
Subject: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – APPLICATION FOR STREET TRADING CONSENT – MR IGOR GRZIBOVSKIS

Meeting and Date: Regulatory Committee – 13 June 2013

Report of: John Newcombe, Licensing Team Leader

Classification: Unrestricted

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

Recommendation: That the Committee determine the application

1. **Summary**

1.1 Mr Igor Grzibovskis has applied to the Council for permission to trade from a mobile catering unit in Market Street, Dover

1.2 A copy of the notice and location plan distributed to premises in the vicinity is included at **Appendix A**.

2. **Introduction and Background**

2.1 The Council controls street trading under 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.

Market Street is designated a Consent Street. A list of all the designated consent streets within the District is included within **Appendix B**

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 The Council has set the following criteria to be applied when considering applications for Street Trading consents:

Criteria

All applications for consent will be considered on their merits but regard will be had to the following criteria:-

- (a) In the case of persons wishing to trade on a commercial basis the goods to be sold should usually be restricted to food, beach goods and souvenirs.
- (b) Consents should not be granted when there already exists sufficient retail outlets in the area.
- (c) Consent should not be granted if there is insufficient space and undue inconvenience and interference to pedestrians or road users will be caused or where to do so would be prejudicial to highway safety.
- (d) The Council should be satisfied as to the suitability of the applicant.
- (e) That street trading should only be permitted to take place between specified hours.

The criteria can be found at **Appendix B**, along with the standard conditions applied to consents.

- 2.6 Mr Igor Grzibovskis has applied to the Council for permission to trade from a mobile catering unit in Market Street, Dover

The application is to trade every day 09:00hrs to 16:00hrs

The application is to sell food and drink, although Mr. Grzibovskis has indicated that he is prepared to limit the range of goods sold if the Committee were minded to attach such a condition to any consent that is granted.

A copy of the application is included at **Appendix C**

- 2.7 Following receipt of the application on 28 March 2012 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 Seven representations were received objecting to the application during the consultation period, which are included at **Appendix D**:

Christopher Allen, Community Safety, CCTV and Parking Manager advised that no vehicles are allowed within the area between 10am and 4pm and that the applicant would need to observe these restrictions.

Six local business operators also objected to the application;

- 2.7.1 Kin Tsiu Tse of Chapter Eight, King St
- 2.7.2 O. Palas of Illy Restaurant, 16 Market St
- 2.7.3 J. Gleeson of La Salle Verte, 14/15 Cannon St
- 2.7.4 J. Ariyanayagam of Dover Convenience Store, 24 Market Sq.
- 2.7.5 S. Scott of Goodfillas, 7 Cannon St.

2.7.6 P Locket of Rock and Chips, 4 Kings St

3. Identification of Options

Options:

- (a) To grant permission for the Street Trading Consent to be issued for a period not exceeding 12 months.
- (b) To refuse permission

4. Evaluation of Options

Options:

- (a) The Committee may choose to issue the consent for a shorter period than 12 months for review, or to limit the type of goods sold.
- (b) If the Committee felt that there were insufficient reasons to grant the consent then the application should be refused.

5. Resource Implications

There are no resource implications arising from this report.

6. Appendices

Appendix A – Notice and Location Plan
Appendix B – Street Trading Guidance Notes March 1995
Appendix C – Application
Appendix D - Representations

7. Background Papers

Local Government (Miscellaneous Provisions) Act 1982

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