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**Subject:** Local Government (Miscellaneous Provisions) Act 1982 – Application for Street Trading Consent

**Meeting and Date:** Regulatory Committee – 16 September 2014

**Report of:** Licensing Team Leader

**Classification:** Unrestricted

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

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1. **Summary**

1.1 Mrs Kim Lock of KB Trading has applied to the Council for permission to trade from a converted vehicle in New Bridge, Dover.

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.

New Bridge 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 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 Mrs Kim Lock has applied to the Council for permission to trade from a converted vehicle in New Bridge, Dover.

The application is to trade Monday to Friday 09:30hrs to 15:00hrs.

The application is to sell speciality teas, coffees and pastries (sourced locally).

A copy of the application and location plan is included at **Appendix B**. Photographs of the proposed site and the mobile unit are shown at **Appendix C**.

2.6 Following receipt of a valid application on 5 June 2014, 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 One representation was received objecting to the application during the consultation period:

BEST WESTERN PLUS Dover marina Hotel & Spa objected to the application as they feel that this would compete with their coffee shop on an unfair basis, they feel that there are enough coffee shops in the vicinity and that the area in question should be aesthetically preserved.

2.8 Copy of the representation is included at **Appendix D**.

## 2.1 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

## 2 Evaluation of Options

Options:

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

Members should have regard to criteria at page 7 of Appendix A.

## 3 Appendices

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

Appendix B – Application & Location Plan

Appendix C – Photographs of proposed site and mobile unit

Appendix D – Representation

## 4 Background Papers

Local Government (Miscellaneous Provisions) Act 1982

Dover District Council Street Trading Guidance Notes March 1995

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