

AGENDA

LICENSING COMMITTEE MEETING



Date: Thursday 30 January 2014

Time: **5.15 pm**

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Barned (Vice-Chairman), Mrs Gibson,
Mrs Grigg, Mrs Hinder, Mrs Joy,
B Mortimer, Naghi, Newton, Parvin
(Chairman), Mrs Parvin and Yates

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Disclosures of Lobbying

Continued Over/:

Issued on 22 January 2014

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact JANET BARNES on 01622 602242** To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the Meeting held on 14 November and 4 December 2013 1 - 7
8. Hackney Carriage/Private Hire Issues (if any)
9. Report of the Head of Housing and Community Services - Street Trading Consent - Mr Ronald Munn 8 - 46

Please be aware that the Committee may at any time decide to exclude the public if there is likely to be disclosure of exempt information.

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 14 NOVEMBER 2013

Present: Councillor Parvin (Chairman), and
Councillors Barned, Black, Mrs Grigg, Mrs Hinder,
Mrs Joy, B Mortimer, Naghi, Newton, Mrs Parvin and
Yates

44. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs Gibson.

45. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Black was substituting for Councillor Mrs Gibson.

46. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

47. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

48. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

49. EXEMPT ITEMS

RESOLVED: That the Items on the Agenda be taken in public as proposed.

50. MINUTES OF THE MEETING HELD ON 7 OCTOBER 2013

RESOLVED: That the Minutes of the Meeting held on 7 October 2013 and the Minutes (Part II) of the meeting held on 24 June 2013 be approved as a correct record and signed.

51. HACKNEY CARRIAGE/PRIVATE HIRE ISSUES (IF ANY)

There were no issues to be discussed.

The Committee were satisfied from the evidence in the report that there is no significant unmet demand for Hackney Carriages in Maidstone. It was considered that there is no compelling reason to change the current number of hackney carriage proprietors' licences in Maidstone.

RESOLVED:

- a) That maintaining the current level of Hackney Carriage licences on the basis that there is no significant unmet demand for hackney Carriages locally be agreed; and
- b) That Officers report back to the next meeting of the Committee on the other recommendations within the survey.

56. DURATION OF MEETING

6.45 p.m. to 7.13 p.m.

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 4 DECEMBER 2013

Present: Councillor Parvin (Chairman), and
Councillors Barned, Black, Mrs Grigg, Mrs Hinder,
Mrs Joy, B Mortimer, Mrs Parvin and Yates

57. APOLOGIES FOR ABSENCE

There were apologies for absence from Councillors Mrs Gibson, Naghi and Newton.

58. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Black was a substitute for Councillor Mrs Gibson.

59. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

60. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

61. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

62. EXEMPT ITEMS

RESOLVED: That the item on the Agenda be taken in public but should matters regarding financial/business affairs need to be discussed, then these discussions would be held in private.

63. APPLICATION FOR STREET TRADING CONSENT - MR KENNEDY - JUBILEE SQUARE, MAIDSTONE

The Committee considered the report of the Head of Housing and Community Services regarding an application for a street trading consent for a Christmas Market in Jubilee Square for a period of 10 days at times as set out in the application.

The Chairman introduced those present and ensured that everyone understood the procedure to be followed.

The Head of Housing and Community Services presented the report, outlining the application received.

Mr Foster, on behalf of the Applicant, was then given an opportunity to present his case. He stated that it was felt the Christmas Market would add diversity to the offer of the Town Centre, attract more people and make them stay longer. He said Jubilee Square was created to hold all sorts of events, including markets. An up-to-date plan showing the location of the stalls was circulated to Members at the meeting. He informed the Committee that the layout was configured in a way that they can connect to the electricity supply in order to decorate their stalls with lights, to ensure there is pedestrian access available and it is away from the recognised crossing lanes.

Mr Foster said there were 13 frontages onto Jubilee Square, of which 2 sold hot food. Looking further afield, e.g. down to the entrance to Royal Star Arcade, Bank Street, Gabriels Hill, there are 46 premises, of which 9 sold hot food. He did not believe this created an overcrowding of these activities. There was a market held in this location last year which was well received and no complaints were received by the Council and they felt the introduction of hot food will provide a new attraction to make it more successful than it was last year. For these reasons, the Applicant and Mr Foster believe the Christmas Market is a benefit to the Town Centre as a whole. These markets are common in many other cities/towns and have helped to generate an increase in income for all retailers in the area.

The Objectors were then given an opportunity to ask Mr Foster questions.

Mr Rayner asked Mr Foster to name the 9 hot food premises he referred to as being in the vicinity.

Mr Foster responded – Kala Red, Eden, Lunch Basket, Muggletons, The Brenchley, Subway, Greggs, Wimpey and Burger King.

Members were then given an opportunity to ask Mr Foster questions. In response to questions, Mr Foster said he did not believe there was a specific “definition” of a Christmas Market, the applicant operates a number of markets and has a number of different stalls. A number of different operators were approached, but only this operator submitted an application. A nativity event is also taking place at the same time. The selling of hot food pays for the SIA security which is required overnight. If these were refused then the market would become unviable.

The objectors were then given the opportunity to state their case.

Mr White, on behalf of Town Centre Management Limited (“TCM”), stated that he felt the proposed ratio of 50% craft and 50% hot food was disproportionate for the amount of stalls. He also stated that last year’s market was reported as a success even though there was no hot food and that when the consultation was circulated it was reportedly mentioned that it was a Christmas Market like last year and Mr White believes that may be why more people did not object because they did not realise this

one included hot food. He said the businesses trade all year and pay substantial business rates and this is the time of the year is profitable for them which helps them through the leaner times in the new year.

Mr Foster, on behalf of the applicant, was then given the opportunity to ask questions of the objector. He had none.

Members were then given the opportunity to ask questions of the objector. They had none.

Mr Rayner, the proprietor of Wimpey, addressed the Committee. He stated that this was the most important time of the year for Maidstone to generate income and that he agreed with Mr White, in that the percentage of food stalls within the market was disproportionate and that he was also informed the market was the same as last year. He felt the fees for the market stalls were too low when compared to the business rates that the shops have to pay. Mr Rayner then invited Mr Humphries of Snappy Snaps to address the Committee. Mr Humphries stated that the smell of the hot food in the market will attract people to buy new foods and deter them from using the other hot food venues in the vicinity, which is unfair to those there all year.

The Head of Housing and Community Services clarified the procedure with regard to the consultation, in that an officer visited each premise and handed over a letter which contained all the information with regard to the market, including the hot food element.

Mr Foster, on behalf of the applicant, was then given the opportunity to ask questions of the objector. He had none.

Members were then given the opportunity to ask questions of the objector.

In response to questions, the objectors stated that the smell and attraction of the food would bring people to the stalls. They have no objection to the market itself, just the selling of hot food.

Members were then given the opportunity to ask further questions of clarification.

