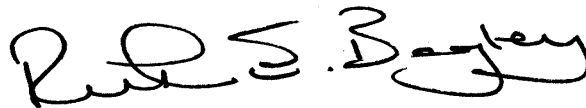


Date of issue: 5th October, 2012

MEETING	LICENSING SUB-COMMITTEE (Councillors Mittal (Chair), Davis and Wright)
DATE AND TIME:	MONDAY, 15TH OCTOBER, 2012 AT 9.30 AM
VENUE:	RUBY SUITE 4, THE CENTRE, FARNHAM ROAD, SLOUGH, SL1 4UT
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

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
------------------------	---------------------	-------------	-------------

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)

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Minutes of the Meeting held on 13th September 2012	1 - 2	
LICENSING ISSUES			
3.	Street Trading Application - 'Chargorillas', Colnbrook By-Pass, Colnbrook, Slough.	3 - 40	Colnbrook with Poyle
4.	Street Trading Application - Kondal Catering, Gibtel Lodge Car Park, Colnbrook By Pass, Colnbrook, Slough	41 - 86	Colnbrook with Poyle
5.	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

6.	Private Hire Driver Conduct Hearing (Reference 01-12)	87 - 92	
7.	Private Hire Driver Application Hearing (02-12)	93 - 100	
8.	Hackney Carriage Driver Conduct Hearing (Reference 03-12)	101 - 108	

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.

Licensing Sub-Committee – Meeting held on Thursday, 13th September, 2012.

Present:- Councillors Mittal (Chair), Davis and A S Wright

Officers Present:- Mrs Kauser (Democratic Services) and Ms Osbourne (Legal Services)

PART 1

13. Declarations of Interest

None were received.

14. Minutes of the Meetings held on 20th June and 28th June 2012

Resolved – That the minutes of the meetings held on 20th June and 28th June 2012 were approved as a correct record.

15. Street Trading Application - 'Chargorillas', Colnbrook By-Pass, Colnbrook, Slough.

The Democratic Services Officer informed Sub-Committee Members that the Applicant's business partner, Mr Sebat had telephoned Democratic Services prior to the commencement of the meeting. It was noted that due to a family emergency the Applicant was unable to attend the hearing and had requested that the hearing be adjourned.

Resolved – That consideration of the street trading application be adjourned to the next meeting of the Sub-Committee.

16. Street Trading Application - Kondal Catering, Gibtel Lodge Car Park, Colnbrook By Pass, Colnbrook, Slough

It was noted that the application had been submitted by the same Applicant as the previous agenda item.

Resolved – That consideration of the street trading application be adjourned to the next meeting of the Sub-Committee

Chair

(Note: The Meeting opened at 10.00 am and closed at 10.20 am)

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SLOUGH BOROUGH COUNCIL

LICENSING SUB-COMMITTEE – 15th OCTOBER 2012

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
APPLICATION FOR A NEW STREET TRADING APPLICATION FOR
CHARGORILLAS, COLNBROOK BY-PASS, COLNBROOK

1. The Application

- 1.1. An application is being made by Mr I Kondal for a Street Trading Consent for 'Chargorillas' on Tantric Blue's car park, Colnbrook By-Pass, Colnbrook. A copy of the application is attached at **Appendix 'A'**.

Photographs of the unit and food hygiene certificate have been included with the application and are attached at **Appendix 'B'**.

- 1.2. The application is for Street Trading Consent at the specified pitch between the hours of;

Monday to Sunday 0600 hours and 1500 hours.

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 Council approved the recommendation of the Licensing Committee and made all streets within the Borough Consent Streets.
- 2.3 In addition a Street Trading Consent is also required where the trading takes place on any private land to which the public has access without payment.
- 2.4 'Chargorillas' is to be situated on Tantric Blue's car park on Colnbrook By-Pass, which is private property. A copy of the site plan is attached at **Appendix 'C'**
- 2.5 The Licensing Office has consulted with all of the relevant responsible authorities and businesses within 100 yards of the proposed site. Two objections have been received from local businesses. In addition, an objection from Colnbrook Parish Council has also been received and a copy of these objections are attached at **Appendix 'E'**
- 2.6 The matter was due to be considered at the meeting of the Licensing Sub-Committee scheduled for 13th September but was adjourned at the request of the Applicant.

3. **Objections**

As detailed in Point 2.5 above the responsible authorities and businesses within 100 yards of the proposed site have been consulted on the new application.

A total of two individual objections have been received objecting to the granting of this application.

