

(Report of the Licensing Officer, Samantha Potts 7364)  
Applicant – Mr Rayner  
Application – Street Trading  
Location – A249, Queenborough

Proposed locations	Days	Proposed Hours	Agreed Location/Hours
A249 Layby, after the Sheppey Crossing, towards Queenborough, Between the 1 <sup>st</sup> and 2 <sup>nd</sup> roundabouts	Monday – Sunday	07.00 – 17.00	

**The following conditions are applied to all Street Trading Licences/Consents**

1. When consent is granted the Consent Holder and any assistants will be issued with a badge, which must be worn at all times while street trading;
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, or create any danger to persons using it;
3. The consent holder will ensure that his/her street trading activities do not cause nuisance or annoyance, whether to persons using the street or part of the street 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. If assistants are employed, they each have a copy of the consent form within their possession at all times of trading. (Assistants must be accompanied and supervised by the consent holder at all times. Where this is not the case, assistants must apply separately for a consent in their own name submitting the appropriate fee);
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; (Note under the Environmental Protection Act 1990 you are under a duty of care to dispose of any refuse in a correct manner.)
9. The consent excludes trading in conjunction with the Town markets as these are covered under separate legislation.
10. That the consent holder has been granted permission 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 landowners 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 Planning Officer 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 Food Hygiene (England) Regulations 2006, as applicable

## **Background**

This is an application for a Street Trading Licence. Mr Rayner has applied for the right to trade on the A249 at Queenborough. Mr Rayner is wishing to sell hot and cold food from a trailer.

## **Consultation**

We have consulted with the Police, Fire Brigade, Environmental Teams, Planning, KCC Highways, and relevant Ward Councillors.

The following representations were received:

- Kent Police raise concerns in respect of the location (see attached representation dated 19/01)
- The Environmental Response Manager has raised concerns in respect of litter. (see attached representation dated 17/01)
- Planning feel that trading at this site would detract from the area and that Planning permission would need to be applied for. (see attached representation dated 25/01)

Although no response has been received from Highways on this occasion, in March of last year they issued the following statement when asked to comment on a similar application: 'Trading is not permitted on the Highways Agency's A249, which extends from Stockbury Roundabout (M2 Junction 5) via the Sheppey Crossing to Sheerness Docks'

## **Conclusion**

- Mr Rayner has applied for the right to trade on the A249 in Swale.
- Representations were received from 3 of the consultees.
- Councillors must decide if the proposed location is suitable.
- Conditions can be attached to a licence, however all licences will have 12 mandatory conditions, see front cover sheet.
- Even if a licence is granted, Planning permission must be applied for.

## **Supporting documents**

Application form, map and photographs

Representation from Kent Police.

Representation from The Environmental Protection Manager.

Representation from Planning



LEGAL  
17 JAN 2011  
DEPT

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

1. Name of Applicant (Block Capitals):

i Title: MR..... MR/MRS/MISS/MS/OTHER  
ii Surname: RAYNER  
iii Forename(s): KYLE JOHN

2. Address of Applicant (Block Capitals):

5 LUPIN COURT  
MINSTER  
KENT  
ME12 3FS

3. Telephone Number:

07956636967

4. Date of Birth:

10.02.1986

5. Details of the articles/ food that you propose to sell:

Mainly I hope to sell Gourmet burgers  
i.e. Vstilton, chilli etc. also  
French sticks with variety of hot fillings  
Hot & cold drinks and snacks.

6. Give details of the exact site from which you intend to trade.  
(Enclose a plan with the site detailed)

A249 Lay-bye, Isle of Sheppey.  
After the Sheppey Crossing, turn  
off towards Queenborough. The lay-bye  
is between the 1st and 2nd roundabouts.  
(see pictures attached)

7. State precisely the days of the week and hours that you intend to trade, using the table below. (Please tick next to the day to indicate your selection).

