
Subject:	Local Government (Miscellaneous Provisions) Act 1982 – Application for Street Trading Consent
Meeting and Date:	Regulatory Committee – 15 September 2023
Report of:	Rebecca Pordage – Licensing Manager
Classification:	UNRESTRICTED

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 George Charles Franklin has applied to the Council for permission to trade from a 9ft x 6ft trailer in the layby in Court Road, 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 Court Road, 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 George Charles Franklin has applied to the Council for permission to trade from a trailer in the layby in Court Road, Deal.

The application is to trade from Monday to Saturday between 08:00 – 14:00 hrs.

The application is to sell hot and cold food and drinks to take away.

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

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

Photos of the trailer and a sample menu is shown at **Appendix D**.

2.6 Following receipt of a valid application, 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, Deal and Walmer Chamber of Trade, Kent Fire & Rescue, Kent Police and various internal Council departments.

2.7 2 representations were received during the consultation period objecting to the application.

(1) Mrs Lynne Simmons states that her property is the closest to the layby and she objects in the strongest possible terms to this application. Mrs Simmons says that there was a previous food vendor at this location and it was a complete and utter nuisance to all who lived locally, and extremely dangerous given the position of the layby and the volume of extra cars it encouraged at a very dangerous bend at the top of Court Road. Mrs Simmons is concerned about litter in the general area, the increased number of cars using the layby, and obstruction being caused for drivers. Mrs Simmons states that this is a residential area and feels there is no need for a commercial food operation within the local residential area. She is concerned about noise and fast food smells for 6 hours a day.

(2) Mr Gresham and Mr Honeycombe have submitted a representation but state that providing there is no audible noise from the generator or other device used to power the food premises, and all rubbish will be cleared and taken away each day they do not object.

2.8 Copies 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 (with or without conditions).

(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 – Photos of the trailer and menu

Appendix E – Representations

4 **Background Papers**

Local Government (Miscellaneous Provisions) Act 1982

Dover District Council Street Trading Guidance Notes

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