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Subject: Local Government (Miscellaneous Provisions) Act 1982 - Application for Street Trading Consent, Deal Seafront

Meeting and Date: Regulatory Committee – 1 December 2015

Report of: Licensing Team Leader

Classification: Unrestricted

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

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## 1. Summary

1.1 Mr William Humphrey of Wills Catering has applied to the Council for permission to trade from a converted vehicle on the Deal Promenade, north of Deal Pier, Beach Street, Deal.

## 2. Introduction and Background

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

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

“street” includes –

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

2.3 With effect from 1 April 1994 Dover District Council passed a resolution to designate a number of streets within the district as ‘Consent Streets.’ In a Consent Street, street trading is prohibited without the consent of the Council.

Beach Street is designated as 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 William Humphrey has applied to the Council for permission to trade from a converted vehicle in Beach Street, Deal.

The application is to trade Monday to Sunday 08:00hrs to 23:00hrs.

The application is to sell French sticks, Burgers, Egg, Sausage, Bacon, Snacks and hot and cold drinks.

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

- 2.6 Following receipt of a valid application on 23 September 2015, a 28 day consultation exercise was conducted with a notice displayed at the proposed site, and 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 45 representations were received objecting to the application during the consultation period:
- 1 **Tom Harvey** - objects to the application as he is of the opinion that a remote burger van sited along the seafront is not what Deal needs. There is enough fast food on offer for the general public and visitors alike notwithstanding the additional debris and seagull volumes attracted by more food this current proposal could create.
  - 2 **Martin Horncastle** - objects due to the experience of burger bars situated on the High Street. Complaints about the smell of cooking, littering, health & hygiene issues and the unsightly nature of the business. A business of this kind will detract from the views and the character of the area. Numerous other businesses selling similar goods are situated within meters of the proposed site. The unit would cause an obstruction for pedestrians which could cause an accident or injury. There is no benefit to have a mobile unit of this nature in this location.
  - 3 **Deborah Jeffery** - believes that this will create more rubbish on the beach causing a health hazard to humans and animals. It will ruin the outlook of Deal seafront plus Deal has Burger establishments already.
  - 4 **Michael Fogarty** - objects to the smell of cooking, obstruction of the promenade, obstruction of parking and entrances to Royal Hotel and Pier. This will damage the character of Deal front.
  - 4 **Peter Wraight** - this is a busy location with a lot of traffic. The presence of a burger van will be unsightly, add to the clutter of the area and cause a public safety hazard.
  - 6 **Pandora's Box** - a burger van is not in keeping with the area also poor diet and smell.
  - 7 **Mr and Mrs Ridley** - concerned that a burger van would be incompatible with the conservation area and would add litter on the beach.
  - 8 **Sally Sullivan** - this sort of unit will not enhance the lovely seafront, there will be litter associated with sales of this type of food, seagulls will have another reason to flock onto the front. There are a number of independent restaurants, hotels, cafes and pubs all of which serve great food. There are no toilet or hand-washing facilities for customers of the proposed food outlet.
  - 9 **Simon Green** - it is totally unacceptable for a burger van to be allowed space. There is an existing and very new burger restaurant and a burger van opposite would down grade the area and cause a nuisance with litter.
  - 10 **Rhiannon Tise** - the burger van will take away business from the already established businesses on the seafront. The town does not need another Burger van, the smells from the van will pollute the seafront and be off putting for locals and visitors who enjoy the promenade.

