

Subject:	Local Government (Miscellaneous Provisions) Act 1982 – Application for Street Trading Consent
Meeting and Date:	Regulatory Committee – 20 November 2023
Report of:	Rebecca Pordage – Licensing Manager
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 Jennie Bartram has applied to the Council for permission to trade from a 2.5m 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 outside St George’s Church, High Street, Deal.

The application is to trade from Wednesday to Saturday between 08:00 – 16:00 hrs all year round.

The application is to sell fruit, salad and vegetables.

Jennie Bartram already has a Street Trading Consent in place from the same site for part of the year. A copy of her current consent is shown at **Appendix B**. This consent remains in place, but the new application (if granted) intends to supersede this, and the previous one will be surrendered. The new application is to give Jennie Bartram the flexibility to trade all year from the location.

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

A copy of the location plan is included 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 11 representations were received during the consultation period objecting to the application.
- (1) Deal and Walmer Chamber of Trade feel that the stall has an unfair advantage over shops on the high street that have to pay rent, rates and utility bills to keep trading. As the applicant also has a shop, they ask why they cannot be content with the trade they have from the premises on the High Street.
 - (2) John Beaney is a greengrocer at Deal Market and he opposes the application to trade all year. He says that he has been a greengrocer for approximately 10 years from Deal Market and feels that if the applicant trades all year it will have a detrimental effect on his business. Mr Beaney says that the applicant already has a shop in the High Street so he feels that by allowing them to trade near the market on a Saturday it will damage his business.
 - (3) Deal Town Council object to the application as they feel it will have a detrimental effect on other traders and the area has previously been used for charitable and public entertainment purposes so is a loss of space.
 - (4) Barbara Smyth strongly objects to the application all year round. She feels that Deal already has sufficient retail outlets selling this type of produce, in close proximity to the proposed trading area. Ms Smyth feels that it would be wrong for a precedent to be set by allowing the stall to trade all year when Deal has a wonderful Saturday market, which sits very comfortably within the existing High Street. Deal has become very busy and this will take up valuable space, particularly on a Saturday for visitors and locals to sit outside and have a drink. Ms Smyth says that the Council have deemed it necessary to close the High Street from 10:00 to 14:00 hrs on a Saturday because of a lack of safe pavement space. In addition to this, the location is popular with street musicians. Ms Smyth says that she has traded for 20 years from a premises in the High Street, and whilst she welcomes new businesses, this application would not do this.

- (5) Sarah Wellard objects to this application as she says that there is an already saturated market of fruit and vegetable outlets in the centre of Deal. She feels that the premises in the vicinity are at risk of being put out of business by street traders who do not have the same overheads and are therefore unable to undercut them on price. Ms Wellard says that the applicant already has a greengrocer shop within the pedestrian precinct that has a large fruit and vegetable stall placed in front of it. She does not feel that there is a need for more market stalls invading the High Street, and that granting it would set a precedent for future unnecessary stalls crowding the streets and undermining local businesses. Ms Wellard says that the applicant has no regard for the businesses opposite St George's Church when loading and unloading their van each day.
- (6) Arno Karsten objects on the grounds that there are already sufficient businesses in Deal servicing the green grocery market, all within walking distance of each other. Mr Karsten says that although the applicant applies for temporary street trading consents, they have since started trading at premises on the High Street. He states that the shop (Lavender and Blackberry of Deal) already trade from the pavement. Mr Karsten is concerned about the market being affected by this trader. He says that the shops in the High Street have overheads so cannot compete with street traders who can undercut the prices of shops in the vicinity.
- (7) M Murray objects on the grounds that the stall would block the notice boards, and there are already two greengrocers in the vicinity. Also feels it would be a shame to destroy the peace and quiet in the morning next to the Church.
- (8) Charles and Caroline Jubber feel that it would be unfair to shops who have overheads, eg rent and rates. They also feel it would undermine the market, obscure the Church notice board, and impede access to the town notice board, flowerbed seating and bicycle stalls. They say that this would deter buskers and musicians from the area. They have concerns about the loading at the start and end of the day.
- (9) Teresa Raistrick objects to this application as she feels it blocks the general public or makes it difficult to access the bench in the recess by the small garden. She also says that as this stall is part of the group who have a shop on the High Street, and they have already taken over the pavement on that side of the High Street, and there are several other greengrocers in the town centre, this is not fair to other traders.
- (10) Benoit Dezecot objects to this application as he says there is already a saturated market of fruit and vegetable outlets in the town centre of Deal. The shops in the town cannot compete with the prices as they have overheads etc. He says that the applicant already has a shop on the High Street which has a large fruit and vegetable stall in front of it, and therefore does not feel it is fair for them to monopolise the community space outside the church which is currently enjoyed by locals as a sociable meeting place. Mr Dezecot says there is already a thriving market on a Saturday so there is no need to market stalls to invade the High Street. He says that the applicant has no regard for the businesses opposite St George's Church when loading and unloading their van each day. The noise and disruption is a nuisance for his customers who are trying to relax.

