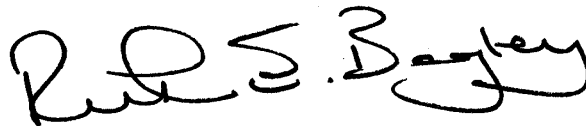


Date of issue: 5th October 2011

MEETING	LICENSING SUB-COMMITTEE (Councillors Dodds (Chair), Abe and Rasib)
DATE AND TIME:	THURSDAY, 13TH OCTOBER, 2011 AT 9.30 AM
VENUE:	MAYOR'S CONFERENCE ROOM, TOWN HALL, BATH ROAD, SLOUGH
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 01753 875013

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

AGENDA

PART I

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

Apologies for absence.

CONSTITUTIONAL MATTERS

1. Declarations of Interest

(Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct)

LICENSING ISSUES

2. Application for Street Trading Consent - Tasty Bunz, Opposite 413 London Road, Langley, Slough 1 - 50 Foxborough
3. Exclusion of the Press and Public

It is recommended that the press and public be excluded from the remainder of the meeting as the items to be considered contain exempt information relating to individuals as defined in Paragraphs 1 and 2 of Part I of Schedule 12A to the Local Government Act 1972.

PART II

4. Application for a Personal Licence (Reference PL01-11) 51 - 66

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

SLOUGH BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE

13th OCTOBER 2011

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
APPLICATION FOR A NEW STREET TRADING APPLICATION FOR
KONDAL CATERING, LONDON ROAD, SLOUGH

1. The Application

An application for a Street Trading Consent has been submitted by Mr Inder Singh Kondal for Tasty Bunz on London Road, Langley. (**Appendix 'A'**)

The application is for the sale of hot and cold food and drinks at the specified pitch between the following days and hours;

Monday to Wednesday	07:00 to 14:30
Thursday to Friday	07:00 to 14:30 and 17:30 to 23:00
Saturday	17:00 to 23:00

2. Background

- 2.1 In February 2011 the Licensing Committee recommended changes to the Council's Street Trading Protocol and Guidance. This would make all streets in Slough, Consent Streets, allowing anyone to apply for a Street Trading Consent and have it granted subject to consultation with local residents and in line with the Council's Policy.
- 2.2 On 19th April 2011, a meeting of the Full Council approved the recommendation of the Licensing Committee and made all streets within the Borough Consent Streets.
- 2.3 The whole area of London Road is subject to parking restrictions, (double yellow lines), apart from a small section of about 7 car lengths on the South side of the road, opposite number 413.
It is this area that the applicant wishes to be permitted to trade from.
- 2.4 In addition, there is a cycle lane running along the length of the North side of London Road.
- 2.5 There have been no objections from the Police or any other Responsible Authority.
- 2.6 The Licensing Office has however received 9 objections from local residents and businesses, which are attached at **Appendix 'D'**

3. The Sub-Committee must have regard to:

- The Local Government Miscellaneous Provisions Act 1982
- Slough Borough Council Street Trading Consent Policy

- Slough Borough Council Street Trading Consent Standard Conditions.
- The Parking Restrictions in the Area
- The nature of the business e.g. product sold
- The appearance and suitability of the trading unit.
- Any other condition the members may feel necessary
- The overriding principle is that each application will be determined on its merits.

4. Human Rights Act 1998

Article 6 of the Human Rights Act 1998 applies:

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

5. Options Available

The Sub-Committee may

1. Grant the application with standard conditions
2. Grant the application with standard conditions and any other conditions members feel necessary which are reasonable and proportionate.
3. Refuse the application.

6. Appeals

Any party to the hearing may appeal against a decision of the licensing authority by giving notice to the Clerk to the Magistrates within 21 days of being notified of the decision.

7. Appendices

- A. Application
- B. Map of the location
- C. Food Hygiene Certificate
- D. Representations against the application
- E. Slough Borough Council Street Trading Consent guidance
- F. Slough Borough Council Street Trading Consent standard conditions

8. Background Papers

1. The Local Government Miscellaneous Provisions Act 1982.

Contacts for further information

Tola Idowu, Licensing Officer

01753 875675

tolani.idowu@slough.gov.uk

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

Grant / Renewal

**RETURN TO: LICENSING
 LANDMARK PLACE
 HIGH STREET
 SLOUGH
 SL1 1JL**

I / ~~WE~~ apply under the provisions of the above Act for a street trading consent and submit the following particulars. I / ~~WE~~ undertake to comply in full with the Council's general conditions applying to street trading consents and with any special conditions which may be specified in the consent.

APPLICANT (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname KONDAL			First names INDER SINGH		
Date of birth [REDACTED]					
Current address [REDACTED]					
Post Town	SLOUGH			Postcode	[REDACTED]
Daytime contact telephone number [REDACTED]					
E-mail address (optional) [REDACTED]					
National Insurance Number [REDACTED]					

SECOND APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname SINGH			First names JAS		

Date of birth		19/07/57	
Current address		HARLINGTON,	
Post Town		Postcode	
Daytime contact telephone number		07957 543	
E-mail address (optional)			
National Insurance Number		55	

Is the application being made on behalf of a partnership?
 If 'yes' please complete the following section;

Yes No

PARTNER (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname			First names		
Date of birth					
Current address					
Post Town		Postcode			
National Insurance Number					

SECOND PARTNER (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname			First names		
Date of birth					
Current address					
Post Town		Postcode			
National Insurance Number					

PROOF OF IDENTITY & RIGHT TO WORK

Photographic identification and proof of right to work is required for all applicants & partners. A passport (and appropriate visa where necessary) **MUST** be produced along with 2 of the following:

- Driving Licence
- Birth Certificate / Marriage Certificate
- Utility Bill / Bank statement
- National Insurance Number or any other form of identification the Council deems fit

Sole Trader <input type="checkbox"/>	Limited Company <input checked="" type="checkbox"/>	Partnership <input type="checkbox"/>	Other (please specify)
Business Name		KONDAL CATERING T/A TASTY BUNZ	
Business Address			

DURATION OF CONSENT BEING APPLIED FOR:

Annual 6 months 3 months 1 month Weekly Daily

Is the applicant trading at present? Yes No

How long has the applicant been trading? N/A

CURRENT / PROPOSED TRADING SITES(s) - precise location(s) to be specified along with an acceptably prepared plan.

Address of trading location	Near TOBY CARVERY, LONDON ROAD, Langley, Opposite Foxborough Close, in Layby
------------------------------------	--

Plan attached: Yes No

Is trading taking place on private land? Yes No

Has the owner's permission been given? (Please submit written consent) Yes No

LAND OWNERS DETAILS (to be completed if trading is taking place on private land)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname				First names	
Current address					
Post Town				Postcode	
Contact telephone number					
E-mail address					

PROOF OF IDENTITY & RIGHT TO WORK

Photographic identification and proof of right to work is required for all nominated assistants. A passport (and appropriate visa where necessary) **MUST** be produced along with **2** of the following:

- Driving Licence
- Birth Certificate / Marriage Certificate
- Utility Bill / Bank statement
- National Insurance Number or any other form of identification the Council deems fit.

