

AMENDED AGENDA

LICENSING COMMITTEE MEETING



Date: Monday 21 November 2011
Time: 6.30 pm
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors FitzGerald, Mrs Gibson, Mrs Grigg,
Mrs Hinder, Mrs Joy (Co-Chair), Naghi,
Parvin (Co-Chair), Mrs Parvin, Warner
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 21 November 2011

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 15 September 2011
 8. Hackney Carriage/Private Hire Issues (if any)
 9. Report of the Head of Democratic Services - Hackney Carriage Unmet Demand Survey
 10. Report of the Head of Democratic Services - Street Trading Consent - Mr Greenfield
- 10 - 22

MAIDSTONE BOROUGH COUNCIL

LICENCING COMMITTEE

21 NOVEMBER 2011

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Report prepared by Neil Harris

1. STREET TRADING CONSENT- MR GREENFIELD

1.1 Issue for Decision

- 1.1.1 To consider the Street Trading Consent for the sale of Christmas wrapping paper, sticky tape, gift tags and Christmas cards issued to Mr. Greenfield on 22 February 2011 in respect of Ethos, 9 Gabriels Hill, Maidstone, Kent, in order to clarify the committees view of the exact location for which the consent was granted.

1.2 Reason for Urgency

- 1.2.1 The issue of the location of Mr. Greenfields stall under his Street Trading consent has only arisen since the agenda had been issued and his consent will terminate on 31 December 2011 which is before the next meeting of the Committee.

1.3 Recommendation of the Head of Democratic Services

- 1.3.1 That the Committee give consideration to the report and give clarification to the exact location of Mr. Greenfields stall under the consent granted by the Committee at its meeting on 17 February 2011.

1.4 Reasons for Recommendation

- 1.4.1 The Committee at its meeting on 17 February 2011 gave Street Trading consent to Mr. Greenfield for the sale of Christmas wrapping paper, sticky tape, gift tags and Christmas cards only, for the period of 1 November 2011 to 31 December 2011 daily from 9am to 6pm on the Ethos courtyard, 9 Gabriels Hill, Maidstone. Attached at Appendix A is the Street Trading consent granted to Mr. Greenfield indicating that he was allowed to trade from the Ethos courtyard. A copy of the application and plan Mr. Greenfield submitted indicating the proposed location of his stall is attached as Appendix B to the report. This plan

was attached to the report submitted to the committee on 17 February 2011.

1.4.2 Subsequent to this consent having been granted to Mr. Greenfield, Ethos has closed and has not been re-opened, leaving the courtyard area closed off by the current owners of the site. Mr. Greenfield considered that his Street Trading consent allowed him to trade from in front of the gate to Ethos and he recently started trading from that site. The Environmental Enforcement team queried this position with the Licensing team who indicated that his consent was for the courtyard and as such Mr. Greenfield should not be able to trade from in front of the gate to the Ethos courtyard. Mr Greenfield challenged this and having considered his plan and following discussions with other Officers within the Council, it is felt that perhaps Mr. Greenfields plan was not clear in terms of the precise location of where he wished to trade. Mr. Greenfield has received permission from the landowners to trade on their land and their land is not just the courtyard but also the area of land in front of the gate right up to the footpath forming part of the public highway. Attached at Appendix C is a copy of a GIS Plan which shows this site in greater detail. However, this does not clarify the position to any great extent and therefore I am asking Members to assist by clarifying their interpretation, of what was agreed in terms of the location of Mr. Greenfields stall. Namely should he be within the courtyard of Ethos behind the current gates or outside the gates in a position halfway along the wall of the adjoining premises of Head and Heart.

1.5 Alternative Action and why not Recommended

1.5.1 The alternatives are set out above within the Reasons for Recommendation

1.6 Impact on Corporate Objectives

1.6.1 There is no impact on Corporate Objectives.

1.7 Risk Management

1.7.1 There are no risk management issues.

1.8 Other Implications

1.8.1

- 1. Financial
- 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

1.8.2 If Members are not able to clarify the position or feel that Mr. Greenfields stall should be located within the courtyard, and Mr. Greenfield wishes to trade from in front of the gate, it will be necessary for him to make a further application which unfortunately will not be possible to determine before Christmas.

