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**Subject:** Local Government (Miscellaneous Provisions) Act 1982 – Application for Street Trading Consent outside St George’s Church, High Street, Deal

**Meeting and Date:** Regulatory Committee – 20 July 2021

**Report of:** Rebecca Pordage – Licensing Manager

**Classification:** **UNRESTRICTED**

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

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**Recommendation:** That the Committee consider the report

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## 1 Summary

1.1 Jennie Bartram has applied to the Council for permission to trade from a 2.5 x 2.5m gazebo outside St George’s Church, High 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 High 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 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 Jennie Bartram has applied to the Council for permission to trade from a gazebo in High Street, Deal.

The application is to trade from May to September each year from Wednesday to Saturday between the hours of 08:30 - 16:00 hrs.

The application is to sell seasonal fruit and vegetables.

A copy of the application is shown at **Appendix B**.

A copy of the location plan is included at **Appendix C**.

- 2.6 Before the application was submitted, the applicant made enquiries to ascertain whether Kent Highways would object if they did apply. The Licensing Team sent an email to the Highways Authority to ask for their views and received a response as shown at **Appendix D**. The comments were taken on board by the applicant, and when they submitted their application, they avoided the area that KCC referenced in the email.
- 2.7 Following receipt of a valid application on 14 May 2021, 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.
- 2.8 14 representations were received during the consultation period objecting to the application.
- (1) Sarah Wellard objects on the grounds that there are sufficient existing provisions for fruit and vegetables in the vicinity and the applicant already has a premises a few metres away.
  - (2) Sandy Byrne objects on the grounds that Deal already has three other green grocers or shops selling fruit and vegetables one of which in in close proximity of the proposed stall, should the application be granted this will cause damage to existing businesses and the Saturday market which has a fruit and veg stall..
  - (3) Benoit Dezecot objects on the grounds of there are already two greengrocers and a fruit and veg stall in town. It would be a loss to the public if they were unable to use the area outside St George's Church to sit and congregate. The applicant already has a premises in the vicinity.
  - (4) Val Horsler objects on the grounds the area where the stall is to be sited is a popular gathering area with benches and a bike rack. It is an are used by the people of the town to meet, chat and generally gather, Should the stall be sited there access to the bike rack would be obstructed, there would be increased congestion and potentially endanger pedestrians passing at the side of the road. There are already sufficient grocers in the area.
  - (5) Lewis and Sarah Blackford object on the grounds that there are already a sufficient number of outlets in the area and points to DDC's guidance notes regarding that. The area is already very busy and the siting of the stall will cause increased congestion. There is an existing trader at the Saturday Market.

- (6) Peter Davies on behalf of Deal and Walmer Chamber of Commerce objects on the grounds that there are existing sufficient outlets and points to DDC's guidance notes. The stall will cause overcrowding in what is a popular meeting area. The stall may obstruct the use of the benches and bike racks.
- (7) Elizabeth Mott objects on the grounds there are sufficient existing outlets in the area. The siting of the stall will obstruct the benches and bike racks in an area where people often congregate. Customers queuing will take up space on the pavement and people may be forced to step in the road to pass by.
- (8) Barbara and Rob Smyth object on the grounds that there are sufficient existing outlets in the area. The area is already busy with people drinking coffee and older people taking rest. The siting of the stall will cause congestion in an already busy area. The food may attract pigeons.
- (9) Gregory Holyoake objects on the grounds that the benches are a place for people to socialise particularly for retired folk like him. There are already sufficient existing outlets, plus a weekly market in the car park.
- (10) Steven Ford objects on the grounds that should be granted there will be less space for people to gather in this already crowded area and may cause obstruction for passers-by, mobility scooter users, and those wishing to access the bike rack. There are sufficient existing outlets in the area.
- (11) Andrew Kirkwood objects on the grounds that there are sufficient existing outlets in the area. The stall will cause a disturbance for people who wish to use the bike racks and the area for recreation, it is a community area where people meet and mingle.
- (12) Jennifer Stevens objects on the grounds that there are sufficient existing outlets in the area and cites DDC's guidance notes. The area is an amenity area for people to meet. Believes granting would set a precedent for trading in a public and pedestrian area
- (13) Sharon Friend objects on the grounds that there are existing outlets in the area. The area is used as a meeting place especially for people without gardens. The application is not suitable.
- (14) Edward Barkway objects on the grounds that pedestrians will have to walk in the road and the pavements are already cluttered due to the so called café culture.

2.8 A copy of the representations are included at **Appendix E**.

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 grant a street trading consent for a period less than 12 months.
- (c) To refuse street trading consent

Members should have regard to the criteria at page 6 of Appendix A in coming to their decision.

### **3 Appendices**

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

Appendix B – Application

Appendix C – Location plan

Appendix D – Email from Highways Authority

Appendix E - Representations

### **4 Background Papers**

Local Government (Miscellaneous Provisions) Act 1982

Dover District Council Street Trading Guidance Notes

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