An objection was also received from Colnbrook Parish Council attached as Appendix E.

All of the written objections are attached to the report. The stated grounds for objecting to the application can be summarised as follows:

Increased amount of refuse in the surrounding area.

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. **Grounds for Refusal**

5.1 Section 7 sub-paragraph (2) of the Act details – Subject to sub-paragraph (3) (*Mandatory grounds for refusal*) the Council may grant a Consent if they think fit.

5.2 In essence the Council is not under any duty to grant a Street Trading Consent and need not specify statutory grounds for refusal. Therefore the matter to grant or refuse an application for a Street Trading Consent is at the total discretion of the Council.

6. **Appeals**

There is no right of appeal against the Council's decision to refuse to grant or renew a Consent or against the revocation or variation of a Consent.

7. **Standard Conditions**

7.1 The Council has already approved a set on Standard Conditions which are attached at **Appendix 'F'** and which will apply to and will be imposed on any Street Trading Consent that is granted.

7.2 The Council may also attach such other conditions they consider reasonably necessary.

8. **Options Available**

The Sub Committee may:

1. Grant the application as it stands in which case it will be subject to the Council approved Standard Conditions.
2. Grant the application with any variation deemed reasonably necessary subject to the Council approved Standard Conditions and any other specific conditions or restrictions the Committee deem reasonable and necessary.
3. Refuse the application.

(Options 1 and 2 above will be subject to the full application procedure being completed)

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 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.

10. Appendices

Appendix A – Application Form

Appendix B – Photographs of the unit and Food hygiene certificate

Appendix C – Plan of Site

Appendix D – Copy of Consultation letter sent to residents/businesses

Appendix E – Copy of all the objections made.

Appendix F - Slough Borough Council Street Trading Consent Standard Conditions

Appendix G – Slough Borough Council Street Trading Consent Guidance

Photographs of the trading unit have been included with the application. Colour copies will be made available at the Sub-Committee hearing.

11. Background Papers

The Local Government Miscellaneous Provisions Act 1982.

Contacts for further information

Tara O'Keefe, Assistant Licensing Officer

01753 875883

tara.o'keefe@slough.gov.uk

Mick Sims, Licensing Manager
01753 477387
michael.sims@slough.gov.uk



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

Grant

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				
Current address				
Post Town	Slough			Postcode
Daytime contact telephone number				
E-mail address				
National Insurance Number				

SECOND APPLICANT (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
Daytime contact telephone number				
E-mail address				
National Insurance Number				

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		CHAR GORLLAS	
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? _____

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

Address of trading location	TRANTIC BLUE, CARPARK Colnbrook, By Pass.
------------------------------------	--

Plan attached:

Yes

No

Is trading taking place on private land?

Yes

No

Has the owner's permission been given?

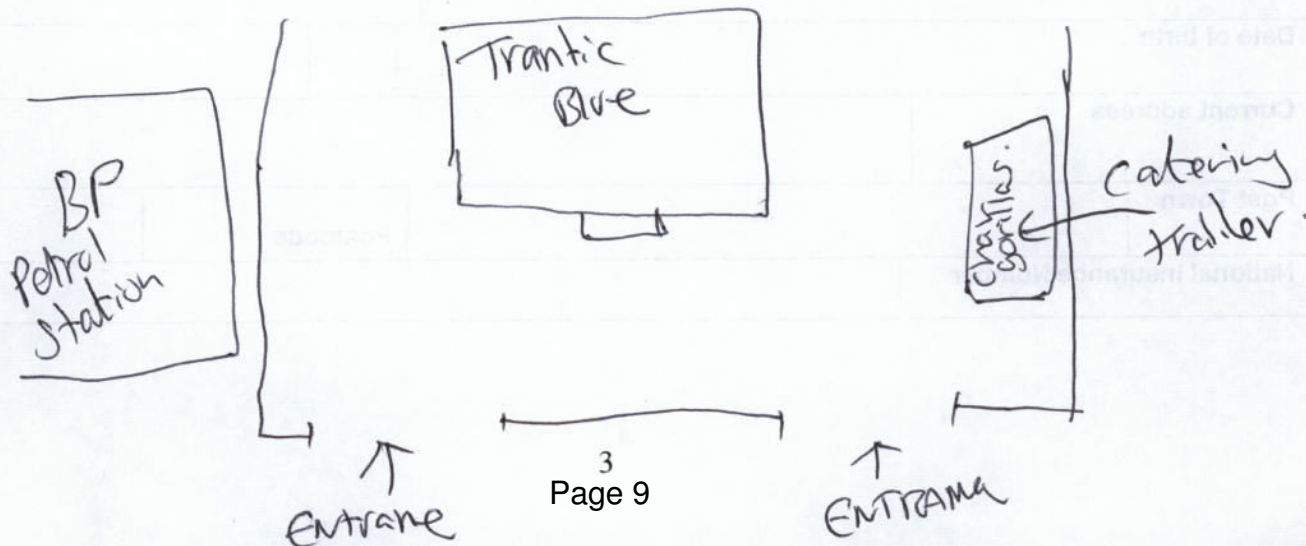
Yes

No

(Please submit written consent)