1.9 Conclusions

1.9.1 None.

1.10 Relevant Documents

1.10.1 Appendices

1.10.2 Appendix A – Mr Greenfield’s Street Trading Consent.

1.10.3 Appendix B – Mr Greenfield’s Application with his plan

1.10.4 Appendix C – GIS plan

1.10.5 Background Documents

1.10.6 Street Trading Consent Policy.

IS THIS A KEY DECISION REPORT?

Yes

No

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

.....

This is a Key Decision because:

.....

Wards/Parishes affected:

.....



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SECTION 3 AND SCHEDULE 4 – STREET TRADING

CONSENT TO TRADE NUMBER: LN/000005029



I HEREBY AUTHORISE **Mr Mark Greenfield**

Of **15a Higham Road, Wainscott, Strood, Kent, ME1 8BE**

To sell: **Christmas Wrapping Paper, Sticky Tape, Gift Tags and Christmas Cards**

from one **Stall** measuring approx: **2ft x 6ft** registration: **n/a**

situated at : **Ethos PH (Courtyard Area), 9 Gabriels Hill, Maidstone, Kent**

from **1st November 2011** to **31st December 2011**

On the following days of the week and between the following hours:-

Permitted Days of Trading: Monday to Sunday

Permitted Hours of Trading: 9.00am until 6.00pm

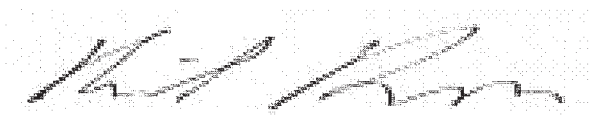
This Consent is granted subject to the conditions that:-

1. the Consent holder must ensure that he/she comply strictly with all traffic regulations;
2. the Consent holder will ensure that his/her street trading activities do not create any obstruction to the flow of pedestrians or other traffic using the street or part of the street to which his/her Consent relates, nor creates any danger to persons using it;
3. the Consent holder will ensure that his/her street trading activities do not cause any nuisance or annoyance, whether to persons using the street or part of the street to which his/her Consent relates or otherwise;
4. no signs advertising the trade are placed on the highway (or abutting the highway);
5. the Consent form must be available for inspection at all times during the hours of trading at the place of trading;
6. a Consent number is displayed in an appropriate place;
7. the Consent holder will ensure that his/her vehicle is removed from the site at the end of each working day;

8. the Consent holder will not deposit trade refuse or litter of any kind on the street or part of the street to which his/her Consent relates;
9. the Consent excludes Maidstone Carnival Day, the day of the River Festival and any other special events;
10. the Consent holder will ensure that permission has been obtained for the use of land adjacent to the highway from the landowner and adjoining landowners when appropriate. The granting of a Consent does not imply that landowner permission has been granted;
11. Consent to trade in a certain location does not imply the grant of planning permission and applicants are strongly recommended to consult the Director of Development Services prior to commencement of trading;
12. where food is sold, the Consent holder must comply at all times with ALL current hygiene legislation including EU hygiene regulations and the Food Hygiene (England) Regulations 2006, as applicable.

The Council may at any time vary the conditions of a Street Trading Consent and may revoke the Consent at any time.

The holder of a Street Trading Consent may at any time surrender his Consent to the Council and it shall then cease to be valid.