If this licence is for a festival, please state date:

	Proposed hours for trading	Dates of trading (If for Festival)
<input checked="" type="checkbox"/> Sunday	<u>7.00 - 17.00</u>	.....
<input checked="" type="checkbox"/> Monday	<u>7.00 - 17.00</u>	.....
<input checked="" type="checkbox"/> Tuesday	<u>7.00 - 17.00</u>	.....
<input checked="" type="checkbox"/> Wednesday	<u>7.00 - 17.00</u>	.....
<input checked="" type="checkbox"/> Thursday	<u>7.00 - 17.00</u>	.....
<input checked="" type="checkbox"/> Friday	<u>7.00 - 17.00</u>	.....

Saturday 07.00-17.00

8. Please provide further details of the following (Block Capitals):

- i What will you trade from? Catering Trailer
- ii Approximate dimensions? 9ft x 5ft
- iii Vehicle Registration number(s). EF05VHD (car towing trailer)
- iv Colour of vehicle. Blue (car) White (Trailer)
- v Trading Name. RAYNERS
- vi Do you intend to use chimes or a loud speaker? NO

(Please provide a photograph of the stall / structure or vehicle to be used, for our records. Please note that any licence is granted as per the information providing in the application.)

9. If selling food or drinks:

a) You need to be registered with the Environmental Health Department in respects of food hygiene, are you registered?

Yes /  No

(If registered elsewhere, please state with which local authority you are registered.)

b) State where your good will be stored when not being offered for sale (Block Capitals):

My GOODS WILL BE STORED IN FRIDGE FREEZERS & CUBOIDS AT 5 LUPIN COURT, MINSTER, ME12 3FS

10. State where trade refuse will be deposited (Block Capitals):  
(Note: Under the Environmental Protection Act 1990, you are under duty of care to dispose of any refuse in a correct manner.)

LOCAL SKIP SITE AFTER EACH WORKING DAY

11. State whether you intend to trade on the Highway, if not please provide details of the land owner, where you intend to trade. (You will need to include with your application a written statement from the land owner, granting consent for you to trade on their land)

Intend to trade on Highway

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, please state whether such a licence or consent has been:

Granted

Refused

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.

Local Authority: .....

Brief Description: .....

.....  
.....

13. Have you been convicted of any of the following offences involving:

- Violence

Yes/No

- Dishonest/ 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 to any of the above, please specify details giving date and place of conviction and sentence imposed.

14. State the number of assistants that will be used on a separate sheet of paper, including full names and address and dates of birth. (If none, please write 'none' below.)

None

**It is important to note that all assistants must be accompanied and supervised by the Consent holder at all times.**

15. State any other information, that you think is relevant to this application

I have stated "None" in section 14 but depending on the success of the pitch I may employ assistants later down the line but will inform the Council of whom and there details if and when required.

16. If consent is granted and you have a mobile vehicle (not including a trailer) do you wish to be included on the KCC Emergency Plan list, which means that in the case of a national emergency you could be contacted at short notice to provide food and drink, under police supervision.

Yes/No

### 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 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 Swale Borough Council.
- e) That I have read and understood the notes attached to this application form.

I hereby give permission for the details of this application to be passed to the Audit Commission to be used as part of the National Fraud Initiative.

Signed...  ..... Dated... 6.01.11 .....

Please check that you have provided:

- o Location Plan (showing exact location for trading) *Not necessary for Festivals.*
- o Written consent of Landowner (if not on a Highway or Council land) *Not necessary for Festivals.*
- o 1 Passport size photograph of the applicant.
- o Fee - £65.00 annual, £20.00 one off consent.

Please return the completed application to:

**The Licensing Department**  
Swale Borough Council  
Swale House, East Street  
Sittingbourne  
Kent ME12 3HT

**Swale Borough Council**

## Guidance Notes relating to Street Trading

The attached form must be completed in full by the person making the application for Consent.

Each application is considered individually and consent may be granted/ not granted at the discretion of the Council, under the delegated powers of the Licensing Officer and/or the Licensing Committee.