- (11) Andy and Susan Kirkwood object as they say that there are already sufficient outlets for fruit and vegetables, especially now that the applicant has a shop on the High Street. They have a shop and say that allowing this pitch to operate full time is not in the spirit of fair trade, and such pitches should be sited within the market.

Copies of these representations are shown at **Appendix E**.

2.8 20 representations were received during the consultation period in support of the application:

- (1) Raymond Cole supports the application as he feels the stall is a great benefit to that part of the High Street and he hopes it continues for many years to come.
- (2) Helen Knott supports the stall being in the location all year round. The addition of the stall, particularly on a Saturday, brings life and people to that part of the High Street. She says that those who are less able or who have parked at that end of town for the market are able to access fruit and vegetables without having to walk to the other end of the street. Surrounding businesses must also benefit from the footfall.
- (3) Barry Honeycombe supports the application to trade all year round. He says that the stall is a welcome addition to the High Street and does not impede use of the pavement, and gives everyone the ability to get quality local fruit and vegetables without having to go further into town and carry heavy bags. He says that the stall is well managed and maintained.
- (4) Les Craggs is a Deal resident who supports the application for a year round licence.
- (5) Ruth Evans supports the application for a year round stall outside St George's Church.
- (6) Tracey Cooper supports the application to trade all year, and says that the business has been an excellent addition to the town centre. There are lots of customers who use this facility and with the recent economic problems facing many businesses with many more independent retailers closing down, especially in small towns such as Deal, we should do everything we can to encourage and support new independent retailers into Deal to help keep the town alive.
- (7) Lyn Freeman feels it would be a shame if the Lavender & Blackberry was not allowed to continue their licence during the winter months. She says that it is such a great asset to the people of Deal especially if they come from North Deal. The quality of the fruit and vegetables is of exceptional high standard.
- (8) Rebecca Skilling approves of the application, as the business is such an asset to the town.
- (9) Joanna Keddie-Mannell supports the application to extend the licence to an all year round licence. She says they are an asset to Deal High Street.
- (10) Leah Steward supports the application to operate during the winter.

- (11) Yvonne Stewart supports the application to operate in the winter months, and says it is a fab stall with fresh and lovely goods, much nicer than a lot of other places in Deal.
- (12) Douglas Lockwood supports the application for a winter extension. He says that along with their shop at the other end of the High Street, they are helping to bring the High Street back to life. He says they are clearly investing in stock, staff and services, and should be supported in every way possible.
- (13) Heather Hendren supports the application as she says it is a wonderful addition to the town and is much loved by so many.
- (14) Darrell Lovernich supports the application as he says he has come to fully rely on the stall for his fresh produce shopping. It is convenient for him as his mobility is not as good as it used to be.
- (15) Susie Sinden says that Lavender and Blackberry has brought a wonderful, exciting new shop to enhance Deal High Street. The produce always looks fresh and of high quality and is loved by the Deal Community and visitors alike. Their service is always friendly and extremely helpful.
- (16) Kate Forman supports the application for all year round outside St George's Church. She goes on to say that she is a local resident and lives around the corner on Middle Street and thinks Lavender and Blackberry are such a wonderful addition to the area, and she would love to see them there all year round and have the opportunity to support their business. Their stall is always beautifully set up, their produce is wonderful and their team are very friendly. Whilst they have their shop on the High Street, the stall is a real asset to the vibrancy and eclectic nature of the North end of the High Street.
- (17) Victoria Hedges supports the application and says that the seasonality and quality of the produce they sell is missed over the winter months.
- (18) Robin and Ann McComb support the application as they say that the quality of the produce is outstanding, good presentation and range of fruit and vegetables, the location is perfectly placed to entice the growing visitor crowd and delightfully positioned by the Church entrance adding to the improving High Street ambience making Deal the place to go.
- (19) Brian and Elizabeth Howes supports the application to extend the licence to cover the winter months. She says that the quality and service standards of this business are wonderful and the staff is an enhancement to footfall and convenience in the town.
- (20) Catherine Chapman-Jones supports the application to trade through the winter months. She says it has run through the summer and has been a welcome source of local goods to the community in the North end of Deal.

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

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 – Current Street Trading Consent

Appendix C – Application

Appendix D - Location plan

Appendix E – Representations opposing the application

Appendix F – Representations supporting the application

4 **Background Papers**

Local Government (Miscellaneous Provisions) Act 1982

Dover District Council Street Trading Guidance Notes

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