Democratic Services Manager

The Licensing Team
PO Box 1255
MAIDSTONE
ME14 9LT

Date:

Ref. No. LN/000005029



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

- 1. NAME OF APPLICANT a) SURNAME MR/MRS/MISS... GREENFIELD.....
(BLOCK CAPITALS) b) FORENAME(S) MARK ANTHONY.....
- 2. ADDRESS OF APPLICANT ISA HIGHAM Rd
(BLOCK CAPITALS) WAINSCOTE Stead
..... KENT
- 3. TELEPHONE NUMBER (incl. mobile) 01634 296622 / 07811022987
- 4. DATE OF BIRTH 5 / 7 / 62
- 5. DETAILS OF THE ARTICLES/FOOD THAT YOU PROPOSE TO SELL CHRISTMAS paper
- 6. GIVE DETAILS OF THE EXACT SITE FROM WHICH YOU INTEND TO TRADE (ENCLOSE PLAN WITH SITE DETAILED) ETHOS PH 9 Gabriels Hill
- 7. STATE PRECISELY THE DAYS OF THE WEEK AND HOURS THAT YOU INTEND TO TRADE. Monday to ~~Saturday~~ SUNDAY 9/6
- 8. GIVE DETAILS:
 - a) IF A STALL/STRUCTURE/VEHICLE STALL
 - b) OF THE APPROXIMATE DIMENSIONS OF THE STALL/STRUCTURE/VEHICLE 2ft wide 6ft Long
 - c) THE VEHICLE REGISTRATION NUMBER(S) N/A
 - d) COLOUR OF VEHICLE N/A
 - e) THE TRADING NAME YOU USE N/A
 - f) DO YOU INTEND TO USE CHIMES OR A LOUDSPEAKER NO 16

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** *N/A*
- (IF REGISTERED ELSEWHERE, PLEASE STATE WITH WHICH LOCAL AUTHORITY)
- b) STATE WHERE YOUR GOODS WILL BE STORED *ETHOS PH* WHEN NOT BEING OFFERED FOR SALE
10. STATE WHERE TRADE REFUSE WILL BE DEPOSITED *N/A*
 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.
11. IF NOT TRADING ON THE HIGHWAY, STATE WHETHER CONSENT HAS BEEN GRANTED FOR USE OF LAND AND PROVIDE PROOF OF CONSENT *yes*
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 *N/A*
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 **YES/NO** */*
 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. *N/A*
14. STATE THE NUMBER OF ASSISTANTS THAT WILL BE USED INCLUDING THEIR NAMES AND ADDRESSES AND DATES OF BIRTH. *NONE*
 IF NONE, PLEASE WRITE "NONE".
 ***(SEE NOTE (a) BELOW)
(Assistants must be accompanied and supervised by the Consent holder at all times)

15. ANY OTHER INFORMATION THAT YOU THINK IS RELEVANT TO THIS APPLICATION. NO

16. IF A CONSENT IS GRANTED AND YOU HAVE A MOBILE VEHICLE (NOT A TRAILER), DO YOU WISH TO BE INCLUDED ON THE KENT COUNTY COUNCIL'S EMERGENCY PLAN LIST?
~~YES~~/NO

(IN THE EVENT OF AN EMERGENCY YOU MAY BE CONTACTED AT SHORT NOTICE TO PROVIDE FOOD AND DRINK TO STRANDED LORRY DRIVERS PARKED ON THE M20 MOTORWAY IN MAIDSTONE. THIS WOULD BE SUPERVISED BY THE POLICE)

We are asking you to complete this section as part of our equal opportunities monitoring. We wish to ensure we are treating all sections of the population equally.

White	British	<input checked="" type="checkbox"/>	✓ Please tick box
	Irish	<input type="checkbox"/>	
	Any other white background including mixed white – Please state.....	<input type="checkbox"/>	
Mixed White	White & Black Caribbean	<input type="checkbox"/>	
	White & Black African	<input type="checkbox"/>	
	White & Asian	<input type="checkbox"/>	
	Any other mixed white background Please state.....	<input type="checkbox"/>	
Asian or Asian British	Indian	<input type="checkbox"/>	
	Pakistani	<input type="checkbox"/>	
	Bangladeshi	<input type="checkbox"/>	
	Any other Asian background Please state.....	<input type="checkbox"/>	
British African	Black or White African	<input type="checkbox"/>	
	Any other African background Please state.....	<input type="checkbox"/>	
Caribbean or Caribbean British	Black or White Caribbean	<input type="checkbox"/>	
Chinese or Other Ethnic Group	Chinese	<input type="checkbox"/>	
	Any other Ethnic Group Please state.....	<input type="checkbox"/>	