- 11 **Peter Kean** - there are already sufficient facilities along the seafront to satisfy the catering needs of locals and visitors. The addition of a Burger bar will detract from the seafront atmosphere, litter and disturbances will inevitably occur.
- 12 **Guy Scantlebury** - A burger van would be surplus to requirements and would be a backward step in the towns efforts to provide good food in a great environment. A Burger Van does not belong on the Front.
- 13 **Eyvor Fogarty** - A Burger van would detract from the seaside general attractiveness and clean air. It would not be in keeping with the area, be unfair competition to other establishments, potentially create more litter and encourage vermin and other creatures. A Burger van is not an essential part of the tourist plan for this area.
- 14 **Jonathan Husain** - A Burger van will increase the number of predatory and potentially dangerous seagulls attracted by the food. It will increase the amount of refuse, cause a strong and pervasive smell of frying and exhaust from the engine that has to remain on during cooking. It is not needed, there are plenty of cafes on the seafront.
- 15 **Ruth Roberts** - A burger van is an ugly idea and it will spoil the look of the promenade. It will undermine the established businesses in the area plus having a van on the Front all day with its generator going and the smell of frying will ruin the work Deal town has recently gone through, it will cheapen the seafront. Publicans do a good job maintaining order with their customers but they cannot be responsible for them once they leave their immediate premises. With a reduced Police force we do not need a beachfront Burger van.
16. **Jane Will** - A lot of money has been spent improving the area, a Burger van would lower the tone and would give gangs of youths and people coming out of pubs late at night somewhere to congregate.
17. **Keith Rawson** - A Burger van is totally at odds with the cleaned up image of deal seafront. There are more than sufficient eateries in the area so a Burger van offers the area nothing.
18. **Ann Bishop** - There are already a large number of eating places with a variety of choice. It would be highly likely to add to an increase of litter and it will detract from Deal's very pleasant seafront.
19. **Robin Green** - It will be a degradation of visual amenity on the Deal promenade; it will create an unacceptable level of smell and other forms of environmental pollution. The levels of litter and waste produce will be unacceptably high. It will create an obstruction on a public highway and it would be an unnecessary economic addition to the deal community.
20. **Pauline Milner** - Cannot see how a mobile catering outlet will add anything at all to the area apart from litter. The Burger vans position will prove an eyesore and be an obstruction on the seafront.
21. **David Battersea** - The promenade between the Royal Hotel and the Pier is not the right location and out of keeping with existing development. Burger vans attract unwanted social behavior at night, litter, noise and odour.
22. **Mr and Mrs Alton** - A burger van will have an adverse effect on the amenity of residents and visitors to the area. Noise, litter, smell disturbance from the general increase of numbers visiting the van. It will look completely out of place and unsightly plus impact adversely on the panoramic view out to sea. There is no requirement for another food outlet and the Burger van would compromise the enjoyment and safety of everyone wishing to stroll along the promenade.

23. **Mrs C Woolls** - The Burger van would be an eyesore, new businesses have just opened in the area. The smell would be another problem, it would also cause noise and annoyance in the evenings, more rubbish on the seafront and cars pulling up and parking.
24. **Georgina Bishop** - It will be a cause of anti-social behavior and danger to environmental health in terms of probable litter, smell and sound. It could also affect human mobility along the seafront. It would be a degradation of visual amenity.
25. **William Elliot** - It will lead to anti-social behavior on the part of some customers, littering in the area of the vehicle which will create health issues on the promenade and adjacent beach. The siting of this vehicle will degrade the visual amenity of the seafront and mobility of pedestrians.
26. **Elizabeth Docherty** - The Burger bar will create Air Pollution, Noise Pollution, attract people after closing time of pubs, clubs and late night venues. It would detract from the ambiance of the area. There are plentiful amounts of fast food outlets in the vicinity and deal does not need another one.
27. **Stephen Threadgold** - There is no need for another food outlet, it would threaten local businesses and the character of the area plus attract undesirable groups of people gathering in the vicinity.
28. **Jonathan Crawley** - A Burger van would not enhance the immediate surroundings nor is it necessary with the variety of food available nearby from existing providers. It may also serve to attract less desirable elements at certain times e.g. evenings.
29. **Jem Millar** - This is the wrong location for a Burger van. The noise, fumes and litter created by these vans will be detrimental to this area and bring no benefit, it will ruin the feel of the area.
30. **Deal Town Council** - Object to this application as it would lead to excess litter in the area and restrict the space available for public use along the promenade.
31. **Robyn Bailey-West** - Burger vans will attract more throw away waste/litter, more seagulls, pigeons, rats but more worrying, it will attract anti-social behavior in the evenings amplified after pub closing times making the seafront a No Go Area after dark.
32. **Louise Grinstead** - A Burger van will bring smell, rubbish and cars pulling up to buy from the Burger van. It would cause an obstruction for the pedestrians using this stretch of seafront. It would be unsightly.
33. **R C Grinstead** - This will generate litter and refuse from discarded cups, polystyrene food boxes, paper wrappings etc. it would attract an unsociable and undesirable crowd at night. It would also encourage more 'Pop Up' wagons on the promenade. It will spoil the promenade for the public.
34. **John Burrows** - This area is much used by visitors and residents of deal to enjoy the beach and fresh sea air. It would be shameful if this was contaminated by the stench of cooking burgers, hotdogs and cooking oil. The Van would spoil the panoramic view and encourage passing cars to stop on Beach Street to buy takeaway food. The mobile facility would also generate more litter problems.
35. **Nick Stevens** - The granting of an application for a Burger van to trade on the Promenade would be hugely detrimental and the arrival of a Burger van would cast a huge shadow over other businesses trading in the area.