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

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname JAMES.			First names JAMES.		
Current address		TRANTIC BLUE. Colnbrook By Pass.			
Post Town	SCOUGH			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					
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	
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	06.00	15.00
Tuesday	06.00	15.00
Wednesday	06.00	15.00
Thursday	06.00	15.00
Friday	06.00	15.00
Saturday	06.00	15.00
Sunday	06.00	15.00
Seasonal Variations:		

Has the applicant been licensed with another local authority?

Yes No

If 'yes', please specify:

SCOUGH COUNCIL

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

Yes No

If 'yes', please specify the Licensing Authority:

SCOUGH COUNCIL

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)	12.5FT length 6.5FT width 10FT height
Description of goods / articles to be sold. (E.g. hot / cold food, fruit and vegetables etc).	Hot Hot & Cold food. salad bar, chargrilled
Address of premises or location where vehicle, stall, trolley, stand and any food will be stored when not in use.	Tranitic Ave Colnbrook by Pass

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:

Tranitic Blue..

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.
(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 relevant fee.
- I have enclosed the basic Criminal Record Bureau disclosure for all 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.
- I have enclosed 2 additional forms of identification for each applicant & nominated persons.
- I have enclosed a copy of the Public Liability Insurance.
- I have enclosed Food Safety / Hygiene certificates for all applicants and 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)
- 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.

Please return completed application forms to;

**Licensing
My Council
Landmark Place
High Street
Slough
SL1 1JL**

**Contact Tel: 01753 875664
Email: licensing@slough.gov.uk**

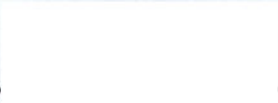
TO BE COMPLETED BY ALL APPLICANTS

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:..... INDER KONDAL

Signed.....  Dated..... 25-6-12

Applicant Name:.....

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

Applicant Name:.....