FIRST NOMINATED ASSISTANT

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname				First names	
Date of birth					
Current address					
Post Town				Postcode	
National Insurance Number					

SECOND NOMINATED ASSISTANT

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname				First names	
Date of birth					

National Insurance Number	
----------------------------------	--

Do the applicant(s) or nominated assistants have the necessary food safety training to meet current legal requirements? - Evidence **MUST** be produced at time of application.

Yes No

REQUESTED TRADING TIMES (please use 24 hour clock).

	Start time	Finish time
Monday	7.00 AM	14.30 PM
Tuesday	7.00 AM	14.30 PM
Wednesday	7.00 AM	14.30 PM
Thursday	7.00 AM	23.00 PM
Friday	7.00 AM	23.00 PM
Saturday	5.00 PM	23.00 PM
Sunday		
Seasonal Variations:		

(Closed between 14.30 PM - 17.30 PM)

Has the applicant been licensed with another local authority?

Yes No

If 'yes', please specify: _____

Has the applicant ever had a Street Trading Consent/Licence suspended or refused?

Yes No

If 'yes', please specify the Licensing Authority: _____

Does the applicant have the required Public Liability Insurance (£5m)? - Evidence **MUST** be produced at time of application.

Yes No



Full details of any vehicles, stall, trolley stand etc to be used in the course of trading.

(Include registration/fleet number, height, width, length, colour)

HT = 2.65m, LT = 3.70m, WD = 1.85m
White in colour all over with logo templated

Current address			
Post Town		Postcode	
National Insurance Number			

THIRD NOMINATED ASSISTANT

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname			First names		
Date of birth					
Current address					
Post Town		Postcode			
National Insurance Number					

FOURTH NOMINATED ASSISTANT

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname			First names		
Date of birth					
Current address					
Post Town		Postcode			
National Insurance Number					

FIFTH NOMINATED ASSISTANT

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname			First names		
Date of birth					
Current address					
Post Town		Postcode			

Description of goods / articles to be sold. (E.g. hot / cold food, fruit and vegetables etc).	AS per MENU
Address of premises or location where vehicle, stall, trolley, stand and any food will be stored when not in use.	LANGLEY GARDEN, CENTER. LANGLEY.

INSPECTION

The vehicle / stand / stall / trolley where trading is taking place must be inspected by a Licensing Officer prior to a Street Trading Consent being issued. Please contact the Licensing Office to arrange an inspection.

Please specify your preferred inspection location: LANGLEY GARDEN CENTRE

Application Check List

- I have enclosed the completed application form.
(New applicants will be required to submit 9 copies)
- I have enclosed a plan of the site / location. MAP etc x 2
(New applicants will be required to submit 9 copies)
- I have enclosed the completed declaration of convictions & cautions for applicant(s) & nominated persons.
- I have enclosed payment of fee. £250
- I have enclosed the basic Criminal Record Bureau disclosure (if applicable) for applicant(s) and nominated persons.
- I have enclosed a passport size photograph of applicant(s) and nominated persons.
(A digital image can be emailed to licensing@slough.gov.uk)
- I have enclosed proof of right to work for all applicant(s) and nominated persons. Copy of passport
- I have enclosed 2 additional forms of identification for each applicant & nominated persons. Driver Licence & Utility Bill
- I have enclosed a copy of the Public Liability Insurance.
- I have enclosed Food Safety / Hygiene certificates for all nominated persons.
- I have enclosed a colour photograph of any vehicles, stall, trolley, stand etc.
(A digital image can be emailed to licensing@slough.gov.uk) email
- I understand that if I do not comply with the above requirements my application will be rejected.

Please note that digital images of the applicant, nominated persons and vehicle etc may be emailed to licensing@slough.gov.uk. Images should be named and referenced to your application.


TO BE COMPLETED BY ALL APPLICANTS

Please ensure that you have checked the application form fully before submission AND that you have read the revised – Street Trading Consents – General Conditions.

DECLARATION

The information contained in this form is correct to the best of my knowledge and belief. (It is an offence knowingly or recklessly to make a false statement. A person is to be treated as making a false statement if he/she produces, furnishes, signs or otherwise makes use of a document that contains a false statement)

Applicant Name:.....JINDER SINGH KONDAL.....

Signed:..........Dated:.....25-8-11.....

Applicant Name:.....

Signed:.....Dated:.....

Applicant Name:.....

Signed:.....Dated:.....

Licensing, Landmark Place, High Street, Slough, SL1 1JL
 Telephone: 01753 875664 Fax: 01753 875809

Street Trading Consent Application

Declaration of Convictions & Cautions

TO BE COMPLETED BY ALL APPLICANTS, PARTNERS & NOMINATED ASSISTANTS

When submitting an application for Street Trading Consent, you are required to declare all convictions and cautions you may have by virtue of the Rehabilitation of Offenders Act 1974. Any spent convictions must be disclosed.

Have you ever had any;

- a) Convictions Yes No
- b) Cautions Yes No

TO BE COMPLETED BY ALL APPLICANTS, PARTNERS & NOMINATED ASSISTANTS

Date	Offence
Court	Result / Sentence
Date	Offence
Court	Result / Sentence
Date	Offence
Court	Result / Sentence
Date	Offence
Court	Result / Sentence

Please continue on separate sheet if necessary.

Are you currently on bail or subject of any outstanding charge or summons? If 'YES', please give full details below.

Name: INDER, S. KONDAL Signature: [REDACTED]

Date: 25-8-11

MENU FOR TASTY BUNZ

FILLINGS

Ham
cheese
salad
chicken brest
beef
tuna sweetcorn
bacon
sausage
eggs
fresh veg
Vegetarian Sausage

Sandwich Crusty Rolls French Stick

Burgers

Beef
Lamb
Chicken

TOASTED SANDWICHES

(available on white or wholemeal bread)

Ham & Cheese

Cheese
Cheese & Onion
Cheese & Tomato
Cheese & Pickle
Tuna & Cheese

DRINKS

tea
coffee
soft canned drinks
juices

JACKET POTATOES

Butter
Beans
Cheese
coleslaw
Homemade Chilli (subject to availability)
Vegetarian Chilli
Homemade Chilli & Cheese
Bolognese Sauce
Cottage Cheese & Pineapple
Prawns In Marie Rose Sause
Tuna & Mayonnaise



To see all the details that are visible on the screen, use the Print link next to the map.



