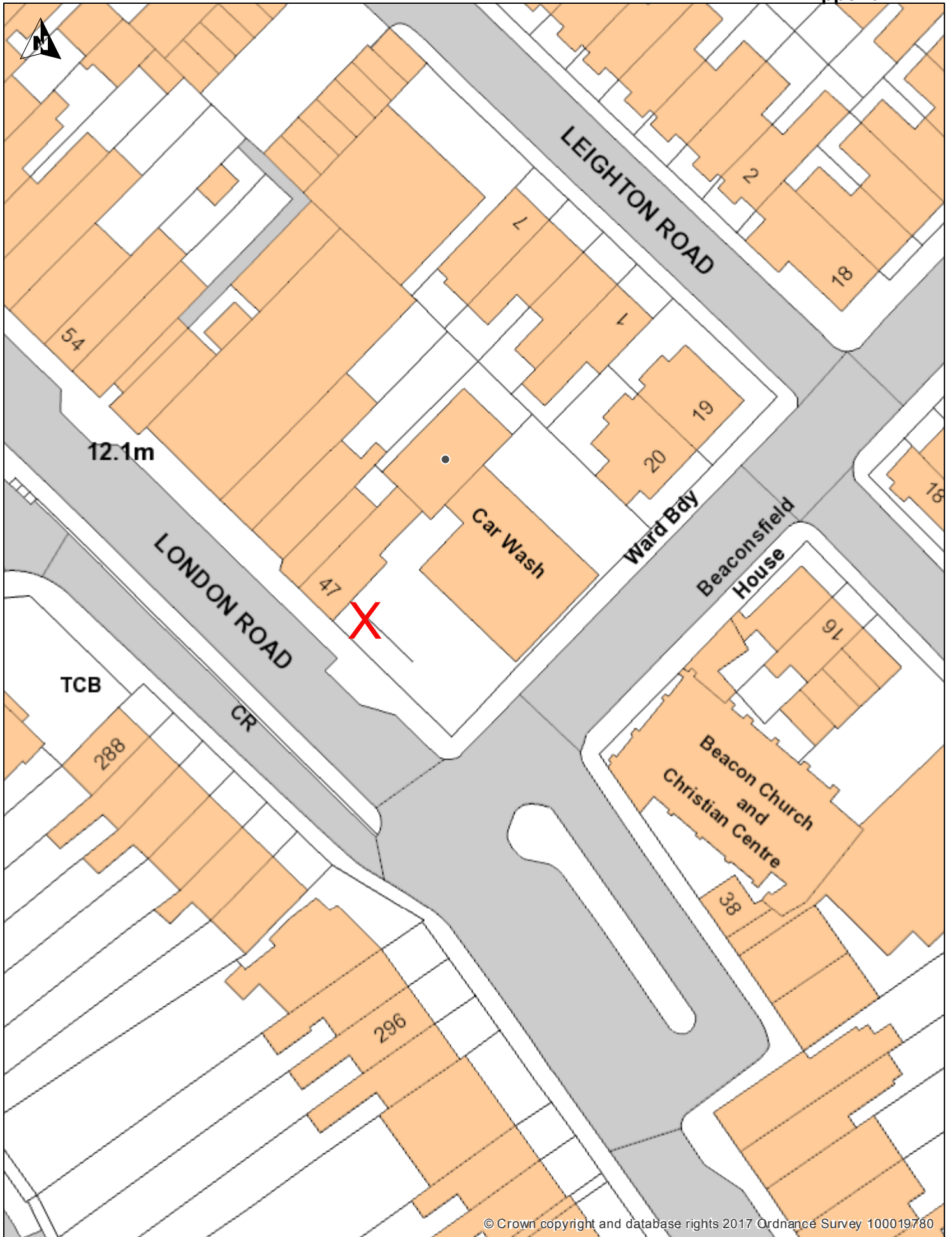
15/MAY/2017

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\MISCISTAPPL



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Title: Dover District Council

Author: Dover District Council

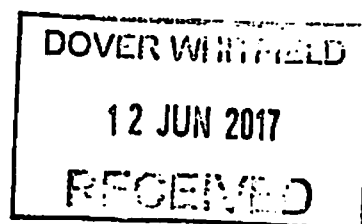
Scale 1:500

Map Dated: 17/05/2017



12th June 2017

Licensing Section
 Dover District Council
 White Cliffs Business Park
 Dover CT16 3PS



Dear Sir,

Street Trading Consent: B.C.F. Ok Carwash
Beaconsfield Rd., Dover CT16 2LL

I refer to your letter of 17th May.