### The following general conditions will apply to each consent granted:

1. When consent is granted the Consent Holder will be issued with a badge, which must be worn at all times while street trading;
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, or create any danger to persons using it;
3. the consent holder will ensure that his/her street trading activities do not cause nuisance or annoyance, whether to persons using the street or part of the street 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. if assistants are employed, they each have a copy of the consent form within their possession at all times of trading. ***(Assistants should be accompanied and supervised by the consent holder at all times. Where this is not the case, assistants must be in receipt of an authorisation letter from the consent holder)***
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; ***(Note under the Environmental Protection Act 1990 you are under a duty of care to dispose of any refuse in a correct manner.)***
9. the consent excludes trading in conjunction with the Town markets as these are covered under separate legislation. If you wish to trade at a festival or event the organisers permission must be sought.
10. that the consent holder has been granted permission 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 landowners 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 Planning Officer 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 Food Hygiene (England) Regulations 2006, as applicable.

**Note: The Council may at any time vary conditions of a Street Trading Consent / Licence.**



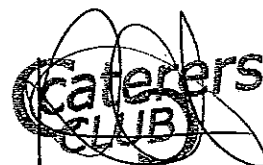
**Caterers Liability  
Schedule of Insurance  
Arranged by Mobilers Insurance Services Limited  
Administered by Caterers Club Limited  
John Garth House, Engine Lane, Stourbridge DY9 7DF  
Tel: 0800 180 4175**

<b>Policy Number</b>	SJ000313
<b>Name and Address of Insured</b>	Kyle Rayner T/As Rayner's Catering Services 5 Lupin Court Minster On Sea Sheerness Kent ME12 3FS
<b>Period of Insurance</b>	01/02/2011 to 31/01/2012
<b>Limits of Indemnity</b>	
<b>Section 1 Employers Liability</b>	£10, 000,000 (any one occurrence or series of occurrences arising out of one cause)
<b>Section 2 Public Liability</b>	£5,000,000 any one accident or series of accidents arising out of one event*
<b>Section 3 Products Liability</b>	£5,000,000 in the aggregate any one period of insurance*
<b>Pollution and Contamination</b>	£5,000,000 in the aggregate any one period of insurance* * increasing to £10,000,000 where stipulated under contract or regulatory requirement
<b>Section 2 and 3 combined</b>	
<b>Excess (Section 2/3)</b>	£250.00 each and every property damage claim
<b>Declared Occupation:</b>	Mobile Catering / Mobile Trailer
<b>Declared Employees:</b>	0-10
<b>Declared Seating Capacity:</b>	1-20
<b>Declared Turnover:</b>	£30,000
<b>Premium (Including 6% Insurance Premium Tax)</b>	£ 110.00
<b>Administration Charge</b>	£ 10.00
<b>Total</b>	£ 120.00

Underwritten by St Julians Insurance Company Limited,  
Authorised Insurers, registered in Malta (C-50869)

This Schedule of Insurance has been signed on behalf of the Company by  
and should be read together with the Liability Policy wording

Date of Issue: 06 January 2011



St Julians Insurance Company Limited are authorised and regulated by the Malta Financial Services Authority to carry on General Business (Class 13 – general Liability) in terms of the Insurance Business Act 1998 and subject to a limited regulation by the Financial Services Authority in respect of underwriting insurance business in the UK.

## CERTIFICATE OF EMPLOYERS' LIABILITY INSURANCE

Where required by Regulation 5 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (the Regulations), one or more copies of this certificate must be displayed at each place of business at which the Insured employs persons covered by the policy. In addition, in accordance with Regulation 4 of the Regulations the Insured must, on expiry, keep this certificate, or a copy thereof, for a period of 40 years from the commencement date of this certificate.(ii)

Policy No: SJ000313  
Name of Insured (i): Kyle Rayner T/As Rayner's Catering Services  
Date of Commencement of Insurance: 01/02/2011  
Date of Expiry of Insurance: 31/01/2012

