

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.]