My feeling about mobile retail operations as proposed above, is that a license should only be granted where there is a need for such a service that can not be provided by existing facilities. For example at or near a sports event, music festival or local market, where the requirement is only occasional, and does not warrant the building of, or use of a permanent retail structure (i.e. traditional shop).

In this instance neither apply. There is no occasional event, and there are about a dozen other premises offering food and drink (both hot & cold) within a few hundred yards - mainly on London Rd., but including a café just a minute or so walk away in Beaconsfield Rd., and also the almost adjacent Spar shop where hot coffee and snacks are available.

To grant a license would set a precedent which could then be used to justify setting up a mobile operation anywhere in the town. Such a development would be unwelcome both in terms of its environmental and aesthetic considerations, and also in ~~the~~ view of the number of empty shops currently to be found in Doneg.

For these reasons I oppose the granting of a license.

Yours sincerely
Martin Atkin

Katy Sharp

From: Tim Overall ·
Sent: 13 June 2017 15:33
To: DDC Licuser
Subject: Application for street trading - Written representation.

Application for street trading on a designated consent street at BCF, OK car wash, Beaconsfield Road, Dover, CT16 2LL

I received a letter from Dover district council regarding this street trading consent application. I live in the house next door to the car wash at number

Recently a planning application was made for the same site for the location of the refreshment van/trailer? I decided not to object to this planning application as the trailer had been there for a period and my family had not experienced any adverse problems from it being there. As soon as the planning application was granted they replaced the small trailer with a much larger one. I am concerned that the smell of cooking food fat/burgers etc will waft over our property and spoil our enjoyment sitting in our garden. Currently the smell is not bad, I am concerned that if the trailer is open longer it may become a problem as the car wash shuts at 6 and the refreshment area is requesting being open until 9pm. There may be an increase in trade, noise, and the cooking smells get worse. I would like my comments noted, and the licence under a review period as if the cooking smells increase with more customers I will be objecting. If this is not possible then I am objecting now. I have experienced high fat cooking smells, and they are not pleasant. The last thing I need is the smell of burgers cooking, wafting into my garden, and my house, we already have to endure the noise from the car wash between 09:00 and 18:00hrs every single day, I don't want further noise and problems adding to our existing ones.

So if you issue a licence then please have a review period, in say 12 months so we can put in an objection if the smell/noise gets bad, at the next review please.

Thank You.

Mr & Mrs T Overall

Katy Sharp

From: HAKAN hakan
Sent: 23 May 2017 03:18
To: DDC Licuser
Subject: Concerning about BCF, OK Carwash, Beaconsfield road, Dover, CT16 2LL

I m owner of pizza plus take a way . Our concern as a business owner we don't want this catering trailer 3 doors a way from our business. We being trading nearly 4 years on 52 London road as a kebab and pizza shop now we built some sort of reputation and draw some customer on to this location and now some one pulling a catering trailer near our business which is I think it is not a fair competition when we are investing on the shops as a local business is they just comes with a catering trailer end effect on local business which is not fair. If they want to do food business there is some empty shops on London road they should do there so then they can be a one of local business not with catering trailer today harming our business tomorrow got knows who's business they I think should not be on this area. WE DON'T WANT THEM I hope Dover council will sort this problem... and my concern as a resident which I m living in the area again they should not be there it is not look nice on the area and they are customers will be standing on pavement which pavements for peoples to Walk and they want be having proper constructor fan on catering trailer it will cause smell on the area all the food shops has proper constructor fan with long pipes going high to there roofs which is they can not do on catering trailer. And peoples will be hanging around on out side it maybe cause noise or want be safe for peoples passing by so I don't want then as a resident either I hope Dover council will take care of this problem..
HAKAN babaoglan

Subject:	Highways Act 1980 – Section 115E – Port of Call, Market Square, Dover
Meeting and Date:	Regulatory Committee – 18 July 2017
Report of:	Licensing Team Leader
Classification:	Unrestricted

Purpose of the report:	Permission to site street furniture on the highway
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Recommendation:	That the Committee determine the application
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1. **Summary**

The regulation of the placing of tables and chairs on a highway is a statutory function of the Council under the Section 115E, of the Highways Act 1980.