I, MARK GREENFIELD, HEREBY APPLY FOR THE GRANT OF A STREET TRADING CONSENT UNDER SCHEDULE 4 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AND MAKE THE FOLLOWING DECLARATION:-

DECLARATION

- a) THAT IF A CONSENT IS GRANTED I UNDERTAKE TO COMPLY WITH THE TERMS AND CONDITIONS RELATING TO THE CONSENT. I UNDERSTAND THAT FAILURE BY ME OR ANY OF MY ASSISTANTS EMPLOYED BY ME, WITH OR WITHOUT PAYMENT, WILL RENDER BOTH ME AND MY ASSISTANTS LIABLE TO PROSECUTION AND MAY ALSO RESULT IN THE REVOCATION OF MY CONSENT
- 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.

I HEREBY GIVE PERMISSION FOR DETAILS OF THIS APPLICATION TO BE PASSED TO THE AUDIT COMMISSION TO BE USED AS PART OF THE NATIONAL FRAUD INITIATIVE

SIGNED  DATED 1/11/10

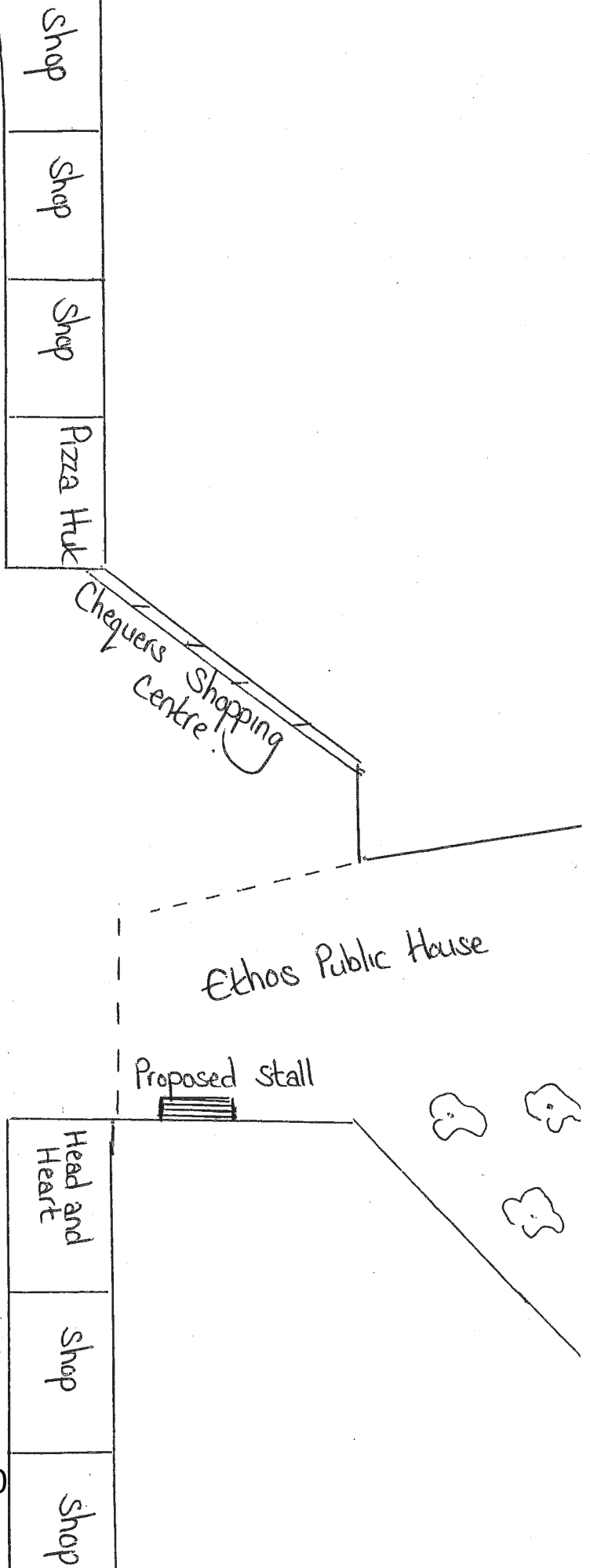
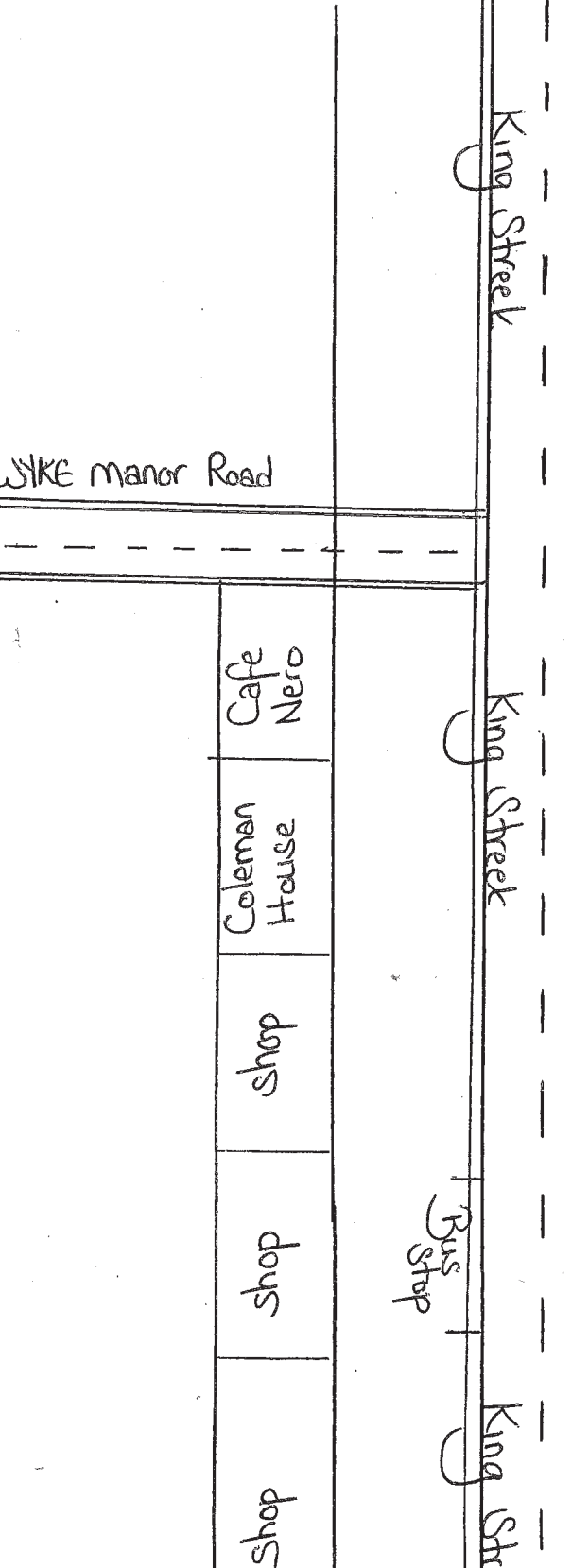
PLEASE CHECK THAT YOU HAVE PROVIDED THE FOLLOWING:-

- 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 £351.00 Cheques should be made payable to Maidstone Borough Council

PLEASE BRING THE COMPLETED AND FEE TO: THE LICENSING SECTION, MAIDSTONE BOROUGH COUNCIL, MAIDSTONE HOUSE, KING STREET, MAIDSTONE, KENT ME15 6JQ.

ANY ASSISTANTS YOU PROPOSE TO EMPLOY SHOULD ACCOMPANY YOU.

Stike Manor Road



20

**ETHOS, 9 GABRIELS HILL,
MAIDSTONE, KENT, ME15 6HL.**



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