In response to a question, the Head of Housing and Community Services said that the consultation papers would be included in the Agenda paperwork in future and that no public notice was required.

The objectors were then given the opportunity to sum up.

Mr White stated that TCM did not object to the market, just the hot food element. He felt that the offer was not particularly Christmas orientated.

Mr Rayner had nothing further to add.

Mr Foster, on behalf of the applicant, stated that there is a huge amount of competition regarding Christmas Markets and that Maidstone is competing with Canterbury and Bluewater. He stated that Maidstone needs to do whatever it can to compete and make a contribution to the Town Centre's attractiveness, diversity and offer. He referred to 7.1 b) within the Council's Street Trading Policy stating that he does not believe that 9 other traders in the vicinity in which the applicant desires to trade does not constitute an "overcrowding".

Members were then given the opportunity to ask the Head of Housing and Community Services if any further matters need to be raised. In response to a question from the Head of Housing and Community Services, the Legal Adviser informed Members that they can only grant the application with the same or less than requested. If the applicant wanted to add something different or more it would need to be considered as a new application and subject to a further consultation period.

Mr Foster, for the applicant, the Objectors, the Head of Housing and Community Services and the Senior Licensing Officer then left the room while the Committee made their deliberations.

RESOLVED: The Committee, having carefully considered the application made on 14 November 2013 by Mr Kennedy, the report of the Senior Licensing Officer, including the text of all objections and oral evidence from Mr Foster on behalf of the applicant, Mr White for Town Centre Management Limited, an objector, Mr Rayner of Wimpy, an objector, and his witness, Mr Humphries of Snappy Snaps, at the Hearing decided that street trading consent be granted for the period 9-15 December 2013, for the times and location applied for, trading from 10 stalls in the goods applied for – save that the mix of goods are to be conditioned (see below).

This was considered reasonable and proportionate in view of the objections received to the hot food element of the application. Members being of the view that the level of hot food provision was disproportionate to the market as a whole and some would be in similar goods to a number of other premises in the vicinity which could be affected. They were also not considered to necessarily contribute to the ambience of a Christmas market although some would increase footfall for all.

Condition: - The 10 stalls granted under this consent shall include no more than 3 stalls trading in hot food or hot drinks.

64. DURATION OF MEETING

10.30 a.m. to 12.20 p.m.

Agenda Item 9

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

30th JANUARY 2014

REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES

Report prepared by Lorraine Neale

1. Street Trading Consent – Mr Ronald Munn

1.1 Issue for Decision

The issue for decision is to consider an application for a street trading consent from Mr Munn following objections received from parish councils.

1.2 Recommendation of the Head of Housing and Community Services

1.2.1 That Members give consideration to the application for a street trading consent by Mr R Munn taking into account the consultation representations (Appendix C).

1.3 Reasons for Recommendation

1.3.1 On the 16 October 2013 Mr R Munn made an application for a new street trading consent to sell burgers/sausages/sandwiches and hot and cold drinks from a trailer on the land of Newport Imports off the A249 at Stockbury, ME9 7QU. The days and hours of operation he has applied for are Monday to Saturday from 6.00 a.m. to 3.00 p.m. The application became valid on the 18 October 2013. The 14 day consultation commenced on 1/11/2013 and finished on 15.11.2013 (Appendix A).

1.3.2 Consultations have been carried out and no objections have been received from:-

Ward members (North Downs Ward and Detling & Thurnham Ward)
KCC Highways
MBC Planning and Development Control
MBC Environmental Health
MBC Environmental Enforcement
Police

1.3.3 The garage site sits largely in the Parish of Stockbury, however the majority of the site requested as the consent site for street trading sits in Thurnham and so both Parish Councils were consulted. Detling Parish Council were not a consultee but a response was received from them. Objections have been received from:-

Stockbury Parish Council 11.11.13
Detling Parish Council 11.11.13
Thurnham Parish Council 15.11.13
(Appendix C)

1.3.4 In summary the objections of the Parish Council's are:

- A food trailer here would create safety hazards for the fast moving traffic on the A249 which passes the site:
 - By HGVs parking in the deceleration lane affecting access and visibility on exit,
 - There being no acceleration lane on exit,
 - the increased activity of vehicles at the site.
- preparation of food and increased vehicle and driver activity would create a nuisance for neighbours to the site.
- Planning consent has not yet been acquired.
- Will create excessive rubbish and mess litter at the site
- No toilet facilities at the site would constitute a public health hazard
- The facility would encourage pedestrians to attempt to cross the A249 increasing the risk of accidents.

1.3.5 As there are no other local business's in the vicinity of the site no consultation with business took place.

1.3.6 On the 18 November 2013, the Head of Housing and Community Services wrote to Mr Munn informing him that he was unable to determine the application due to the three objections received, these were also supplied to Mr Munn and informed him of his right to be heard by Committee if he wished to do so. In a letter from Mr Munn (Appendix D) received on 26 November 2013 he confirmed his wish for the matter to come before the Committee. His letter also addressed the objections raised by Stockbury Parish Council.

1.3.7 A letter of support from nearby neighbours Mr P and Mrs D Mellor in support of the application is attached as Appendix E. This indicates that trading does not negatively impact upon them and that they would be happy for consent to be granted.
A planning application for this use was made on 8/12/13 and the period for consultation ends on 27/01/14. That will be determined in accordance with relevant planning considerations and is a separate matter to street trading consent considerations, and determination of the application before this Committee. Although considerations may have some overlap they are different and separate. If a street trading consent were to be

granted then any trading under it may be subject to planning enforcement action until such time as planning consent is granted.

1.3.8 Attached to this report is the Council’s policy on street trading, (Appendix E) and the procedure that is used for hearing applications with representations the Committee may wish to follow in their considerations. (Appendix F).

1.4 Alternative Action and why not Recommended

1.4.1 The Committee needs to consider the application in accordance with our Street Trading Policy.

1.5 Impact on Corporate Objectives

1.5.1 Determination of applications in accordance with policy and merits provides a consistent approach to trading within the borough and promotes the objective of being a decent place to live.

1.6 Risk Management

1.6.1 Risk Management issues are covered within the approach taken by Street Trading policy and the processing of this application has been in accordance with policy. Any appeal against this decision will be by way of judicial review and a consistent policy should mitigate against success of any such challenge.

1.7 Other Implications

1.7.1

1.	Financial	X
2.	Staffing	
3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	

1.7.2 A refund will be required in the event of an unsuccessful application

1.7.3 The Council has adopted the provisions in relation to Street Trading Consent from the Local Government (Miscellaneous) Provisions Act 1982

1.10 Relevant Documents

1.10.1 Appendices

- Appendix A Application form
- Appendix B Plan of the area
- Appendix C Copies of objections
- Appendix D Letter from the applicant
- Appendix E Letter from neighbours
- Appendix F Street Trading Policy
- Appendix G Hearing Procedure

1.11 Background Documents

The application from Mr Munn and other correspondence are held in files in the Licensing Section.