2. **Introduction and Background**

2.1 Mr Robin Norris has applied for a Street Furniture permit to allow the placement of 22 tables and 88 chairs at the front of the premises, Port of Call, 18-19 Market Square, Dover. The application states that the furniture will be cast iron tables and chairs. Mr Norris has requested they be placed between 10:00hrs to 22:00hrs every day between 1 April – 1 October.

2.2 A copy of the application form is shown at **Appendix A**. A plan of the proposed siting of the street furniture is shown at **Appendix B**.

2.3 As part of the consultation process views have been sought from local businesses, Kent Highway Services and the Police. The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontagers.

2.4 Two representations were received in respect of this application (see **Appendix C**), as follows:

Denise Smith objected to the placing of tables and chairs at the front of the property. She is a Dover Greeter, who meets cruise passengers at the shuttle bus stop and directs them to local visitor spots, and finds the use of this piece of land dangerous and intrusive. .

Liz Dimech objected on behalf of Castle Forum. They are not against the café culture, but object to any encroachment onto the designated walkway. They feel that this would be unsafe for elderly residents, visitors and cruise passengers.

3 **Options available to the Committee:**

- (1) To allow the application as applied for
- (2) To allow the application but with additional conditions

(3) To reject the application.

Appendices

Appendix A – Application form

Appendix B – Location plan

Appendix C – Representations

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



Highways Act 1980 - Section 115

Application for a Street Furniture Licence

1. Applicant

Full name	ROBIN NORRIS
Date of birth	04-06-1974
Address including postcode	SUITE 5 THE LIMES BUSINESS CENTRE 6 BROAD STREET DEAL, KENT CT14 6ER
Telephone number(s)	07747 193124
Mobile number	-AS ABOVE-
Email address	robin.norris@keystone-grap.net

2. Business

Name	PORT OF CALL T/A CAPPAGH CAPITAL
Address including postcode	18-19 MARKET SQUARE DOVER KENT CT16 1NX
Telephone	01304 215456

3. Licence Required

From (month) To (month)

Days

Between the times and

Number of tables

Number of chairs

Brief description of type and quality of tables and chairs
Please also provide photos if possible

CAST IRON TABLE & CHAIRS
(AS PREVIOUSLY USED)

4. Additional Information

Do you have toilets for customers to use? Yes No

If yes, please say how Many?

Have you sought the advice of the environmental health officer in respect of food hygiene and health and safety matters? Yes No

Have you ever been refused a street furniture Licence in this or any other areas? Yes No

If yes, please give details

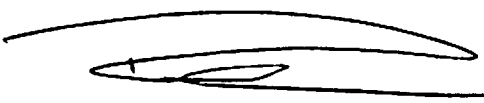
PLANNING PERMISSION MAY BE REQUIRED
PLEASE TELEPHONE 01304 872042.

5. Declaration

I enclose

- Plan showing dimensions of area of highway and proposed layout of street furniture (AS PER 2016 APPLICATION)
- Copy of Public Liability Insurance
- Fee: £75 Application Fee or £35 For Annual Renewal.
- 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.

Signature



Date

28/03/2017

Notes

1. If any person makes a false statement or omits any material particular in giving the foregoing information knowingly he may be guilty of an offence and liable to prosecution. In addition the licence may be revoked forthwith.
2. Please complete this form on a computer or in block capital letters and return it to
Licensing
Dover District Council
White Cliffs Business Park
Dover CT16 3PJ

For Office Use Only

Date	Time	Officer
Receipt number		Fee £
Licence number		Issue date

To Whom It May Concern

22nd February, 2017

Dear Sirs,

**Broxpoint (K) Ltd, The Brill UK LLP, Keystone House Ltd,
Deal by Sea Ltd, Cappagh Capital Ltd and Robin Norris**

We act as Insurance Brokers to the above Company and confirm brief details of our Client's insurance cover for your information as follow:-

