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<b>Subject:</b>	Local Government (Miscellaneous Provisions) Act 1982 – Application for Street Trading Consent
<b>Meeting and Date:</b>	Regulatory Committee – 11 August 2020
<b>Report of:</b>	Rebecca Pordage – Licensing Team Leader
<b>Classification:</b>	<b>UNRESTRICTED</b>

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<b>Purpose of the report:</b>	To consider an application for a Street Trading Consent
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<b>Recommendation:</b>	That the Committee consider the report
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## 1 Summary

- 1.1 Donna Anson has applied to the Council for permission to trade from a 16ft x 7ft catering trailer situated at Ramyar Car Wash Forecourt, Ferry Approach, Maison Dieu Road, Dover.
- 1.2 There were complaints that an unlicensed catering trailer was trading at the location, therefore a visit was made by licensing and this application is as a result of Ms Anson being made aware that a Street Trading Consent is required.

## 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 Maison Dieu Road, 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 street 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 Donna Anson has applied to the Council for permission to trade from a food trailer situated in the Ramyar Car Wash Forecourt, Ferry Approach, Maison Dieu Road, Dover.

The application is to trade at the following times:

Monday – Saturday	8am – 5pm
Sunday	10am – 4pm

Following a telephone call with the applicant it was confirmed that the application is to sell hot and cold food, including teas and coffees, cold drinks, burgers, hot dogs, bacon rolls 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 2 July 2020, 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 20 representations were received during the consultation period objecting to the application. Four of the representations received before the end of consultation date have not been published due to not receiving consent from the person making the representation. These were in a similar vein to the other representations.

- (1) Stephen Courts from DDC Environmental Health is concerned about the close proximity to a residential garden with regards to odours.
- (2) Robby and Fleur Whitfield object on the grounds that this is a conservation area, and planning concerns.
- (3) Derek Leach is concerned that the business will be operating in close proximity to listed buildings, and the lack of planning permission. He is also concerned it will attract customers to what is a busy junction.
- (4) Denise Smith objects on the grounds that this is a conservation area, and therefore not a suitable location. She is also concerned about food smells, litter and that it is a major traffic hub.
- (5) John Wiggell objects on the grounds that this is a conservation area, and there are planning issues.
- (6) P G Sherratt objects on the grounds that this is a conservation area, there are planning issues and concerns about cooking smells.
- (7) Christine Pike objects on the grounds that this is a conservation area.
- (8) Petra Riemenschneider objects on the grounds that this is a conservation area and there are planning issues.

- (9) Louis Melville objects on the grounds that there is no planning permission in place, that it is a conservation area, in close proximity to listed building, that the business will cause nuisance to neighbouring properties, and the local residents human rights will be breached.
- (10) Diane French objects on the grounds that this is a conservation area, the listed buildings, has concerns about noise, odours, litter and general disturbance. Also that this site is close to a pedestrian crossing.
- (11) Alistair Dimech objects on the grounds that this is a conservation area and is concerned about cooking smells and waste. He notes there is already a food van less than 100 yards away.
- (12) Jeremy and Sheila Cope object on the grounds that this is a conservation area and they are concerned about smells, noise and that there are already sufficient outlets in the area.
- (13) Julia Stavrietsky says that her family will be directly affected by this proposal it being adjacent to her property. When trading without a licence, the food smells made it impossible to have windows open within her property. Also states that this is a conservation area, and there are planning issues.
- (14) Stuart Fox objects on the grounds that this is a conservation area and is also concerned about litter and food smells.
- (15) Janet Dagsys objects on the grounds that this is a conservation area, the van would degrade the area and there are enough such outlets in the area.
- (16) Sarah Dimech objects on the grounds that this is a conservation area and is also concerned about planning issues and the human rights of the local residents.

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

2.9 As the majority of the representations refer to Planning consent issues, the views were sought of the Planning Department. Their response is shown at **Appendix E**.

### 3 **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.

### 4 **Appendices**

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

Appendix B – Application  
Appendix C – Location plan  
Appendix D – Representations  
Appendix E – Planning response

#### **4 Background Papers**

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

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