

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

Meeting and Date: Regulatory Committee – 12 March 2019

Report of: Rebecca Pordage – Licensing Team Leader

Classification: Unrestricted

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

Recommendation: That the Committee consider the report

1 Summary

1.1 Mr Jamie Smith has applied to the Council for permission to trade from a 10 x 7ft food trailer in Biggin Street, 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 district council.

The area requested is Biggin Street, Dover 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 s trading consents, Paragraph 7(2) of Schedule 4 of the Act

states that: “...the Council may grant 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 Jamie Smith has applied to the Council for permission to trade from a food trailer in Biggin Street, Dover.

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

The application is to sell Thai food.

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 24 January 2019, 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 1 representation was received during the consultation period objecting to the application. The representation was received from Price Less Furniture who strongly disapprove of this application as they are concerned about the smell of Thai food coming into their shop, and the unit blocking out light within their premises.
- 2.8 A copy of the representation 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 - Representation

4 **Background Papers**

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

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