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







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

Course Director

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*

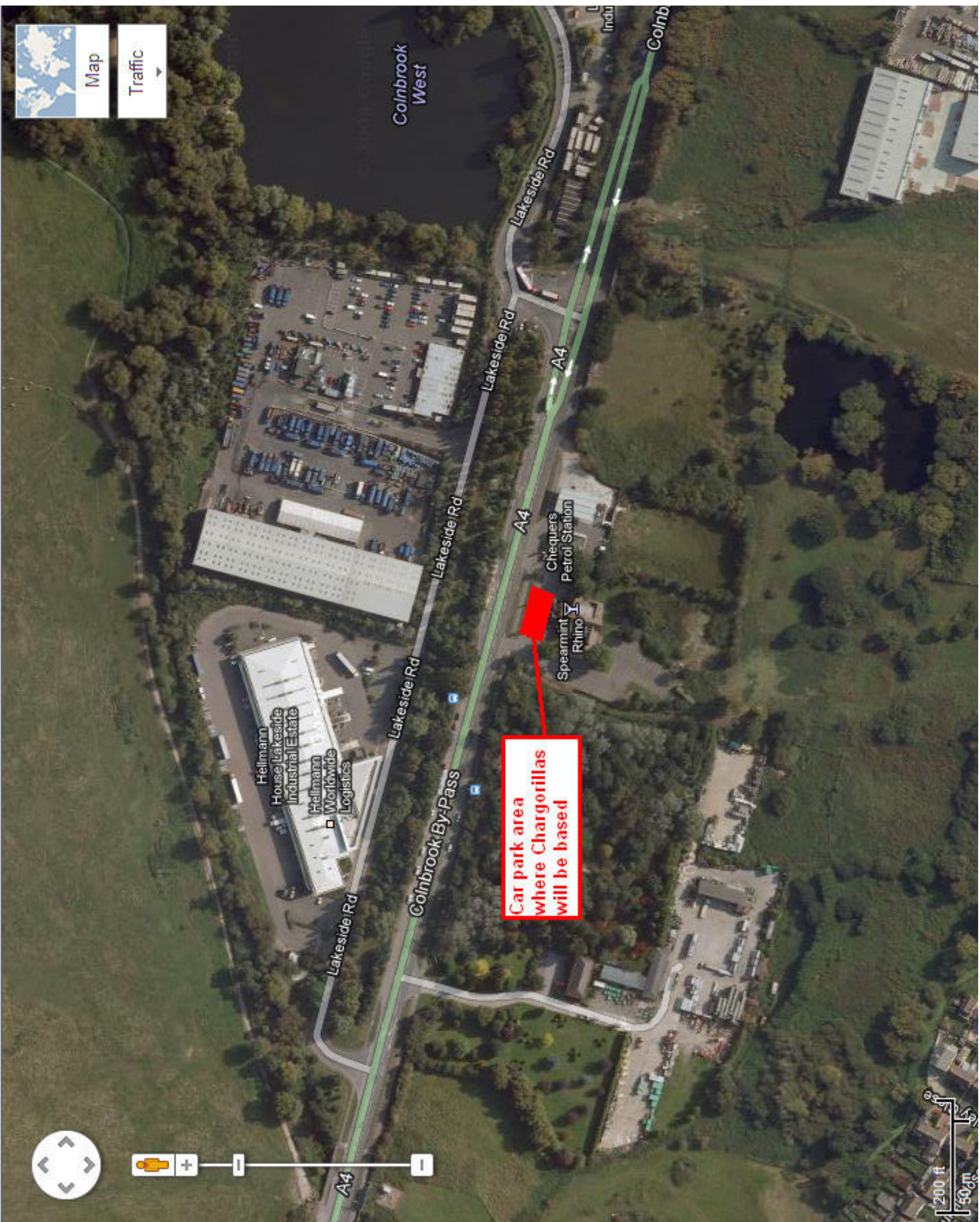
Original issue date *30 June 2011*

Issue Number **1**

PASS

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

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Map
Traffic

Car park area
where Chargorillas
will be based



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25th June 2012

Department: Customer & Community Services
Contact Name: Tara O'Keefe
Contact No: 01753 875883
Fax: n/a
Email: Tara.O'Keefe@slough.gov.uk
Our Ref:
Your Ref:

Consultee Letter

Dear Sir / Madam

Re: Consultation – Application for a Street Trading Consent – Chargorillas, o/s Tantric Blue, Colnbrook By-Pass, Colnbrook, Heathrow, SL3 0EH

Slough Borough Council is responsible for the licensing of Street Trading Consents in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Where new applications for Street Trading Consents are made, in line with Council policy it is necessary to consult formally with relevant consultees and with local residents and or businesses in the vicinity of the proposed area where the trading has been requested to take place.

On Monday 25th June 2012 an application was made for a Street Trading Consent for trading to take place in the car park of Tantric Blue, Colnbrook By-Pass, Colnbrook, Heathrow SL3 0EH.

The type of trading to be carried out is chargrilled meats, a salad bar, and hot and cold drinks between the hours of 06:00am and 15:00pm from Monday to Sunday.

Where the proposed trading to take place is to be defined as 'Late Night Refreshment' i.e. hot food and drink between the hours of 11.00 pm and 05.00 am, an application will also have to be made for a Premises Licence under the Licensing Act 2003, which will be subject to a separate statutory consultation.

I would therefore be grateful if you could forward any objections or representations you may have to the application to – **The Licensing Team, Landmark Place, High Street, Slough, SL1 1JL** or by email to licensing@slough.gov.uk no later than close of business on **Monday 9th July 2012**, quoting the reference "Chargorillas".

If objections or representations are received to the application the matter will be referred to a Licensing Sub Committee for determination with a hearing to take place normally between 4 to 8 weeks from the date of the application being made.

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.