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

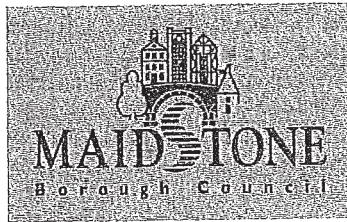
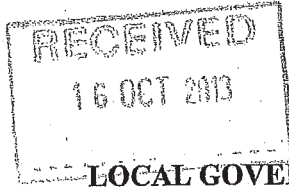
Is this an Urgent Key Decision? Yes No

Reason for Urgency

[State why the decision is urgent and cannot wait until the next issue of the forward plan.]

APPENDIX A

Payment of £385 ehq to MBC.
Carried forward from Charles Plumley's
app. Rec'd 2/10/13



LIC 00K/2013/2237

EHO 00K/2013/2780

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR A STREET TRADING CONSENT

1. NAME OF APPLICANT a) SURNAME MR/MRS/MISS MUNN
(BLOCK CAPITALS) b) FORENAME(S) RONALD
2. ADDRESS OF APPLICANT (BLOCK CAPITALS) [REDACTED]
3. TELEPHONE NUMBER [REDACTED]
4. DATE OF BIRTH [REDACTED]
5. NATIONAL INSURANCE NUMBER [REDACTED]
6. DETAILS OF THE ARTICLES/FOOD THAT YOU PROPOSE TO SELL BURGERS/SAUSAGE/SANDWICHES
HOT+COLD DRINKS
7. GIVE DETAILS OF THE EXACT SITE FROM WHICH YOU INTEND TO TRADE (ENCLOSE PLAN WITH SITE DETAILED) C/O Newport Imports
A249 STOCKBURY VALLEY
STOCKBURY ME9 7QU
(On private land owned by Charles Plumley - 42m set back from A249)
7. STATE PRECISELY THE DAYS OF THE WEEK AND HOURS THAT YOU INTEND TO TRADE. MON - Fri 6AM - 3 PM
SAT Saturdays 6AM - 3 PM
8. GIVE DETAILS:
 - a) IF A STALL/STRUCTURE/VEHICLE TRAILER (stationary)
 - b) OF THE APPROXIMATE DIMENSIONS OF THE STALL/STRUCTURE/VEHICLE 16FT X 8FT
 - c) THE VEHICLE REGISTRATION NUMBER(S) N/A
 - d) COLOUR OF VEHICLE Red + BLACK

e) THE TRADING NAME YOU USE BUFFALO BURGER

f) DO YOU INTEND TO USE CHIMES OR A LOUDSPEAKER NO

9. IF SELLING FOOD OR DRINKS:

a) YOU NEED TO BE REGISTERED WITH THE ENVIRONMENTAL HEALTH DEPARTMENT IN RESPECT OF FOOD HYGIENE, ARE YOU SO REGISTERED? YES/NO

(IF REGISTERED ELSEWHERE, PLEASE STATE WITH WHICH LOCAL AUTHORITY) MUSIC

b) STATE WHERE YOUR GOODS WILL BE STORED FREEZER / FRIDGE WHEN NOT BEING OFFERED FOR SALE

10. STATE WHERE TRADE REFUSE WILL BE DEPOSITED IN BINS PROVIDED
NOTE: UNDER THE 1990 ENVIRONMENTAL PROTECTION ACT YOU ARE UNDER A DUTY OF CARE TO DISPOSE OF ANY REFUSE IN A CORRECT MANNER, FOR WHICH A CHARGE CAN BE LEVIED. BY NEWPORT IMPORTS

11. IF NOT TRADING ON THE HIGHWAY, STATE WHETHER CONSENT HAS BEEN GRANTED FOR USE OF LAND AND PROVIDE PROOF OF CONSENT

12. a) STATE WHETHER AN APPLICATION FOR A STREET TRADING LICENCE OR CONSENT HAS PREVIOUSLY BEEN MADE BY YOU (OR YOUR ASSISTANT(S) IF ANY) TO ANY OTHER LOCAL AUTHORITY. YES/NO

b) IF YES, STATE WHETHER SUCH LICENCE OR CONSENT HAS BEEN: (i) GRANTED (ii) REFUSED (iii) REVOKED

c) IF ANY LICENCE OR CONSENT HAS BEEN REFUSED OR REVOKED GIVE DETAILS OF THE LOCAL AUTHORITY AND A BRIEF OUTLINE OF THE CIRCUMSTANCES

13. HAVE YOU BEEN CONVICTED OF ANY OF THE FOLLOWING OFFENCES INVOLVING: VIOLENCE YES/NO
DISHONESTY/THEFT/HANDLING/BURGLARY YES/NO
CONSUMER PROTECTION OR FAIR TRADING YES/NO
PUBLIC HEALTH OR FOOD HYGIENE CONTRAVENTIONS YES/NO
PROHIBITED FROM RUNNING A FOOD BUSINESS YES/NO


IF YES, PLEASE SPECIFY DETAILS GIVING DATE AND PLACE OF CONVICTION AND SENTENCE IMPOSED.

14. STATE THE NUMBER OF ASSISTANTS THAT WILL BE USED INCLUDING THEIR NAMES AND ADDRESSES AND DATES OF BIRTH. N/A
IF NONE, PLEASE WRITE "NONE".

- b) THAT I AM OVER 17 YEARS OF AGE
- c) THAT THE ANSWERS TO THE QUESTIONS ARE TRUE AND COMPLETE IN EVERY WAY
- d) THAT THE POLICE MAY MAKE ENQUIRIES INTO THIS APPLICATION AND MAY DIVULGE THE RESULTS TO THE MAIDSTONE BOROUGH COUNCIL
- e) THAT I HAVE READ AND UNDERSTOOD THE NOTES ATTACHED TO THIS APPLICATION FORM.