[Toby Carvery Vouchers 50%](#) - [restaurants.locatedailydeals.org](#) - Eat at Toby Carvery 50% Off - Save At Any Restaurant You Choc

Photos

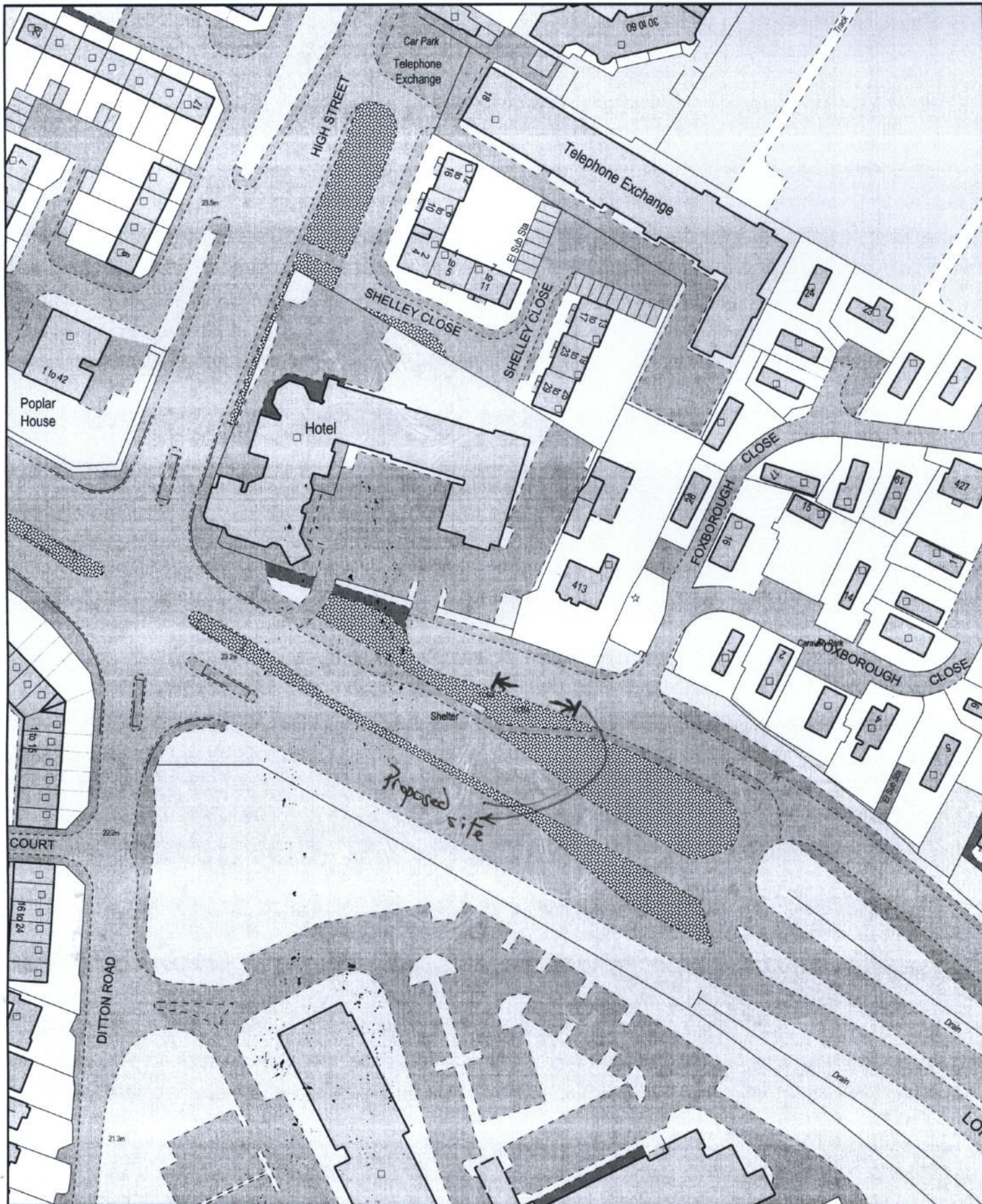
Find Tag

Show All - animals architecture art autumn beach bridge building buildings castle church city clouds flowers hdr lake landscape mountain mountains nature night panorama park people river sea sky snow summer sunset travel trees water winter

Upload your photos to Panoramio
View photos in Google Earth



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www.slough.gov.uk
Slough
 Borough Council



Scale - 1:1250
 Time of plot: 09:20 Date of plot: 01/09/2011

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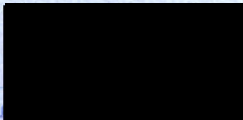
Chartered
Institute of
Environmental
Health

Level 2 Award in Food Safety in Catering

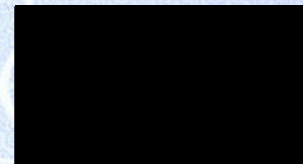
1 credit

Inder S Kondal

has successfully completed a programme of training
and an assessment which concluded the course



Cou



Graham Jukes

Chief Executive
Chartered Institute of Environmental Health

Examination date *22 June 2011*

CIEH recommends you refresh your training by *22 June 2014*

Centre Number *TF21284*

Certificate Number *8341083*

Original issue date *30 June 2011*

Issue Number **1**

PASS

Qualification accreditation number – 500/5476/4
Accredited only for England, Wales and Northern Ireland

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MR & MRS P BUCKLEY

2-9-11

RECEIVED

- 7 SEP 2011

Dear Sir,

We do have objections, and do not want any street trading, at the back of my property the reason being, there are no toilets, no parking, cars would have to be parked, blocking our entrance to for borough close, we had a lot of stress a few years ago, as lorries were night parking behind our property, the hedge was used as toilets, the rubbish left behind caused varman infested, the hedge had to be done away with, with it was a nice bit of shade for us, and the council blocked half the lay by of so no over night lorries could park, there is a fence between us and the lay-by. There is a Tobey Carvery very close to us and we would be worried about the drink and drugs with is in our area. Our grandson who is nexted to me, would object, he has four young children, but he is in Australia for a few months, he's No 3 and my daughter, all so in Australia is No 13

I'm sorry to object, but it's ~~max~~ much to close.

Yours Sincerely,

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13 September 2022



The Licensing Team
Landmark Place
High Street
SLOUGH
SL1 1JL

Dear Sirs

**APPLICATION FOR A STREET TRADING CONSENT
413 LONDON ROAD SLOUGH SL3 8PS**

I note from your letter of 30 August that you have an Application for Street Trading Consent at the lay-by at the above address. I wish to object to the Application on the following grounds:

1. The proposed area is largely restricted for cars because of double yellow parking lines. The site is on a dual carriageway. Access is possible for traffic heading into Slough but problems may arise from traffic turning and wishing to re-gain the Slough-bound carriageway, while drivers may be tempted to use the present No Entry access increasing the danger of accidents on an already busy and dangerous road.
2. There will be an inevitable detriment to the environment through litter resulting from discarded cups, containers, and paper.
3. The proposed site is close to residential property. I am concerned this may result in opportunistic crime such as breaking and entering houses. The proposed facility being close to a bus shelter may cause elderly passengers some discomfort particularly late at night from any rowdy behaviour.