Employer's Liability

Insurer: Allianz Insurance plc
Policy No: SZ/26616530
Expiry Date: 31st January, 2018
Cover Basis: Insurers will indemnify the above client in respect of their legal liability to pay compensation and claimants' costs and expenses in respect of death, bodily injury, illness or disease sustained by employees during the course of their employment in the Insured's business.
Limit: £10,000,000 any one occurrence, costs inclusive

Public/Products Liability

Insurer: Allianz Insurance plc
Policy No: SZ/26616530
Expiry Date: 31st January, 2018
Cover Basis: Insurers will indemnify the above client in respect of their legal liability to pay compensation and claimants' costs and expenses in respect of death, bodily injury, illness or disease and third party property damage arising out of their business, including products sold or supplied.
Limit: £5,000,000 any one occurrence and in the aggregate in respect of Products Liability
Excess: £250 each and every claim for Third Party Property Damage

We confirm that both sections include the "Indemnity to Principals Clause"

All cover is subject to Insurers policy terms and conditions. We trust that you will find the above details to be acceptable. Please contact us in writing should you have any further information on this insurance cover, as we shall be pleased to assist if we can. The letter is given without any liability to the writer or the company.

Yours faithfully,
pp. LDS Associates

Nicky Dulieu
Client Service Director

O - REPRESENTS 1 TABLE & 4 CHAIRS



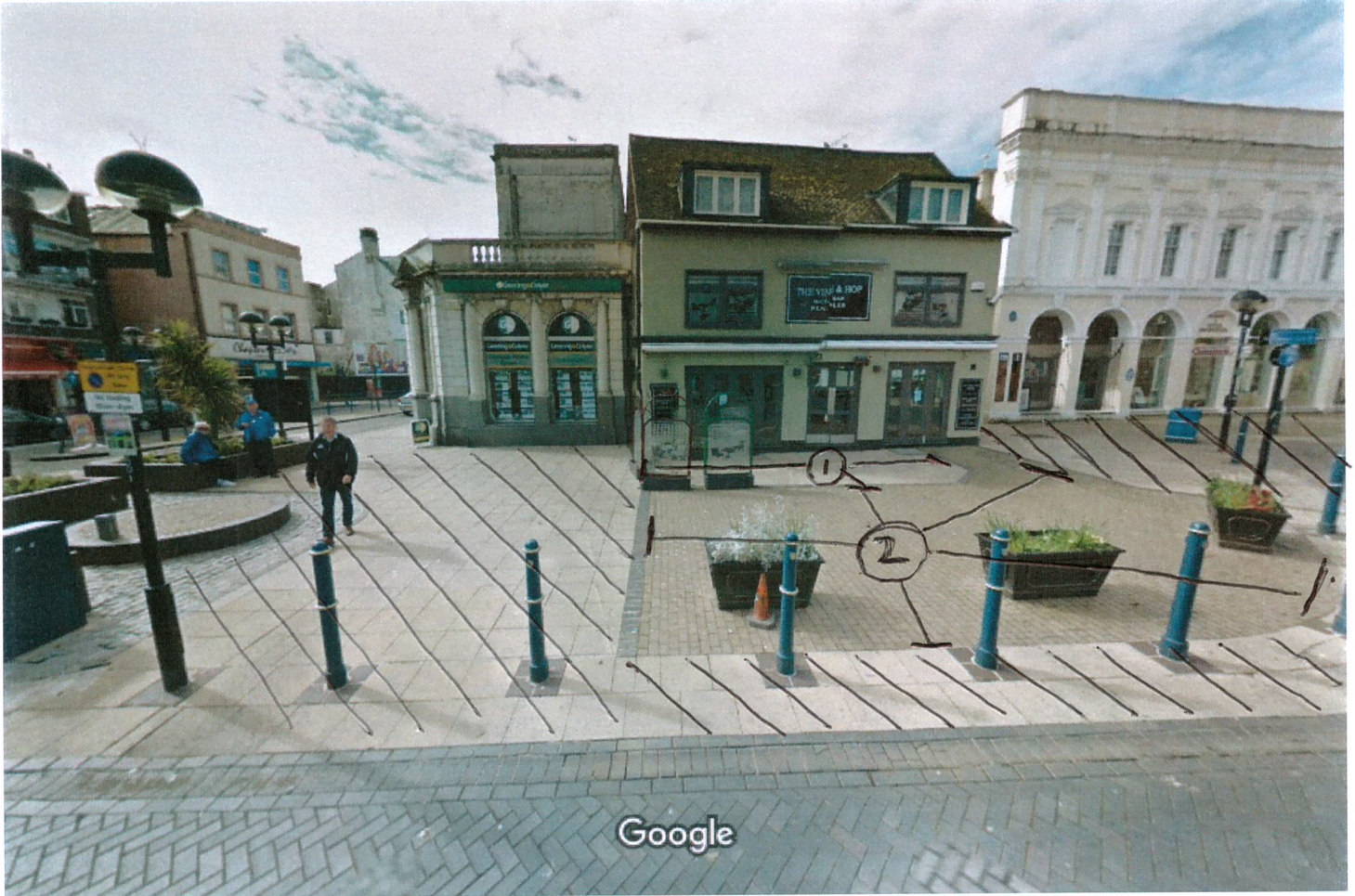
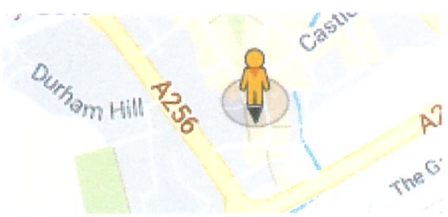