MAIDSTONE BOROUGH COUNCIL TAKES ITS OBLIGATIONS UNDER THE DATA PROTECTION LEGISLATION VERY SERIOUSLY AND WILL NOT DISCLOSE INFORMATION TO ANY UNAUTHORISED PERSON. INFORMATION MAY BE SHARED WITH OTHER SERVICES WITHIN THE COUNCIL OR DISCLOSED TO OTHER LOCAL AND PUBLIC AUTHORITIES OR GOVERNMENT AGENCIES THAT HAVE A LEGITIMATE REASON TO REQUEST THE DISCLOSURE E.G. THE PREVENTION AND DETECTION OF FRAUD. FOR FURTHER INFORMATION PLEASE SEE THE FOLLOWING LINK OR CONTACT NEIL HARRIS ON 01622 602020 OR VIEW THE WEBSITE AT

[HTTP://WWW.MAIDSTONE.GOV.UK/ADVICE AND BENEFITS/DATA PROTECTION AND FOI/ DATA PROTECTION ACT/NATIONAL FRAUD INITIATIVE - FA.ASPX](http://www.maidstone.gov.uk/advice_and_benefits/data_protection_and_foi/data_protection_act/national_fraud_initiative_fa.aspx)

SIGNEE  DATED 18-10-2013

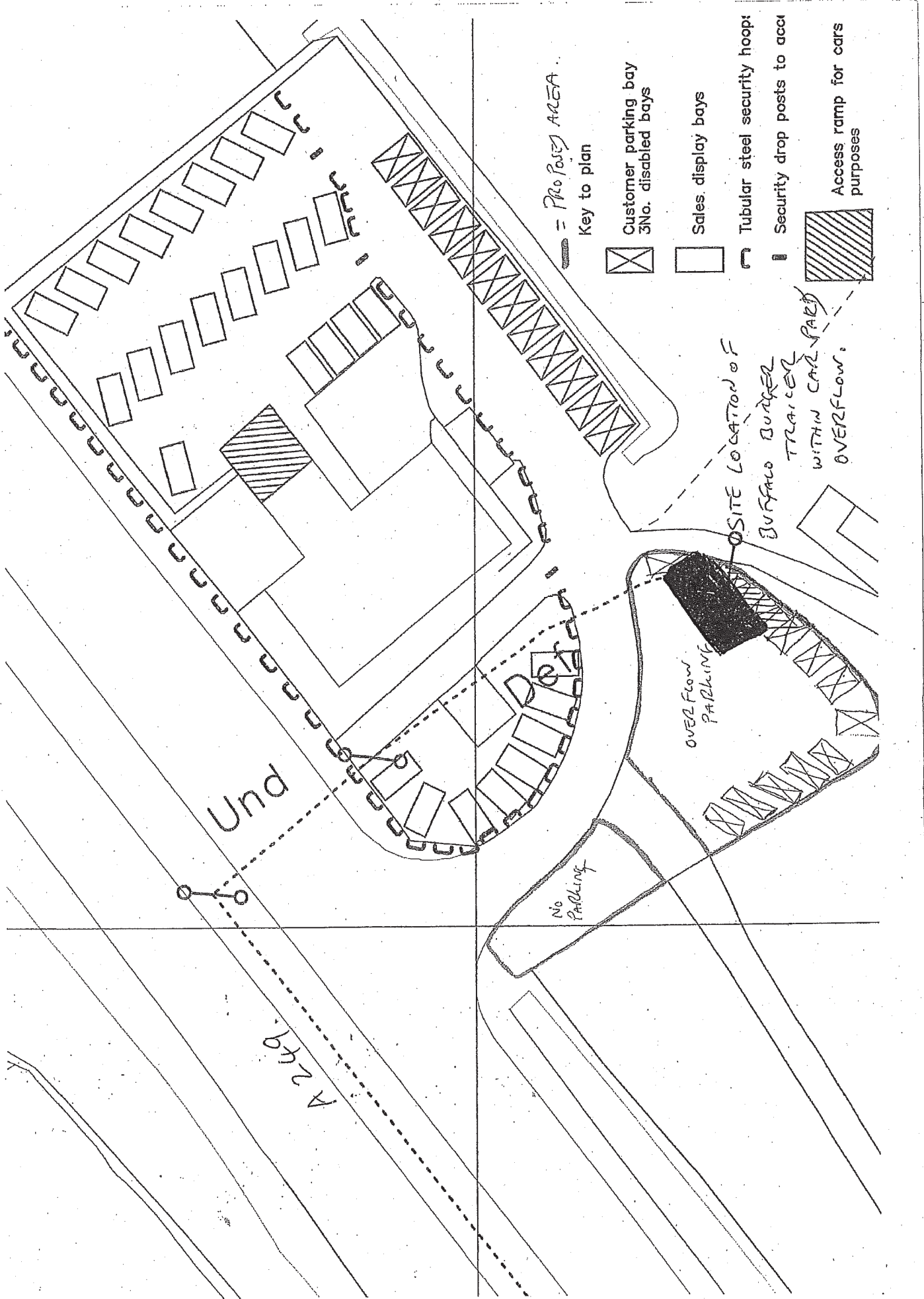
PLEASE CHECK THAT YOU HAVE PROVIDED THE FOLLOWING:-

- i) **A DETAILED PLAN SHOWING THE EXACT LOCATION ON THE HIGHWAY/ROAD WHERE YOU INTEND TO TRADE, ONE FOR EACH LOCATION**
- ii) **THE CORRECT FEE**
 - up to 12 days £30.00
 - up to 30 days £65.00
 - up to 90 days £180.00
 - Full year consent £385.00

All cheques should be made payable to Maidstone Borough Council

PLEASE BRING THE COMPLETED FORM AND FEE TO: THE LICENSING TEAM, GATEWAY, KING STREET, MAIDSTONE, ME15 6JQ

ANY ASSISTANTS YOU PROPOSE TO EMPLOY SHOULD ACCOMPANY YOU.



Louise Davis

From: Charles Plumley [chp@newport-imports.com]
Sent: 18 October 2013 12:31
To: Louise Davis
Subject: RE: Street Trading application for Mr Ronald Munn

Hi Louise

Yes I can confirm that Mr Munn has my consent.

Yours truly,
Charles Plumley

Tel: +44 (0) 1795 845 750
www.newport-imports.com

*** WARNING : This message originates from the Internet ***Newport Imports (USA) Limited, Registered Office: A249, Stockbury Valley, Stockbury, Kent. ME9 7QN

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From: Louise Davis [mailto:louisedavis@maidstone.gov.uk]
Sent: 18 October 2013 09:58
To: Charles Plumley
Subject: Street Trading applicaton for Mr Ronald Munn