Finally although this cannot be grounds for objection under current legislation I do feel that the proposed trading of the nature described will create an unfavourable impression to visitors to Slough.

Yours faithfully

Douglas Gordon

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Flightpath Sales

A GRANDSTOCK LTD. COMPANY

The Licensing Team
Landmark Place
High Street Slough
SL1 1JL



413 London Road,
Langley,
Slough,
Berks, SL3 8PS
Telephone: 01753 586768

Dear Sir,

Street Trader Consent 413 London Rd , Langley

We would like object to this License Application.

We operate a Truck Business from 413 London Rd. This road is NOT a lay-by as suggested in the planning application. The road is used for access to the Toby Carvery and is a the only exit from the Toby. Also the road is access to Foxborough Crescent and out premises.

Until very recently the whole road was no parking or loading but in order to accommodate our business needs the council relaxed the parking for a small part of the road.

There is a long history of how the road found its current parking restrictions which would be available from your planners. Not least, in order to tidy up the road the changes were paid for by Bass Charrington.

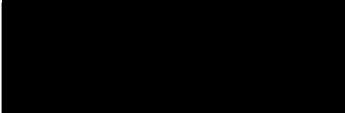
The small parking area is used every day and there is rarely a spare parking position. There is not room for a Food stall and even if there were there is no parking available for customers. Apart from the fully utilised parking area the rest of the road is No Parking or Loading. Clearly there is no-where for any potential customers to park whilst ordering. There is no passing walking trade.

The other side of the road is a cycle way so clearly should not be obstructed.

This road is also the main pedestrian route to Holy Family School.

Therefore we must object to this application.

Yours faithfully,


A. Whish
Flightpath Sales

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Date: 08/09/11

From:
Langley Commercials
413 London Road
Langley
Slough
SL3 8PS

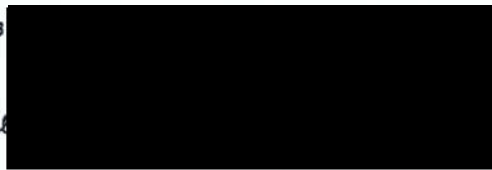
To:
Slough Borough Council

Ref:
Objection to street trading consent
opposite 413 London Road Slough Berkshire SL3 8PS

We are objecting to the street trading consent on the grounds that it would.

1. It would take up valued space outside our place of work that would prevent our customers and deliveries from parking without receiving tickets.
2. It would hamper our trucks from leaving and entering our site.
3. Health and safety grounds that this is not a lay-by but a working service road.
4. Litter

Many thanks



William Harries.

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Date: 07/09/11

From:
Spelthorne Commercials
413 London Road
Langley
Slough
SL3 8PS

Ref:
Objection to the application for consent to a street trading license in the Langley service road.

We wish to object to this application for the following.

This is a working service road and not a lay-by stop which has a very limited amount of parking which is fully utilised at present. This limited parking enables customers and parts delivery vehicles to come to our place of work and park without receiving parking tickets. It also enables us to park our own vehicles there whilst working which is an absolute necessity. This is because we have one entrance to our site and we are in the business of buying and selling large HGV trucks which are in need of a wide turning area to allow them to leave and enter our premises. None of this would be possible if there were vehicles and catering facilities parked opposite our entrance.

Yours faithfully

W.R.Harmes

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--Original Message-----

From: John
Sent: 05 September 2011 19:15
To: _Licensing
Subject: Application for street trading sl38pu

To the licensing team

Re application for snack bar in lay by adjacent bus shelter opposite 413
London rd

I would object to the permission

The 1st obvious first reason is no one wants a snack bar outside their home
2nd We on foxborough close have only one entrance to our 30 homes

almost every day we have problems getting in to our homes with the amount
of traffic the lay-by is the only entrance to the travelodge hotel and a
very busy pub and Toby carvery restaurant

there is a dedicated cycle route on the lay-by which narrows the entrance
and exit to our homes

the business that is facing the proposed food sale business Is a busy
large commercial truck sales which regularly has to move vehicle in and out
Also we have most nights truck drivers sleeping in there trucks outside our
homes

Also most days the local couriers meet there to exchange parcels to quicken
there routes

I understand that may sound like just another complainer

And I understand people have businesses to run

But it is already very difficult to live here

our once nice Area has gone dangerous for traffic and parking

I ask that refuse permission on this sight

With thanks

J Boyd

This page is intentionally left blank

From: Atkins, Michelle (MAB)
Sent: 16 September 2011 17:34
To: _Licensing
Subject: Application for a Street Trading Consent- London Road, Langley, Slough
Importance: High

Dear Mr Sims

I am in receipt of a letter that was sent to our business the Toby Carvery Langley in respect of an application made for Street Trading Consent to take place at the lay-by adjacent to the bus shelter opposite 413 London Road Slough. I am writing to make a formal objection to this application.

I am sure you will appreciate that we have a number of reasons why we object to this application given we believe the numerous negative affects the location of this van will have. These reasons are as follows;

- Detrimental visual impact to the locality
- Production of cooking smells & noxious fumes in close proximity to our business and the local residents
- Traffic congestion - as you will be aware customers exiting our site and the hotel exit via the lay-by prior to joining the London Road. This exit is used at all times night and day and therefore if there are numerous cars parked along the lay-by this could cause considerable congestion and be potentially dangerous for both cars and pedestrians.
- There is only a small amount of road without double lines in the lay-by where I assume the van will park. There will therefore be limited parking for customers who then may consider parking in our car park which would then have a business impact on us potentially taking spaces away from our customers or the neighbouring Travelodge. The only alternative is for them to park on the double yellow lines in the lay-by which would obviously be considered a traffic offence.
- I think it is known that these businesses attract individuals who may loiter in the area and in turn could attract theft and damage to properties and cars in the locality.
- There is always a resounding noise emanating from these vehicles which would create a disturbance

We have a busy and exemplary reputation as being a safe family friendly business and it is for these reasons that we are keen to maintain the area for ourselves and the surrounding residents. I do hope that the reasons for our objections are fully taken on board when making your decision about this licence application.

If you would like to discuss this matter please do not hesitate to get in contact.

