
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

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