Image capture: May 2014 © 2017 Google

Dover, England

Street View - May 2014



AREA REPRESENTS NO TABLES OR USE BY PUBLIC HOUSE

① - REPRESENTS OWNED BY PUBLIC HOUSE

② - REPRESENTS AREA REQUESTED TO LICENCE 22 TABLES AND 88 CHAIRS IN TOTAL (WITH AREA 1) SAME AS PREVIOUS LICENCE

Katy Sharp

From:
Sent: 20 June 2017 13:55
To: DDC Licuser
Subject: Planning application in Market Square

I am writing on behalf of Castle Forum, which is the neighbourhood forum for the Castle Ward, which includes the Market Square. We are concerned to see an application for Burger Bros to have permission to put 20 tables and 80 chairs on the outside of their premises. At the moment half that number of tables and chairs go outside and even then it is extremely difficult to walk around the Square without stepping into the road. I am not sure how far out they are permitted to put their chairs and tables, so I would be grateful if you could clarify that.

We would agree that the market square benefits from an outside cafe culture, but would object to any encroachment onto the designated walkway. Cars enter market square all times of the day so there must be a clear pavement for pedestrians. Elderly residents use that route from The Gateway Flats and visitors and cruise passengers, and they must be able to do so safely.

Can you take this as an objection to that large number of chairs and tables being permitted. If I need to do anything else can you let me know today as I am away on holiday tomorrow.

Many thanks,

Liz Dimech

On behalf of Castle Forum

Katy Sharp

From: Denise Smith
Sent: 18 June 2017 17:13
To: DDC Licuser
Cc: Debbie Dainton
Subject: Burger Brothers. Market Square

I saw a notice on the lamppost next to the above property. I understand they are seeking permission to put out 22 tables.

As a Dover Greeter, meeting cruise passengers at the shuttle bus stop and signposting them to the museum, into town or up to the Castle, we find the complete use of this piece of land as dangerous and intrusive. Very happy with some tables, but would ask that they are not taken right up to the side of the road.

Visitors walk on the roadway – grey bit ! – to get to the visitor Information office and museum and residents to the library. As more and more vehicles are using that road to use the banks and quite often come round the corner from the official road at quite high speed, it is quite dangerous and we would like to see a couple of feet perimeter left free, not sure how many tables this would leave, but it is rarely completely full except on rare very sunny days.

Do we need to put in an official complaint ?

Denise Smith

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE – 18 JULY 2017

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 Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
Item 8 Local Government (Miscellaneous Provisions) Act 1976 – Application for a Driver’s Licence	1	Information relating to any individual
Item 9 Local Government (Miscellaneous Provisions) Act 1976 – Application for a 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 9

Document is Restricted

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

Document is Restricted

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

Agenda Item No 10

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

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