Yours sincerely

Michelle Atkins
Estates Manager
Mitchells & Butlers

*

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Mitchells & Butlers Leisure Retail Limited (a company registered in England and Wales) Registered number: 1001181 VAT Number: GB 813 3078 23 Registered address: 27 Fleet Street, Birmingham, B3 1JP www.mbplc.com

*

From: EDWARD PLENTY

Sent: 21 September 2011 13:48

To: _Licensing

Subject: Re: Consultation – Application for a Street Trading Consent – Opposite 413 London Road, Slough, Berkshire SL3 8PS.

**Re: Consultation – Application for a Street Trading Consent –
Opposite 413 London Road, Slough, Berkshire SL3 8PS.**

Having spoken to local residents, I now wish to oppose this application.

Firstly I would like to provide some background to the area.

It is somewhat misleading to refer to the area where the licence is applied for as a lay-by. Lay-bys are generally considered to be areas where vehicles can stop and park up. In the area referred to in the application, over several years, much time and effort has been put into preventing stopping and parking, so much so that half of the original area has been permanently blocked off to all traffic (area nearest Grampian Way flats). That leaves the currently usable area, most of which is subject to a 24 hour a day no waiting, no stopping, no unloading restriction. The so-called lay-by is in fact an access road for Foxborough Close.

The only area not subject to 24 hour a day restrictions is an area, approx 7-8 car lengths long which is situated no more than 20-25 metres from the nearest homes.

Reason for Objection 1. Proximity to housing, and the consequent likelihood of disturbance and noise to residents. I understand that this has been an issue in the past.

Reason for Objection 2. Lack of suitable amenities. There are no public toilet facilities nearby, which will inevitably result in inappropriate urination close to peoples homes, and quite probably against residents' walls, as these will be where the least lit areas are, and will consequently be the urinator's 'area of choice'.

Reason for objection 3. Breaking of parking/loading restrictions will be inevitable. The small area where parking is legal, is currently used to full capacity from early daytime until afternoon. There will often be nowhere legal for any proposed vendor to park. Should they arrive early and get a legal space, customers will have nowhere legal to stop. This will result in customers parking illegally in many instances.

I understand that all the above are relevant and constitute grounds on which the application can be opposed.

If requested, I can obtain photographs to illustrate the above points.

Ted Plenty

Labour councillor for Foxborough

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

From: James Austin

Sent: 07 September 2011 11:03

To: _Licensing

Subject: Street Trading Objection 413 London Road

Dear sir/madam

We wish to lodge an objection to the proposed application for street trading consent opposite 413 London Road Langley Slough SL3 8PS.

We would like to point out that this not a lay-by but a service road for access to Foxborough Close, The Toby Carvery and ourselves at 413 London Road.

The amount of free space parking is very limited and there would be no guaranteed parking for customers unless they did so on the double yellow lines.

Running from end to end of the north side of the service road is a cycle path, this takes up half the width of total road, with the limited parking on the south side customers to the proposed food stall would be forced to park on this cycle lane.

Please can you take these points we have made into consideration before you make your final decision.

Yours faithfully

James Austin

Director

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This e-mail, including any attachments, are confidential and intended for the use of the named recipients only. If you have received it in error, please notify the sender immediately, do not copy or disclose its contents to any person and immediately delete the material from your computer system.

Austin Brothers Ltd

413 London Road, Langley, Berkshire. SL3 8PS

01753 593007

Company Reg. 04743660

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STREET TRADING CONSENT (2011)

1. INTRODUCTION

- 1.1 Slough Borough Council issues Street Trading Consents in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 All streets within the boundaries of Slough Borough Council are Consent Streets.
- 1.3 All persons wishing to sell any goods to the public within the Borough must apply for and be in possession of a Street Trading Consent before any such trading takes place.
- 1.4 If you intend to operate the supply of hot food or drink to members of the public between the hours of 23-00 hours and 05-00 hours you will also need to apply for a Premises Licence issued under the Licensing Act 2003. Full details and application packs can be requested from the Licensing Team.
- 1.5 Slough High Street has a specific number of pitches where Street Trading can take place. New applications for the High Street where there is no vacant pitch will not be accepted.

2. DEFINITIONS

- 2.1 Within the terms of the Slough Borough Council Street Trading Consent Protocol and Guidance the following definitions apply.
 - **The Council** – Means Slough Borough Council
 - **Street Trading** – Means the selling or exposing or offering for sale of any article (including a living thing) in any street.
 - **Street** – Includes:
 - (a) any road, footway, beach or other area to which the public have access without payment.
 - (b) A service area as defined in section 329 of the Highways Act 1980,
and also includes any part of a street
 - **Consent Street** – Means a street in which street trading is prohibited without the consent of Slough Borough Council.
 - **Consent** – Means a consent to trade on a street granted by Slough Borough Council.
 - **Consent Holder** – Means the person or company to whom the consent to trade has been granted by Slough Borough Council.

- **Nominated Person** – Means the person or persons nominated by the Consent Holder to assist or carry on the business on his or her behalf.
- **Static Trader** – Means a trader granted permission by Slough Borough Council to trade from a specific and approved location.
- **Mobile Trader** – Means a trader who moves from street to street. All mobile trading (including ice cream vendors) is restricted to a maximum of 20 minutes static trading time period in any one particular location.
- **Authorised Officer** – means an officer employed by Slough Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