Good morning Mr Plumley

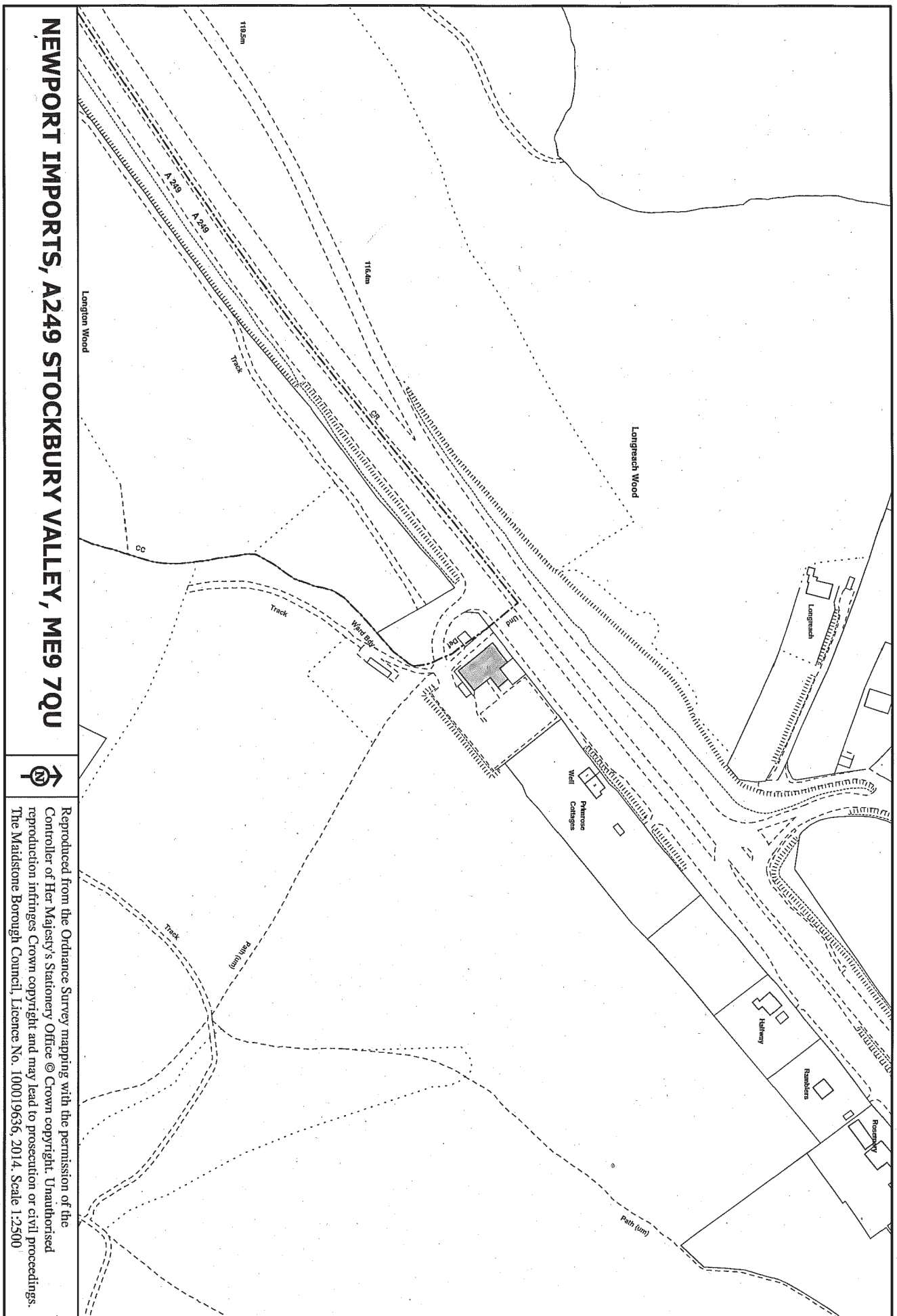
I have now received Mr Munn's application for Street Trading Consent on your site at Newport Imports.

However as land owners, I require written permission from you in support of his application. Would it be possible for you to email this to me today so I can start the two week consultation period?

Mr Munn should be aware that he may not trade at any time until his application has been determined and, if successful, Consent granted.

Kind regards

Louise Davis
Licensing Administrator
Licensing Team
Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ



NEWPORT IMPORTS, A249 STOCKBURY VALLEY, ME9 7QU



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NEWPORT IMPORTS,
A249 STOCKBURY VALLEY, ME9 7QU

Lorraine Neale

From: Louise Davis
Sent: 07 January 2014 12:59
To: Lorraine Neale
Subject: FW: Emailing: A249 Stockbury Valley street trading consent Nov 13
Attachments: A249 Stockbury Valley street trading consent nov 13.pdf

Stockbury PC reply

From: stockburypc@sherriebabington.co.uk [<mailto:stockburypc@sherriebabington.co.uk>]
Sent: 11 November 2013 11:37
To: Louise Davis
Subject: Emailing: A249 Stockbury Valley street trading consent Nov 13

Dear Louise

Please find attached comments from Stockbury Parish Council to the above application.

Kind regards

Sherrie Babington
Mrs S Babington
Parish Clerk

STOCKBURY PARISH COUNCIL

Mrs Sherrie Babington – Parish Clerk
4 Birkhall Close, Walderslade
Chatham, Kent, ME5 7QD

Email: stockburypc@sherriebabington.co.uk

Telephone: 01634 863719

Fax: 01634 867173

Louise Davis
Licensing Administrator
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

6th November 2013

Dear Ms Davis

Application for Street Trading Consent - Mr Ronald Munn/Land at Newport Imports, A249 Stockbury Valley

Stockbury Parish Council has considered the above licensing application and wish to object to this for the following reasons:

1. Nuisance to neighbours from the preparation of food on the site and increased vehicle and driver activity visiting the site.
2. The access to the site is on a deceleration lane off the A249 southbound. HGVs have already been parking in the deceleration lane and forcing other vehicles visiting the site to turn into the site at right angles to the main carriageway, in turn forcing following vehicles to break or take other avoiding actions.
3. Parking of vehicles in the deceleration lane obstructs the view and sight lines for vehicles exiting the site.
4. Vehicles exiting the site do so by joining the main dual carriageway at right angles as no acceleration is provided at the exit.
5. HGVs and other vehicles exiting the site or the deceleration lane have to join the A249 on an uphill section of dual carriageway from a standing start, in the path of vehicles travelling along the A249 Stockbury Valley at speeds of 70mph plus.
6. The above points create a major safety hazard for other vehicles travelling along this 70mph dual carriageway.
7. If formal planning consent is required this has not yet been applied for or granted.
8. We believe the Burger Bar is outside the original curtilage of "Happy Eater/Lily Spice" Development and the application should be referring to the Land as well as the Burger Bar.

In summary the Parish Council objects to this application and would wish to see it refused.

Yours sincerely

S Babington
Mrs. S Babington
Clerk to the Parish Council

Lorraine Neale

From: Louise Davis
Sent: 07 January 2014 13:00
To: Lorraine Neale
Subject: FW: licencing application a249 Nov 13
Attachments: licencing application a249 nov 13.pdf

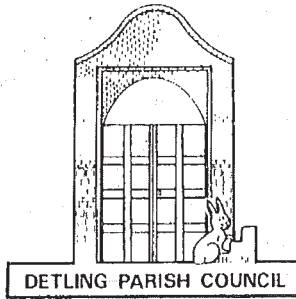
Detling PC response

From: detling parish council [<mailto:detlingparishcouncil@sherriebabington.co.uk>]
Sent: 11 November 2013 11:33
To: Louise Davis
Subject: licencing application a249 Nov 13

Please find attached comments from Detling Parish Council regarding the licencing application for a catering van on the A249.

