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

Meeting and Date: **Regulatory Committee – 16 May 2017**

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 Ben Palmer has applied to the Council for permission to trade from a catering van on the grass that runs alongside Deal Promenade in front of Deal Castle.

## 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 Benjamin Palmer has applied to the Council for permission to trade from a catering van on the grass that runs alongside Deal Promenade and in front of Deal Castle.

The application is to trade every day from 10:00hrs to 18:00hrs.

The application is to sell ice cream, hot and cold beverages, hot food and cold snacks including sausages and burgers, cakes, wrapped snacks, confectionery, crisps, fruit, etc.

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 9 March 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 34 representations were received objecting to the application during the consultation period:

- 1 **Mrs J V Letheren** has objected to the application as she prefer too see an ice cream van in this location, as has been in the past. Mrs Letheren is concerned about the smell of onions and burgers in this area.
- 2 **Deal Town Council** strongly object to this application as they feel it will be detrimental to the area, and out of character to the location.
- 3 **Carol Davies – Webb** objects to this application as she would prefer for an ice cream van to have permission to trade from this location, as he has in the past.
- 4 **Sidney Ingleby** objects on the grounds that there has never been a requirement for any catering facilities on this site in the past as there are so many other catering facilities nearby. He feels that littering will be inevitable, and the smell of hot food will pervade local residencies.
- 5 **S G Holyoake** objects due to littering problems, and feels that it will distract from the castle unique appearance. Furthermore, there are plenty of well established refreshment establishments a short walk from Deal Castle.
- 6 **Mr and Mrs Newland** object as the proposed site is close to their home and they feel this would do nothing to enhance the experience of a visit to the castle.
- 7 **Peter Shaw** objects as he feels there are more than enough cafes and restaurants within the area, and the siting of this unit would mar the area and could lead to further applications for commercial enterprises along the promenade. He also raises concerns as to pollution from a van.
- 8 **Mr and Mrs Burton** strongly object as they are concerned about litter, smells of stale fried oil and onions, sea gulls, and increased noise levels.
- 9 **Elizabeth Clarke** feels that this application is completely inappropriate for this area.
- 10 **Councillor Bob Frost** strongly objects to this application as there are many catering establishments within this area already. He says that there was an ice cream van trading near this spot in the past, which is preferable. Councillor Frost is concerned about the smell of frying onions along the sea front.
- 11 **Audrey Crawford** objects strongly due to smells, seagulls being attracted to the food, and the unsightly appearance of the catering van.
- 12 **Cowan Galloway** objects as he feels that the proposal would blight the view of the castle walls and cause pollution with unsavoury smell of cooking food and onions. He is concerned that litter would increase and attract seagulls.
- 13 **Doreen Schofield** objects as she feels that English Heritage should be looking at other ways to gain revenue.
- 14 **Mary Heard** feels this application is inappropriate for the area and wonders why English Heritage is promoting the sale of burgers, sausages and ice creams as their contribution to the English diet.

15. **John Potter** is in favour of this application and feels that it is about time something like this was done along the seafront for people to stop and enjoy whilst admiring the views.
16. **N Dear** wishes to lodge an objection to this application due to the fact that this would gravely endanger this aspect of the seafront. English Heritage have plenty of space within the castle grounds and car parks to sell drinks and snacks if they wish to do so. The presence of an outlet of this kind is completely out of keeping with the rest of the area.
17. **Colin and Celia Spicer** object as there are no such units trading on the whole of Deal Parade and sea front. They are concerned that the view from their property will be spoiled, and also that there will be cooking smells and litter and sea gull problems.
18. **Nicholas Bateman and Marietta Ryan** object as they feel this will have a detrimental effect on those living in close proximity. They are concerned about unpleasant smells, and noise pollution from generators.
19. **Ms Franky Eynon** objects on the basis that the smell of fired onions and burnt fat would permeate the air along the promenade, the green space surrounding the castle would be ruined, and the type of snacks being suggested are not healthy.
20. **John Ellis-Mitchell** objects for a number of reasons, including that there are already enough catering outlets in the area, the site proposed is residential, there are no toilets in the area, smells, litter, etc.
21. **Melanie McGrath** objects to this application as she feels that a food and beverage facility on the promenade side of Deal Castle would gravely endanger this aspect of the seafront. It would also set a precedent for commercial activity along the promenade.
22. **Mr J and Mrs V Swallow** object as they feel this will it will cause congestion in this area, it will set a precedent for other such commercial activity, and will spoil the view of the castle from the seashore and vice-versa.
23. **Penny Downie** objects as this area from the sea to the castle is iconic in so many of Deal's historical photographs and works of art. Ms Downie feels that granting this consent would be the beginning of the destruction of the serene beauty of this place.
24. **Val Horlser** objects as this is a quiet, attractive spot for walkers, cyclists and tourists to enjoy, and its pleasantness would be spoilt by the noise and smells, and there is potential for litter. Is concerned that this will set a precedent for other commercial activities.
25. **Ewen Dunn** feels that the introduction of street traders in this part of Deal will lower the attraction of what was recently described as "the jewel of East Kent". Would like to see burger vans on the Green only where they are needed for events, and in keeping. Thinks that a burger van should be trialed at Dover Castle instead.
26. **Rupert Frazer** does not understand why English Heritage are putting such an application forward. There is more than enough space in the car park adjacent to the castle for such an outlet.
27. **Doris Cohen** objects because she is concerned about traffic congestion, excessive smells from onions cooking, seagulls being attracted to the area, litter, lowering the tone of the castle and town.

28. **Mike Wilkinson** objects to the siting of this van due to smell of frying food, litter, attracting seagulls. Feels this is an inappropriate siting at this location or anywhere in the lovely town of Deal. There are plenty of other fast food outlets within close walking distance of the castle.
29. **Christine Clarke** objects as this is an historic site and the seafront will be blighted by greasy, unhealthy and smelly food.
30. **Jenny Domane** does not understand why English Heritage would want to vandalize and deface the promenade with a burger van which would more suit a boot fayre.
31. **Philip Healey** feels that this will do nothing to enhance the image of Deal, which has enjoyed favorable reviews in recent years in the national press.
32. **Jean Methven** objects as the castle is a historic building and should not have something like a burger bar in the vicinity of the castle itself. Apart from the seagulls this will encourage, the smell of onions all day would be unpleasant to residents in the area.
33. **Peter Broughton** objects as he feels that the effect on the surrounding residences would be detrimental to peaceful and pleasant living. The smell of fried onions would enter the homes of local residents and be intolerable.
34. **Edward McGarrell** objects due to the large size of the proposed vehicle, interruption of the view of the castle, potential increase in traffic flow, feels that English Heritage should look at putting a refreshment facility inside the castle instead. Mr McGarrell goes on to say that this could potentially cause an increase in traffic flow and intense urban traffic and congestion. Grass areas already so limited so should be appreciated and valued, not wrecked and diminished.

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

## 2.1 Identification of Options

Options:

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

## 2 Evaluation of Options

Options:

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

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

## 3 Appendices

Appendix A – Street Trading Guidance Notes including a list of designated consent streets  
 Appendix B – Application  
 Appendix C – Location plan

Appendix D -  
Representations

**4 Background Papers**

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

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