2.2 Exempted Street Activities

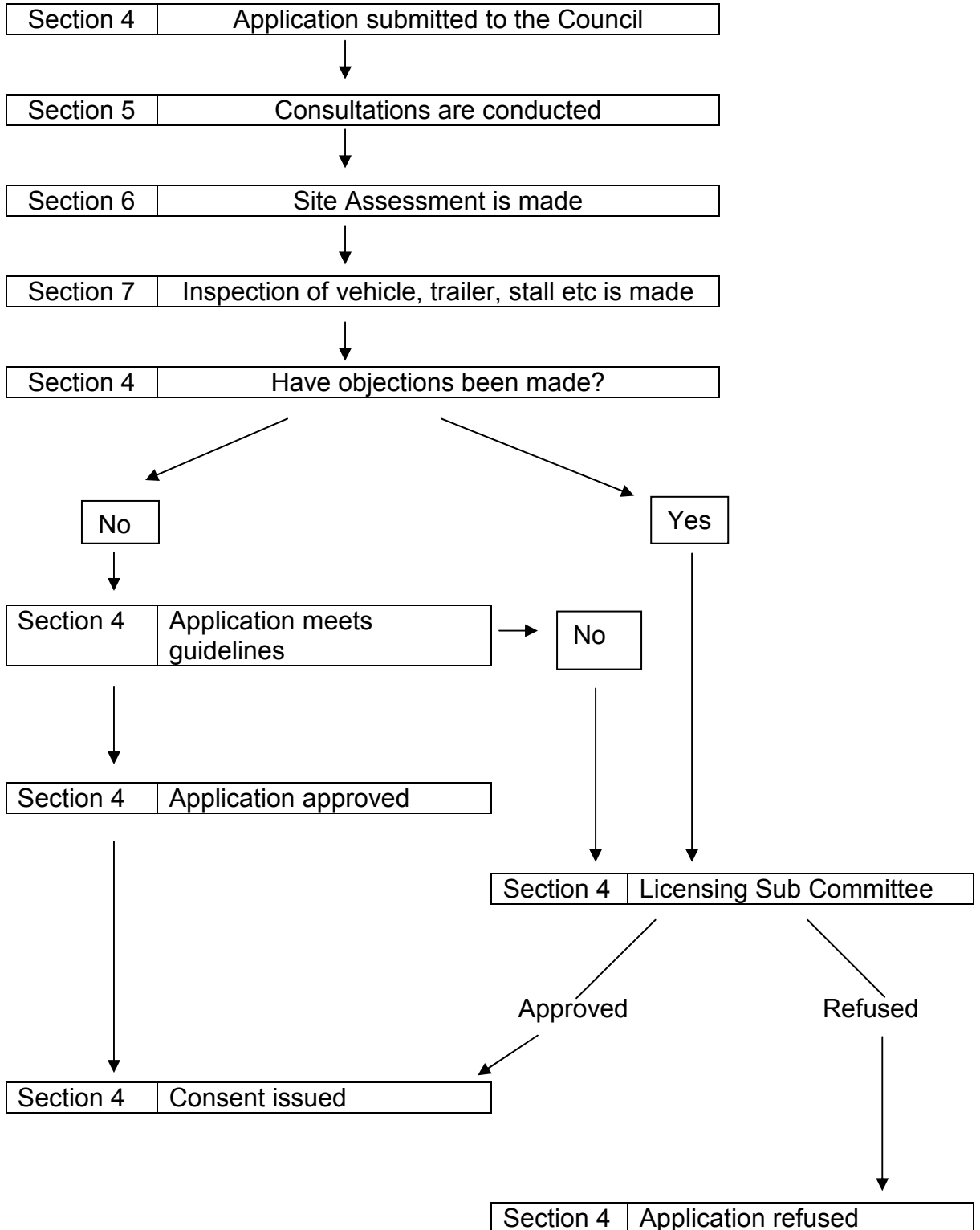
The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
- (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
- (d) trading as a news vendor.
- (e) trading which:
 - (i) is carried on at premises used as a petrol filling station; or
 - (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business or shop.
- (f) selling things, or offering or exposing them for sale, as a roundsman.
- (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.
- (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
 - (i) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

With regard to point (f) above it has been established in law that mobile ice cream sales normally will not be deemed to be exempt from street trading controls on the grounds that they are not roundsmen.

3. PROCEDURE FOR DETERMINING STREET TRADING APPLICATIONS

The application and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the subsequent sections of this guide:



4. APPLICATION PROCEDURE

- 4.1 An application for a Street Trading Consent must be made to Slough Borough Council in writing. The application forms are included in this guidance at Appendix 1 (Application for Grant and Renewal) and Appendix 2 (Short Term / Temporary Consent) together with a copy of the General Terms and Conditions at Appendix 3. The application forms must be completed in full.
- 4.2 Applications can be made for Short Term / Temporary Consents on a daily, weekly, monthly, quarterly and six monthly basis. In all cases the full application for the Grant of a Street Trading Consent must be submitted in full. Thereafter the application form for a Short Term / Temporary Consent must be submitted at least 4 weeks prior to the first date the Consent is due to commence together with the appropriate fee for that period.
- 4.3 In keeping with the Council's policy on the introduction of e-Government, the Council consents to applications and other notices being given electronically in certain circumstances.
- 4.4 Incomplete applications will not be accepted.
- 4.5 A deposit of £250 will be required with the submission of the application. If the application is granted this sum will be deducted from the outstanding full payment, which must be paid in full as well as the criteria set out in the site assessment and inspection of the street trading unit being completed, prior to the Consent being issued. If the application is refused the sum will be used to cover the costs of administration and the consultation and therefore is non-refundable.
- 4.6 All applicants must provide proof of the right to work and reside in the UK. This can be done by providing a valid UK or European Union passport. Holders of other passports must show a valid visa that has at least six months remaining before its expiry at the time of application. A licence will only be granted until the expiry of the visa, and will only be renewed or extended on the production of a valid visa issued by the Home Office. Under no circumstances will letters from any source be accepted as proof of right to work. Applicants without a passport wishing to be able to work must have a valid ARC card or ISD document issued by the Home Office.
- 4.7 You will need to submit the following documents with the application.
 - (a) Valid Passport and appropriate visa where necessary.
 - (b) 2 additional forms of identification (please see page 3 of application form).
 - (c) 1 (one) Passport size photographs of all applicants and nominated persons.
 - (d) 9 copies of plans of the preferred trading site to a scale of 1:1250
 - (e) Written consent from the owner of any private land where trading is to take place.
 - (f) 1 (one) colour photograph of any vehicle, stall, stand, trolley etc.
 - (g) Evidence of Public Liability Insurance (£5m)
 - (h) Copies of any certificate or accreditation for food safety, hygiene, health and safety etc. *(We will normally only accept certificates or accreditations obtained within the last 3 years)*

- (i) Basic Criminal Records Bureau disclosure for **all applicants and nominated assistants**.

4.8 An applicant for first time Street Trading Consent should give a minimum of 28 days notice of the application to the Licensing Team.

4.9 Where the application is for the **renewal** of a Street Trading Consent, the application must be received in full **no later than 1 MONTH** before the renewal date.

4.10 When an application form is sent to you, please ensure that you are provided with a copy of the General Conditions for Street Trading Consents. You should make your self fully familiar with these conditions before submitting your application.

4.11 The address at which the Council will accept applications and notices is:-

- (a) By post/personal service to The Licensing Team, MyCouncil, Landmark Place, High Street, Slough, SL1 1JL;
 - (b) By e-mail to licensing@slough.gov.uk;
 - (c) By fax to 01753 875809
 - (d) On-line (when the facility become available)
- For all enquiries please contact the Licensing team on 01753 875664

5. CONSULTATIONS ON APPLICATIONS

5.1 Before a **new** application for a Street Trading Consent is determined the Council will carry out a consultation process with various persons and groups. In particular we will consult with:

- Thames Valley Police
- Royal Berkshire Fire and Rescue Service
- Ward Members
- Slough Borough Council – Planning
- Slough Borough Council – Highways
- Slough Borough Council – Transport
- Slough Borough Council – Trading Standards
- Slough Borough Council – Parking and Development
- Slough Borough Council – Trading Standards
- Slough Borough Council – Food and Safety Team
- Slough Borough Council – Neighbourhood Enforcement Team
- Slough Borough Council – Environmental Services and Quality
- The owner or occupiers of any property within 100 meters of the proposed site. This consultation will be by way of sending a copy of the Notice of Application to the relevant property owners

Please note a consultation process will not be conducted for renewal applications, unless there has been issues raised by any of the above listed consultees during the term of the previous Consent.