Regards

Sherrie Babington
Mrs S Babington
Parish Clerk



DETLING PARISH COUNCIL

Parish Clerk: Mrs Sherrie Babington

4 Birkhall Close, Walderslade,

Chatham, Kent, ME5 7QD

Telephone and Fax: 01634 867173

Email: detlingparishcouncil@sherriebabington.co.uk

Louise Davis
Licensing Administrator
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

8th November 2013

Dear Ms Davis

Application for Street Trading Consent - Mr Ronald Munn/Land at Newport Imports, A249 Stockbury Valley ME9 7QU

Detling Parish Council has considered the above licensing application and wish to object to this for the following reasons:

1. The provision will encourage vehicles to park in the deceleration lane and this will have an adverse impact on other vehicles accessing the site and using the A249.
2. There is no acceleration lane for vehicles exiting the site onto the A249.
3. The above points create a major safety hazard for other vehicles travelling along the dual carriageway.
4. The provision would create excessive rubbish and mess at the site.
5. There are no public toilet facilities at this site.

In summary the Parish Council objects to this application and would wish to see it refused.

Yours sincerely

S Babington

Mrs. S Babington
Clerk to the Parish Council

Lorraine Neale

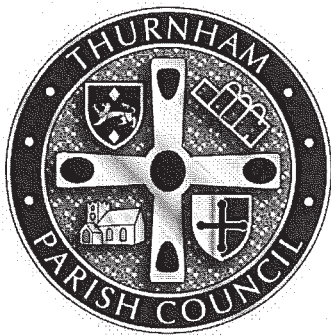
From: Louise Davis
Sent: 07 January 2014 13:00
To: Lorraine Neale
Subject: FW: snack bar on a249 objections November 13
Attachments: snack bar on a249 objections november 13.pdf

And Thurnham's

From: thurnham parish council [<mailto:thurnhamparishcouncil@sherriebabington.co.uk>]
Sent: 15 November 2013 15:40
To: Louise Davis
Subject: snack bar on a249 objections November 13

Please find attached a letter from Thurnham PC.

Mrs S Babington
Parish Clerk



THURNHAM PARISH COUNCIL

*Parish Clerk: Mrs. Sherrie Babington
4 Birkhall Close, Walderslade, Chatham,
Kent, ME5 7QD*

Telephone and Fax: 01634 867173

Email: thurnhamparishcouncil@sherriebabington.co.uk

Louise Davis
Licensing Administrator
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

15th November 2013

Dear Ms Davis

Application for Street Trading Consent - Mr. Ronald Munn/Land at Newport Imports, A249 Stockbury Valley

Thurnham Parish Council has considered the above licensing application and wish to object to this for the following reasons:

1. We believe that it would cause increased vehicle activity to the site.
2. The access to the site is on a deceleration lane off the A249 southbound, this would cause a hazard to other users of the A249.
3. The provision would encourage vehicles to park in the deceleration lane which would obstruct the view and sight lines for vehicles exiting the site.
4. There is no acceleration lane for vehicles exiting the site.
6. Vehicles accessing and exiting the site would cause a major safety hazard for other vehicles travelling along the dual carriageway.
7. The lack of toilet provision would result in a public health hazard.
8. The A249 is a motorway link road with fast moving traffic. The attraction of a snack bar would encourage pedestrians to cross the A249 and the increase in the risk of accidents.

In summary the Parish Council objects to this application and would wish to see it refused.

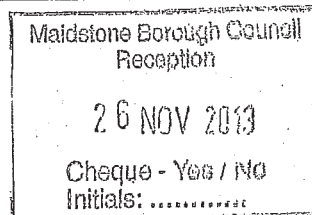
Yours sincerely

S Babington

Mrs. S Babington
Clerk to the Parish Council

APPENDIX D

Louise Davis
Licensing Administrator
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ



26/11/2013

Reg: WK/201312237
Application for Street Trading Consent –
Mr Ronald Munn/Land at Newport Imports,
A249 Stockbury Valley
Stockbury

Dear Ms Davis

We wish to appeal the decision on the refusal of a street traders licence at the next available committee.

I refer to the letter sent by Mrs Sherrie Babington Stockbury Parish Council Parish Clerk on the 6th of November 2013 on which she states the Parish Councils objections to granting the Street Traders Licence as detailed above.

Mrs Babington is quoted below;

“

1. *Nuisance to neighbours from the preparation of food on the site and increased vehicle and driver activity visiting the site.*
2. *The access to the site is on a deceleration lane off the A249 southbound. HGVs have already been parking in the deceleration lane and forcing other vehicles visiting the site to turn into the site at right angles to the main carriageway, in turn forcing following vehicles to break or take other avoiding actions.*
3. *Parking of vehicles in the deceleration lane obstructs the view and sight lines for vehicles exiting the site.*
4. *Vehicles exiting the site do so by joining the main dual carriageway at right angles as no acceleration is provided at the exit.*
5. *HGVs and other vehicles exiting the site or the deceleration lane have to join the A249 on an uphill section of dual carriageway from a standing start, in the path of vehicles travelling along the A249 Stockbury Valley at speeds of 70mph plus.*
6. *The above points create a major safety hazard for other vehicles travelling along this 70mph dual carriageway.*
7. *If formal planning consent is required this has not yet been applied for or granted.*
8. *We believe the Burger Bar is outside the original curtilage of "Happy Eater/Lily Spice" Development and the application should be referring to the Land as well as the Burger Bar. “*

We would like to challenge the Parish Councils objections based on that there is no “fact” to their points stated, and I would like to challenge each point in turn if I may;

1. Mrs Babington states a “nuisance to neighbours”, when our only immediate neighbours and in turn, their neighbours have never been approached by Mrs Babington or any Parish Council member in relation to this. I would like to know on what basis & facts this statement has been compiled by Mrs Babington? To the point that we have the neighbours consent by way of a written letter stating the fact they approve of this operation at this location.
2. HGVs parking in our deceleration lane is indeed nothing to do with Buffalo Burger operation but has been a problem with this, and many other lay-by sites along the A249 for many years. HGV drivers are looking for places to pull in and rest and we have noted the amount of HGVs pulling to rest has not increased since Buffalo Burger has been in operation.