We hereby certify that subject to paragraph 2:

1. the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland or to offshore installations in any waters outside the United Kingdom to which Employers' Liability (Compulsory Insurance) Act 1969 or any amending primary legislation applies.
2. the minimum amount of cover provided by this certificate is no less than £5,000,000

Signed on behalf of St Julians Insurance Company Limited  
Authorised Insurers, registered in Malta (C-50869)



Signature  
Gary Humphreys, underwriting Director

- (i) Where the employer is a company to which regulation 3(2) of the Regulations applies, the certificate shall state in a prominent place, either that the policy covers the holding company and all its subsidiaries, or that the policy covers the holding company and all its subsidiaries except any specifically excluded by name, or that the policy covers the holding company and only named subsidiaries
- (ii) Although Regulation 4(4) has now been repealed, businesses should, as a matter of best practice, continue to retain certificates for 40 years after the commencement of cover.

St Julians Insurance Company Limited are authorised and regulated by the Malta Financial Services Authority to carry on General Business (Class 13 – general Liability) in terms of the Insurance Business Act 1998 and subject to a limited regulation by the Financial Services Authority in respect of underwriting insurance business in the UK.





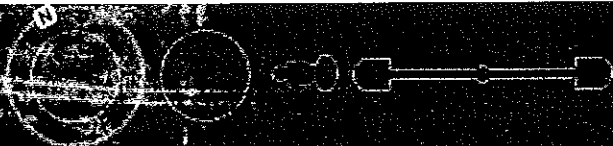
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51°24'30.20" N 0°45'57.30" E elev 6 m

Imagery Date: 4/21/2007  2003



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Eye alt 286 m

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51°24'33.30" N 0°45'52.49" E elev 4 m

2003

Imagery Date: 4/21/2007

## Samantha Potts

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**From:** Michael Moss  
**Sent:** 19 January 2011 10:36  
**To:** Samantha Potts  
**Subject:** FW: Street Trading Consent: Application

-----Original Message-----

**From:** Geoff ROWLEY PSE 57309 [mailto:geoff.rowley@kent.pnn.police.uk]  
**Sent:** 19 January 2011 10:19  
**To:** Michael Moss  
**Subject:** Re: Street Trading Consent: Application

Hello Michael,

Police licensing object to this application on the grounds of public safety, the A249 is a busy dual carriageway at this location.

The use of the lay by for parking a trailer will restrict the amount of access for road users and any increase in traffic merging onto or leaving the lay by cause increases safety issues for all persons in the locality. In addition purpose built refreshment areas in safe locations are situated approximately four miles prior to this location and half a mile past the location.

Regards Geoff

## Samantha Potts

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**From:** Michael Moss  
**Sent:** 17 January 2011 14:57  
**To:** Alister Andrews  
**Cc:** Samantha Potts  
**Subject:** RE: Street Trading Consent: Application

Thank you for your comments. These have been forwarded to the Licensing Officer for consideration. You will be notified of the outcome.

Michael

-----Original Message-----

**From:** Alister Andrews  
**Sent:** 17 January 2011 14:55  
**To:** Michael Moss  
**Subject:** RE: Street Trading Consent: Application

~~If the police are not concerned with parking and pulling off and back onto the road... my only concerns will be litter, and litter blowing from bins etc along the road.~~

-----Original Message-----

**From:** Emma Eisinger

**Sent:** 25 January 2011 15:19

**To:** Michael Moss

**Subject:** RE: Street Trading Consent: Application

Dear Michael

We would strongly object to the proposal on the grounds that it would be likely to significantly detract from the visual amenities of the area and could prejudice, to some degree, the long term development/regeneration aspirations for that part of the Isle of Sheppey. A permanent or even semi-permanent hot/cold food outlet at this site would require planning permission. If an application were submitted, it would be likely to be refused, in my view, on the grounds set out above.

Kind regards

Emma Eisinger (Mrs)  
Senior Planning Officer (Development Management)