5.2 The consultation will normally take 28 days in order that any objections to the application can be made in writing.

- 5.3 If no objections are received the application will be granted and the Street Trading Consent issued (subject to full payment being received)
- 5.4 The time scale for determination of a licence application where no objections have been received will normally take about 4 weeks as long as the full application criteria has been met.
- 5.5 If objections are received the application will be put before a Licensing Sub Committee for determination.
- 5.6 The time scale for determination of a licence application where objections have been received may take between 6 to 8 weeks dependant upon the date of the sitting of the Licensing Sub Committee.
- 5.7 The Licensing Sub Committee is made up of local Councillors who will determine each application on its own individual merits. At the committee hearing the applicant(s) and objectors will be given the opportunity to put their case forward. The Committee are empowered to grant, refuse or apply any relevant conditions in addition to the General Conditions to any licence application put before them.

6. SITE ASSESSMENT

- 6.1 Street Trading Consents from static locations will not normally be granted where:
 1. A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site, or
 2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
 3. There would be a significant loss of amenity caused by traffic, noise, odour or fumes, or
 4. There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes, or
 5. There is a conflict with Traffic Orders such as waiting restrictions, or
 6. The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
 7. The trading unit obstructs the safe passage of users of the footway or carriageway, or
 8. The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
 9. The site does not allow the Consent Holder, staff and customers to park in a safe manner
10. The street trading activity is carried out after dusk and the site is not adequately lit

to allow safe access and egress from the site for both customers and staff.

7. INSPECTION OF STREET TRADING UNIT

7.1 The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading Consents, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects to the legal requirements relating to the type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

- Food Premises (Registration) Regulations 1991
- Food Safety Act 1990
- Food Safety (General Food Hygiene) Regulations 1995
- Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
- Environmental Protection Act 1990.
- The Road Vehicles (Construction and Use Regulations) 1986

Further advice on any of the above requirements can be obtained by telephoning: 01753 875664

8. ISSUE OF STREET TRADING CONSENTS

8.1 Street Trading Consents are issued for a maximum of 12 months.

8.2 Shorter Term consents may be applied for and issued

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Slough Borough Council
STREET TRADING CONSENTS – GENERAL CONDITIONS
(Revised – January 2006)

1. **PERMITTED HOURS**

No street trading shall take place at any location except between the hours of 6.00 p.m. and the permitted terminal hour stated on the consent on any evening.

Or

Between 7.00 a.m. and 5.00 p.m. on any day.

Except with the prior permission of the Council

2. **COMPLIANCE WITH REGULATIONS**

The Consent Holder shall at all times comply with all current and future Statutes, Statutory Instruments, Traffic Regulation Orders, Byelaws and other regulations currently in force.

In particular, the Consent Holder shall comply with the requirements of the Management of Health and Safety at Work Regulations 1992, the Food Safety (General Food Hygiene) Regulations 1995, the Motor Vehicle Construction and Use Regulations. For Advice on these requirements contact – foodsafety@slough.gov.uk or tradingstandards@slough.gov.uk or telephone 01753 875255.

Such compliance shall not only be in respect of his or her, vehicle stall, trolley, stand, but also at or near the location or site used for the trading.

3. **NUISANCE**

The Consent Holder or his or her business shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building. In particular the Consent Holder and or his or her assistant shall on all occasions when carrying on the business, be strictly sober and conduct him or herself in a proper, civil and decorous manner and the business will not be conducted in such a way as to cause annoyance to the occupier or person in charge of any shop or business premises or dwelling.

4. **DISCHARGES**

No water or waste materials, grease, debris of any type shall be discharged onto the highway or onto any adjacent property and must not be disposed of by use of public drains. Should any blockages take place and cleaning be required the Consent Holder will be liable for any cost incurred.

5. **STORAGE OF STOCK**

All stock and other miscellaneous articles shall be stored at all times on the stall, vehicle, stand or trolley and not on the surrounding footway.

6. **MAINTENANCE**

The Consent Holder's vehicle/stall, stand or trolley shall be kept in a clean, hygienic, safe and well maintained condition. (The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current M.O.T. Certificate).

7. **REFUSE CONTAINERS**

At least one refuse container shall be provided by the Consent Holder and placed immediately adjacent to his/her stall vehicle/stall etc and be available at all times of trading for use by his/her customers. A notice shall also be displayed requesting customers to deposit litter in a waste container.

8. **CLEANSING**

The Consent Holder shall ensure that the area in the vicinity of his/her vehicle/stall etc is kept clear at all times of all refuse originating from his her trade and from customers. The Consent Holder shall in particular, leave the site clear of all such refuse at the completion of trading. Should the area require cleaning the Consent Holder will be liable for the cost incurred.

9. **POSITION OF STALL ETC**

The Consent Holder shall ensure that his/her vehicle/stall etc is positioned only in the allocated area of the Consent Street for which he/she holds a Street Trading Consent and as specified in that Consent such a vehicle/stall etc shall be removed from the site after the close of the Trading day, except where permission has been granted by Slough Borough Council.

10. **DISPLAY OF CONSENT**

The Consent Holder shall display conspicuously on his/ vehicle/stall etc, a copy of the consent and or the badge issued with the consent and the person who is in charge and operating the vehicle/stall, stand or trolley when trading must produce the badge and or consent when requested by an Officer of the Council or a Police Officer.

11. **MOVING STALL ETC**

If a Consent Holder (duty holder / employer) or his/her employee is requested to move his/her vehicle/stall and or cease trading etc by an Officer of the Council or a Police Officer he/she shall immediately comply with that request.

12. **DISABLED PERSONS**

Each Consent Holder shall ensure that disabled persons and wheelchair users can be adequately served. This may involve such customers being served from outside the

vehicle/stall etc. The Consent Holder's stall shall be of a size, type and design approved by the Council.

13. **STALLS ETC**

The type, colour and dimensions of any vehicle or trailer or cart or similar to be used under the Consent will be subject to approval by Slough Borough Council. No change of any approved such vehicle or similar is permitted without prior consent, in writing from Slough Borough Council. Photographs of the vehicle, staff, stand, trolley etc must be provided to Slough Borough Council.

14. **PARKING ON FOOTWAY**

The Consent Holder shall not park or position his/her vehicle, stall, stand, trolley etc on any part of a footway (except with the prior permission of Slough Borough Council).

