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

Meeting and Date: **Regulatory Committee – 11 September 2018**

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 Peter Fishlock and Mr George Chittenden have applied to the Council for permission to trade from a 2m x 3m gazebo in Beach Street, Deal.

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 district council.

The area requested is Beach Street, 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 of the Act

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 Peter Fishlock and Mr George Chittenden have applied to the Council for permission to trade from a gazebo in Beach Street, Deal.

The application is to trade every day from 09:00 hrs to 17:00 hrs.

The application is to sell souvenirs and general beach merchandise. Stock will include Victorian and modern day postcards, books on local history, maps, posters, cups, keyrings, historical artefacts, sun cream and sunglasses.

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 26 June 2018, 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 2 representations were received during the consultation period objecting to the application.

- Deal Town Council have objected as they feel it will cause an obstruction to both pedestrians and cyclists. They also feel that this would not be in keeping with the area and feel it would set a precedent for others.
- Mr Tim Murphy feels that this stall will blight the non interrupted view of the sea from his house and cause all sorts of problems, including litter and parking issues.

2.8 A copy of the representations is included at **Appendix D**.

2.9 **Options available to the Committee:**

- (a) To grant the street trading consent to be issued for a period not exceeding 12 months (with or without conditions)
- (b) To refuse street trading consent

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 a 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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