3. We have indeed taken measures to stop this unauthorised parking / stopping in the deceleration lane by way of 3 "no stopping" signs now placed on the verge and staff here are requesting to the drivers of the HGVs that they please refrain from parking, or stopping here again in the future.
4. The point on that fact that we have no acceleration lane; The Kent Showground has average annual attendance figures of 140,000 people. THE KENT SHOWGROUND ON THE A249 DOES NOT HAVE ANY ACCELERATION LANE. It is also noticed that the "Scragged Oak Road" doesn't have a proper acceleration lane onto the A249. Neither does The Rock Café or the Bus Stop immediately to the north of the showground nor, ironically, does South Street which is the main road from Stockbury village to the A249. So I believe the point on the acceleration is not only incorrect but ours is the least of the busiest access points on this stretch of the A249.
5. In regards to the speeds of the A249; the legal speed limit of this dual carriage way road is 70mph, not 70+mph as Mrs Babington implied. The councils own Kent & Medway mobile safety camera is only ever located on two locations on the long downhill northbound carriageway? This is the carriageway with no acceleration lanes for The Rock Cafe, the Bus Stop immediately by the Kent Showground, the Kent Showground itself, the former Three Squirrels pub and the MAIN South Street/Stockbury exit onto the A249. Presumably the professional experts in charge of road safety consider it a priority that there is a problem with the traffic heading in that direction going at speeds in excess of the limit. There is never a similar safety camera on the long uphill section (as stated by Mrs Babington in the Parish Councils objection) travelling in the opposite direction past our location. Presumably because the incline significantly reduces traffic speed which makes it safer for people exiting our site compared to those going the other way.
6. Point 6 is just a repetition of points raised in previous statements.
7. Formal planning application is in hand with our planning consultants Speer & Dade Ltd and is due to be presented to the planning department of Maidstone council by the end of November 2013. The comprehensive planning application encompasses the land around the site of Buffalo Burger along with its intended usage.
8. Point 8 is just a repetition of points raised in previous statements.

Based on our responses to each point raised in Mrs Babingtons letter I do not consider any point she, or the Stockbury Parish Council, has raised to be valid and therefore must be dismissed based on a lack of evidence to prevent the approval of a Street Traders license.

I appreciate this has to wait to go to the committee meeting on 30th January 2014 prior to any decision being made, however I would like to add an additional note to "complete" the picture so to speak.

~~We immediately complied with the notice dated 18th November 2013 from yourself and we ceased trading on the day of receipt of the letter. This has left me personally in a very difficult financial position as this was my only source of income and closing this business down will mean I have no choice but to go on Job Seekers allowance and create another "drain" on the governments already tight resources.~~

I hope this council can see that there is a real demand for a rest bite stop along the A249, where local people and people travelling though our borough can stop for a rest, get a bite to eat and a cup of coffee before proceeding on with their journey as there are no such places along this stretch between Sittingbourne & Maidstone on the Southbound carriageway.

Yours truly

Mr Roland Munn,

Mr P & Mrs D Mellor

APPENDIX E

[REDACTED]
[REDACTED]
[REDACTED]

26.11.13

Your ref - LD/WK/2013/2237.

Dear Ms Davis

With reference to Mr Munns application for street trading consent we would like to give our views for consideration.

We are the only neighbours of Newport Imparks and therefore the only neighbours to be affected by this application.

We have absolutely no objections to Mr Munns application for street trading consent as this in no way impacts upon us and we would be happy for a street trading consent to be granted.

Yours sincerely,

D. Mellor
[REDACTED]



STREET TRADING CONSENT POLICY

MARCH 2010

MAIDSTONE BOROUGH COUNCIL STREET TRADING CONSENT POLICY

MARCH 2010

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MAIDSTONE BOROUGH COUNCIL STREET TRADING CONSENT POLICY

MARCH 2010

1. Introduction

- 1.1 Maidstone Borough Council 'the Council' has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Since 1, September 1986, a Consent has been required before trading on any street in the Borough area.
- 1.2 Street trading is the selling, exposing or offering for sale any article in a street subject to some exemptions. The term 'street' includes any road, footway or other area to which the public have access without payment (this can include private land).
- 1.3 This does not include activities such as tables for street café operations from a fixed premises or the siting of 'A' boards on the street as this is not within the remit of this legislation.

2. Aim of Maidstone Borough Council's Street Trading Consent Policy

- 2.1 The aim of this statement of Street Trading Consent Policy is to provide a consistent and transparent approach for the method of determining street trading Consent applications and their ongoing position.
- 2.2 To achieve this aim the Council is committed to partnership working with Kent Police, Kent Highways Services, the trade and local fixed premises businesses.
- 2.3 This policy sets out how we intend to manage the Street Trading Consent function and how we will ensure the process is fair.
- 2.4 The Council has an aim to improve the quality of life in Maidstone.

3. **Scope of the Policy**

3.1 The Council's policy is concerned with the administration of the street trading Consent functions within the Local Government (Miscellaneous Provisions) Act 1982,

- determining first applications
- renewals
- revocation

4. Interpretation

- 4.1 Any words or expressions in this policy have the meanings assigned to them under the 1982 Act. Nothing in the policy should be regarded or interpreted so as to prejudice the 1982 Act.

5. The Maidstone Act 2006

- 5.1 This came into force on 7 September 2006. This removed the exemption for pedlars to act with the authority of a Pedlars Certificate to trade within the Borough. Pedlars must now have a Street Trading Consent to trade on the streets within the Borough of Maidstone.
- 5.2 There is power to seize articles, receptacles and equipment by an officer of the Council or Constable if there is reason to suspect an offence has been committed under this Act.

6. Application Process

- 6.1 Applications must be made in writing on the application form provided by the Council as detailed in Appendix A and be accompanied by a Consent fee. An applicant must be aged 17 or over.
- 6.2 Proposed food business should be registered under the Food Regulations with the Local Authority where their vehicle is based and provide documents as evidence that they are so registered.
- 6.3 Applicants are advised to contact the Development Control section of the Council to check whether planning permission is required.
- 6.4 Determining First Applications – The process on receipt of any application will include a consultation period of 14 days with:-
Ward Members
Parish Council if relevant
Town Centre Management if relevant
Adjacent shops
KCC Highways
MBC Planning and Development Control
MBC Environmental Health Section
MBC Environmental Enforcement
Police

If no objections are received the Licensing Manager has delegated power to grant;

- (i) All applications outside the Town Centre area.
- (ii) All applications within the Town Centre area subject to consultation with the Chairman and Vice Chairman of the Licensing Committee who can ask that the Application is referred to the Committee for determination.

If objections are received the application will be determined by the Licensing Committee. A hearing will be held following the attached procedure.

6.5 Determining Additional Applications For An Agreed Site

Once the application for a site has been agreed in accordance with 6.4 above, the Licensing Manager will be authorised to issue further Street Trading consents for the same site in the exact terms of the

first application subject to a satisfactory Police check being received which would determine good character and their right to work in the United Kingdom.