15. **INSURANCE**

All Consent Holders as employer / proprietor shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall, stand, trolley, and any additional equipment under his/her control such as generators, gas containers, etc. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the Council before the Street Trading Consent is issued and on renewal of the Consent. A copy shall also be displayed at all times when trading for inspection by an officer of the council or police officer.

16. **FIRE PRECAUTIONS**

Adequate precautions shall be taken by the Consent Holder to prevent the risk of an outbreak of fire at his/her stall or vehicle etc. Where a power source or heating appliance is present, e.g. a generator or bottled gas container, then a suitable fire extinguisher shall be provided. In addition, a fire blanket shall be provided in vehicles selling hot food.

17. **STORAGE OF EQUIPMENT**

The Consent Holder is responsible for the storage of all equipment associated with his/her trading and is not permitted to leave any vehicle, stall, ancillary equipment etc. on the site of trading at any time when trading is not taking place. (Also **condition 9** – position of stall etc).

18. **SETTING UP AND CLOSING DOWN**

The Consent Holder shall not enter the site of trading other than during the times specified except for the periods of 30 minutes before trading starts and after trading finishes for the purposes of setting up and dismantling the trading operation.

19. **SURRENDER OR REVOCATION OF CONSENT**

Where a street trading consent is surrendered or revoked the Council **may** remit the whole or part of any fee paid. The council shall be entitled to retain at minimum £100 of any fee paid.

In accordance with the above legislation, there is NO right of appeal in respect of the refusal, revocation or variation of a street trading consent. The Council has a discretion in these matters which is subject only to the principles exercised by the courts in judicial review proceedings

20. **TRANSFER OF CONSENT**

At the discretion of the Council, one assignment only of a consent may be allowed to an immediate next of kin, subject to satisfactory evidence of proof of identity. Where such a transfer of a consent is allowed, a new food registration form **MUST** be completed **AND** details of the employer reconfirmed. The sub-letting / renting out or sale of the consent is **not permitted**.

21. **BREACH OF HYGIENE AND SAFETY REGULATIONS**

The Council may remove the Consent at any time. Breach of any one or more of the Conditions OR breaches of Food Safety and or Health and Safety Regulations relating to the consent holders trade may make the consent holder liable to enforcement action in line with the Council's enforcement which may result in the street trading consent being revoked and or prosecution.

22. **FOOD HYGIENE TRAINING**

The Consent Holder and all food handlers working on the stall or vehicle must possess the current Food Hygiene Certificate (or equivalent). The Consent Holder and food handlers must attend the relevant course and obtain their certificate prior to the grant or renewal of a street trading consent.

23. **ELECTRICITY SUPPLY**

Consent Holders wishing to install an electricity supply point on the highway or other Council land shall do so only after obtaining the necessary licence from the Council. Contact 01753 875626 for further details.

24. **MOBILE GENERATORS**

Mobile generators will be used only with the permission of the Council and will be specified and sited in such a way as not to cause noise nuisance or other annoyance to the occupier of any other premises or any user of the highway.

25. **ELECTRICAL EQUIPMENT**

All electrical equipment used in connection with the trading consent shall be constructed to a recognised standard, ideally to British Standard, and comply with all of

the requirements of the latest edition of the IEE Regulations. In any case, electrical cables trailing across the highway or any part of the footway are **not permitted**.

26. **APPLICATIONS**

All applications for a Street Trading Consent (where applicable) shall be accompanied by a certificate signed by a CORGI registered gas installer to the effect that all gas appliances installed in or on the vehicle or trailer, and all cylinders, pipes and other fittings used for supplying gas to that appliance have been examined and found to be fitted in a safe and satisfactory manner and are suitable for their intended use.

27. **CHAIRS AND TABLES**

The Consent Holder may not, at any time, place tables, chairs, benches or similar articles on the footway, highway or any other land for the use of customers or staff of the trading consent for the consumption of food or drink sold by the Consent Holder.

28. **SIGNS ON PAVEMENT/HIGHWAY**

The Consent Holder shall not place any signs or any object upon the pavement or any other part of the highway or other public place, except within the allocated area of the Consent Street for which the Consent Holder holds a Street Trading Consent (except with the permission of Slough Borough Council). A definitive plan of the allocated area of the consent shall be submitted to the Council before issue of the consent.

29. **BOTTLED GAS**

The use of LPG or bottled gas for cooking or heating purposes in a mobile catering unit can be extremely dangerous unless certain basic safety codes of practice are followed. Under the terms of the Health and Safety at Work etc. Act 1974, the Consent Holder has a responsibility to ensure that all gas appliances and storage arrangements and installations are as safe as is reasonably possible, to protect the health, safety and welfare of staff, customers and any other individual. For copies of guidance notes or for specific advice in this respect, you should contact the L P Gas Association.

30. **DAMAGE TO PAVEMENT/HIGHWAY**

The Consent Holder will be responsible for any damage caused to the pavement, highway, including marks on the surface area where his/her vehicle, stall, etc has been positioned and will be liable for any cost incurred for such repairs.

31. **PLANT AND EQUIPMENT**

All plant and equipment used in connection with this trading consent shall be constructed to comply with a recognised standard, and ideally the relevant British Standard.

32. **SALE OF GOODS OR ARTICLES**

The Consent Holder and/or his/her assistants shall not sell or offer for sale any goods or articles other than those described within the Principle Terms of the Consent. In addition, only the consent holder may carry on a business or trade at the consent location and will be restricted to the sale of goods. **Receipt or exchange of any other goods is totally prohibited.**

33. **PRICE LISTS**

The Consent Holder shall, whilst trading, display an accurate and comprehensive price list of all items for sale from the stall or vehicle.

34. **EMPLOYMENT**

The consent holder shall be the sole employer of any persons employed or working at the vehicle / stall / stand etc. Such employees must be a 'nominated person or assistant' listed on the application form. The council must be notified of any changes of 'nominated persons or assistants'.

35. **SPECIAL CONDITIONS**

The Council may at any time vary or add to the General Conditions with further Special Conditions on the Consent Certificate.

36. **CRIMINAL RECORDS CHECKS**

All consent holders, nominated persons or assistants must produce annually a **Basic Criminal Records Bureau check.**

37. **PREMISES LICENCE**

Where the business of a street trading consent involves the Provision of Late Night Refreshment i.e. the sale or supply of hot food or drink to members of the public between the hours of 23-00 hours and 05-00 hours, a **PREMISES LICENCE** will also be required in accordance with the **Licensing Act 2003.**

38. **MOBILE TRADERS**

All mobile trading (including ice cream vendors) to be restricted to a maximum of **20 minutes time period** in any one particular location.

AGENDA ITEM 4

By virtue of paragraph(s) 1, ~~2 of Part 1 of Schedule 12A~~
of the Local Government Act 1972.

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