36. **Gary Holmes** - The Burger van will devalue the efforts of regeneration in the area. Local traders have invested in improving buildings and developing businesses to help enhance Deal's charm and the van will add to air pollution and noise detracting from the appeal of Deal's seafront. It will be detrimental to the area.
37. **Hamish Cowie** - A further takeaway facility on the promenade will only exacerbate the litter and seagull problem on the promenade. There are a number of other burger outlets and there is no need for a Burger van.
38. **Frederick Wilson** - Strongly object to the siting of this van because of the smell, food waste and litter, encouraging seagulls, increase in illegally parked vehicles, the lack of need for another purveyor of food, the unfairness to other businesses and the eyesore it will be.
39. **G.P White** - This would completely lower the tone of the area which has been improving due to the efforts and financial input of the present owners of the shops and restaurants on the Front and it will take business away.
40. **Karen Rice** - There are already eight places to obtain food from and shortly to be nine with the new cycle café opening. A Burger van on the seafront is unnecessary and would hinder customer views in the current premises. Litter – the bins along the seafront cannot take anymore litter and are often emptied by the seagulls which causes an immense mess. A take away van would only add to this further.
41. **Jim Cleaver** - A burger van would ruin a lovely view; the seafront is Deal's prized asset. The obstruction, smell and associated litter would spoil the walkers, cyclists, dog walkers and children all enjoying a walk on the 'prom' and traffic would be parking illegally. If the proposed vehicle used anything other than mains power, it would have to have a generator running or run the engine to create electric and that would be noise nuisance.
42. **Tim Murphy** - There are sufficient establishments where people can eat in this area. There is limited parking and this will exasperate the present problems from 08:00hrs. and the litter it would bring should be taken into consideration.
43. **Friends of North Deal** - It will be unfair competition for the cafés and restaurants which line Beach Street who pay full business rates. The area in question is the busiest part of the promenade and the van will be a hindrance to pushchairs, wheelchair users and cyclists. Such a business will inadvertently create more discarded rubbish by patrons. The promenade is a much-loved facility for local people not businesses.
44. **Alasdair Goulden** - A great deal of money has been spent improving the look of Deal seafront. Putting a Burger bar into this area would detract from all the work that has been done, very likely increase significantly the amount of litter dropped and is quite out of keeping with what the town are trying to achieve.
45. **Highways** – At the application location there is the national cycle route 1 and is a pedestrianised high amenity footway so the response from KCCH is that we will not approve this application.

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

### 3 **Options available**

Options:

- (a) To grant the street trading consent to be issued for a period not exceeding 12 months.
- (b) To refuse street trading consent

### 4 **Evaluation of Options**

Options:

- (a) The Committee may choose to issue the consent for a shorter period than 12 months for review.
- (b) If the Committee felt that there were insufficient reasons to depart from the Council's Policy, then the consent should be refused.

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

### 5 **Appendices**

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

Appendix B – Application & Location Plan

Appendix C – Photographs of proposed site

Appendix D – Representations

### 6 **Background Papers**

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

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