- 6.6 Renewals – the process on receipt of a renewal application will be for the Licensing Manager to renew if no complaints have been received following the consultation process the process for first applications will be followed and the matter will be reported to the Licensing Committee (procedure in appendix B).
- 6.7 Revocation – Any consideration for review of a consent including a decision for revocation will be taken by the Licensing Committee.
- 6.8 Applications for Street Trading Consent in Fremlin Walk - Applications must be made in writing on the application form provided by the Council as detailed in Appendix A and be accompanied by a Consent fee. An applicant must be aged 17 or over.
- 6.9 Proposed food business should be registered under the Food Regulations with the Local Authority where their vehicle is based and provide documents as evidence that they are so registered.
- 6.10 Applicants are advised to contact the Development Control section of the Council to check whether planning permission is required.
- 6.11 Applications for Street Trading Consent will be undertaken in 2 stages comprising an application for the site (which could include more than 1 pitch) and then an application from the Street Trader.
- 6.12 Determining Site Application – An application for a site will be made to the Council and will require a consultation period of 14 days with:-
 - Ward Members
 - Parish Council if relevant
 - Town Centre Management if relevant
 - Adjacent shops
 - KCC Highways
 - MBC Planning and Development Control
 - MBC Environmental Health Section
 - MBC Environmental Enforcement
 - Police

If no objections are received the Licensing Manager has delegated power to grant all applications within the Town Centre area subject

to consultation with the Chairman and Vice Chairman of the Licensing Committee who can ask that the Application is referred to the Committee for determination.

If objections are received the application will be determined by the Licensing Committee. A hearing will be held following the attached procedure. Each agreed site applicant will allocate the pitches in those sites to Traders agreed by the Council.

- 6.13 Determining Site Application from Traders – Traders will apply to the Council to trade in the approved sites and consent will be given subject to the assessment of the site holder and a satisfactory Police check being received which would determine good character and their right to work in the United Kingdom.
- 6.14 Renewals – the process on receipt of a renewal application will be for the Licensing Manager to renew if no complaints have been received following the consultation process the process for first applications will be followed and the matter will be reported to the Licensing Committee (procedure in appendix B).
- 6.15 Revocation – Any consideration for review of a consent including a decision for revocation will be taken by the Licensing Committee.
- 6.16 Any provisions relating to the River Festival will not apply to any agreed sites in Fremlin Walk.

7. Consideration of Applications

7.1 The Council will consider each application on its individual merits and normally grant a Street Trading Consent **unless**, in its opinion, there is:-

- a) not enough space for each applicant to trade in the manner proposed without causing undue interference or inconvenience to persons using the street,
- b) there are already enough traders in the vicinity (from shops or other stalls) in the goods in which the applicant desires to trade,
- c) there is undue concentration of traders trading in the street in which the applicant desires to trade,
- d) the Consent, if granted, will result in nuisance to members of the public, residents or local businesses, due to the likely noise, smell, litter, obstruction, disturbance, or other problems which will be caused by granting the Consent,
- e) the size, nature or appearance of the proposed stall and any associated equipment is inappropriate for the proposed location in terms of amenity or public or highway safety,
- f) the proposed trading hours are outside the usual business hours of shops in the vicinity, except in relation to a trader wishing to sell hot food, which will be considered on a site by site basis,
- g) any additional issues arising from consultation or the particular circumstances of the application.
- h) previous conviction of the applicant (or an assistant) for relevant offences (dishonesty, food safety, health & safety, licensing or other related issues) or unsuitable for other reasonable cause,
- i) failure on a previous occasion to pay Street Trading Consent fees within agreed timescales,
- j) applications for Street Trading Consent on a site where there is already a Consent granted,
- k) there is an earlier application or an application for renewal has been received which will be determined first by the Licensing Committee.

8. Administration, Exercise and Delegation of Function

- 8.1 The powers and duties of the Council with regard to Street Trading Consent may be carried out by the Licensing Committee or Officers acting under delegated authority. Since many of the functions are administrative or compliance monitoring based in nature, in the interest of speed, efficiency and cost effectiveness, the Council supports the principle of delegating routine matters to Officers.
- 8.2 Applications will normally be dealt with by Officers but can be forwarded to the Licensing Committee for determination (see section 6).

9. Conditions applicable to Street Trading Consents

9.1 Conditions will normally be imposed in all cases specifying:-

- a) the place in which the Consent holder is permitted to trade,
- b) the days and times at which the Consent holder is permitted to trade,
- c) description of the types of articles in which the holder is permitted to trade,
- d) the nature, size and type of stall stand etc. which is to be used,
- e) the Street Trading Consent issued by the Council must be conspicuously displayed on the stall/person,
- f) if food is to be sold, the business shall be Food Safety registered,
- g) restrictions on the means the trader may use to attract custom to his stall,
- h) that the suitable receptacle for litter must be provided,
- i) that the location must be left in a clean and tidy condition at the end of the trading hours each day,
- j) that the stall must be removed each day at the end of trading hours unless agreement in writing is obtained from the Council or the owner of the land,
- k) the trader must comply with any reasonable request of a Police Officer or authorised Officer of the Council,
- l) that the trader must produce, to a Police Officer or authorised Officer of the Council, a copy of the Consent on demand,
- m) operators must cease trading immediately upon expiry of Consent.

9.2 The Council considers that each of the above conditions will be reasonably necessary in relation to the majority of Consents granted for the purposes of protecting public safety and the prevention of nuisance and annoyance to local residents, businesses in the locality and members of the public using the street concerned. The Council may also impose such other conditions as it considers reasonably necessary in each particular case and conditions may be varied at any time.

10. Enforcement

- 10.1 Any enforcement action taken by the Council will be in accordance with any adopted enforcement policy, and failure to comply with the conditions may lead to revocation or non-renewal of a Consent. Any person found trading without Consent in the Borough will be subject to enforcement action by the Council.

11. Promotion of Racial Equality

- 11.1 The Council recognises that the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 places an obligation on all Public Authorities to have regard to the need to eliminate unlawful discrimination, and to promote equality of opportunities and good relations between persons and different racial groups.

12. Human Rights Act 1998

12.1 The Council implements the 1982 Act in a manner consistent with the Human Rights Act 1998.

For enquiries regarding this policy in the Council's area, please contact:-

**Licensing Office
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ**

01622 602028

licensing@maidstone.gov.uk

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ORDER OF PROCEEDINGS

- a) The Chairman will introduce those present and ensure that everyone understands the procedure to be followed.
- b) The Head of Housing and Community Services will briefly describe the application.
- c) The Applicant will then present his case.
- d) The Objector(s) may then ask the Applicant questions.
- e) Members will then ask the Applicant any questions.
- f) The Objector(s) will then be given the opportunity to present his/her case.
- g) The Applicant may then ask the Objector(s) any questions.
- h) Members will then ask the Objector(s) any questions.
- i) Members may then ask any further questions of clarification from any party.
- j) Both parties will then be asked to sum up, the Objector(s) first followed by the Applicant.
- k) Members will then ask the Head of Housing and Community Services if there are any further matters to be raised before the matter is considered.
- l) The Committee will then decide the appeal and may ask the Applicant, the Objector(s), the Head of Housing and Community Services and any other parties to leave, the Committee Clerk will be the only person apart from Members to be allowed to remain. Any representative of Legal Services (if present) may be requested to remain by the Chairman.
- m) After consideration all parties will be invited to return and the Chairman will announce the decision.