Yours sincerely,

Tara O'Keefe
Assistant Licensing Officer
Customer & Community Services

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APPENDIX E

From: Colin Lockless [
Sent: 26 June 2012 07:53
To: _Licensing
Subject: Chagorillas

Follow Up Flag: Follow up
Flag Status: Blue
Morning Tara

I would like to object against permission being granted for the above Street Trading Consent on the grounds of the additional rubbish that will no doubt be placed over our fence line
We already get huge amounts of rubbish that is thrown over our fence from both the layby and car park area of Tantric Blue

I can only see that this will increase as the packaging , cans , cups that will be handed out will more than likely end up against the fence or more likely over it

Regards

Colin Lockless

Southern Regional Operations Manager
Ashtead Plant Hire Company Ltd
Waterman House SLOUGH SL3 0ET
Phone:
Mobile:
Fax:
Twitter: @aplant_hire
Facebook.com/aplanthire

This electronic message and any attachments are confidential property of the sender. The information is intended only for the use of the person to whom it is addressed. Any other interception, copying, accessing, or disclosure of this message is prohibited. The sender takes no responsibility for any unauthorised reliance on this message. If you have received this message in error, please immediately notify the sender and delete the message. Do not forward this message without permission.
Reasonable precautions have been taken to ensure that any attachment to this e-mail has been swept for viruses. However, we cannot accept liability for any damage sustained as a result of software viruses and would advise that you carry out your own virus checks before opening any attachment.

Registered Office : Kings House, 36-37 King Street, London, EC2V 8BB - Registered No. 444569 England and Wales

-

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From: Wayne Roser []
Sent: 26 June 2012 10:34
To: _Licensing
Cc:
Subject: Street trading consent

Follow Up Flag: Follow up
Flag Status: Blue
Dear Sir / Madam

I am writing to you in regards of the application for a Kebab van to trade in Tantric Blue's car park on the Colnbrook by-pass.


As a company we have already been in talks with Kashif Riaz Highways Inspector also Mr Sing-Wai Yu Highway Maintenance, Assessment and Asset Management

We have had continual problems with the piece of land we maintain that belongs to the council which is directly opposite the proposed site.
Our gardeners and cleaners where constantly cleaning up human waste and drug equipment as well as a load of normal rubbish that was just thrown over the fence by the drivers who stopped in the lay-by.

If you allow a Kebab van to open in this car park I can only see this getting worse although the owners of the mobile van will keep the car park clean they will not cross the road and clean the rubbish that will be thrown over the fence from the drivers using the lay-by on the other side of the road.
At this point I would ask my Directors to consider NOT maintaining this piece of land and give the problems back to the council.
Please can you keep us inform us when the sub committee will hold there meeting.

Kind Regards,

Wayne Roser
Warehouse & Transport Operations Manager
Hellmann Worldwide Logistics Limited
Hellmann House
Lakeside Industrial Estate
Colnbrook By-Pass
Slough
SL3 0EL
Tel:
Fax:
Mob:
E-Mail:

 **Before printing think about your responsibility for the ENVIRONMENT**
*All Transactions are subject to our standard trading conditions of BIFA (Worldwide), RHA (Domestic UK) & UKWA (Warehousing). All trading conditions are at the current edition.
Company registration No. 1108485 Registered office: Unit 3, Chase Way, Eurocam Technology Park, Bradford BD5 8HW*

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Correspondence:

The Parish Clerk
1, Swallow Gardens
Hatfield, Herts.
AL10 8OR

COLNBROOK with POYLE PARISH COUNCIL



Our Ref: RLNH/JSB/100457

19th September 2012

The Licensing Team
Slough Borough Council
Landmark Place
High Street
Slough SL1 1JL

Dear Sir/Madam,

**Application for a Street Trading Consent @ Tantric Blue and
Gibtel Lodge both on Colnbrook By-pass, Colnbrook**

The Parish Council wishes to object to these street trading consents for the same reasons. There are already sufficient fast food take-away establishments in the area and such additional provision would inevitably add to the existing problems with the anti-social behaviour of lorry drivers along the Colnbrook by-pass, who park in the lay-byes and use the area to urinate and defecate as well as the litter left by discarding urine filled bottles and soiled toilet tissue.

Add to this the cartons and paper cups etc. from this 'amenity' would only exacerbate an already difficult situation.

Yours faithfully,

R.L.N. Hewson
Clerk and Finance Officer

CHAIRMAN:	Mr. Peter Hood	Tel: 01753 682395
VICE CHAIRMAN:	Mr. Ray Angell	Tel: 01753 680507
CLERK & FINANCE OFFICER:	Mr. Roland Hewson	Tel: 01707 267958

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**Slough Borough Council
STREET TRADING CONSENTS – GENERAL CONDITIONS**

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.

GENERAL CONDITIONS DECLARATION

I (*insert name*).....of (*insert address*).....

.....

having applied for the grant or renewal of a Street Trading Consent issued by Slough Borough Council (Licensing Authority) acknowledge receipt of a copy of the current General Conditions for Street Trading Consents and agree to abide by all the attached conditions.

Signed:.....

Print Name:.....

Date:.....

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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.

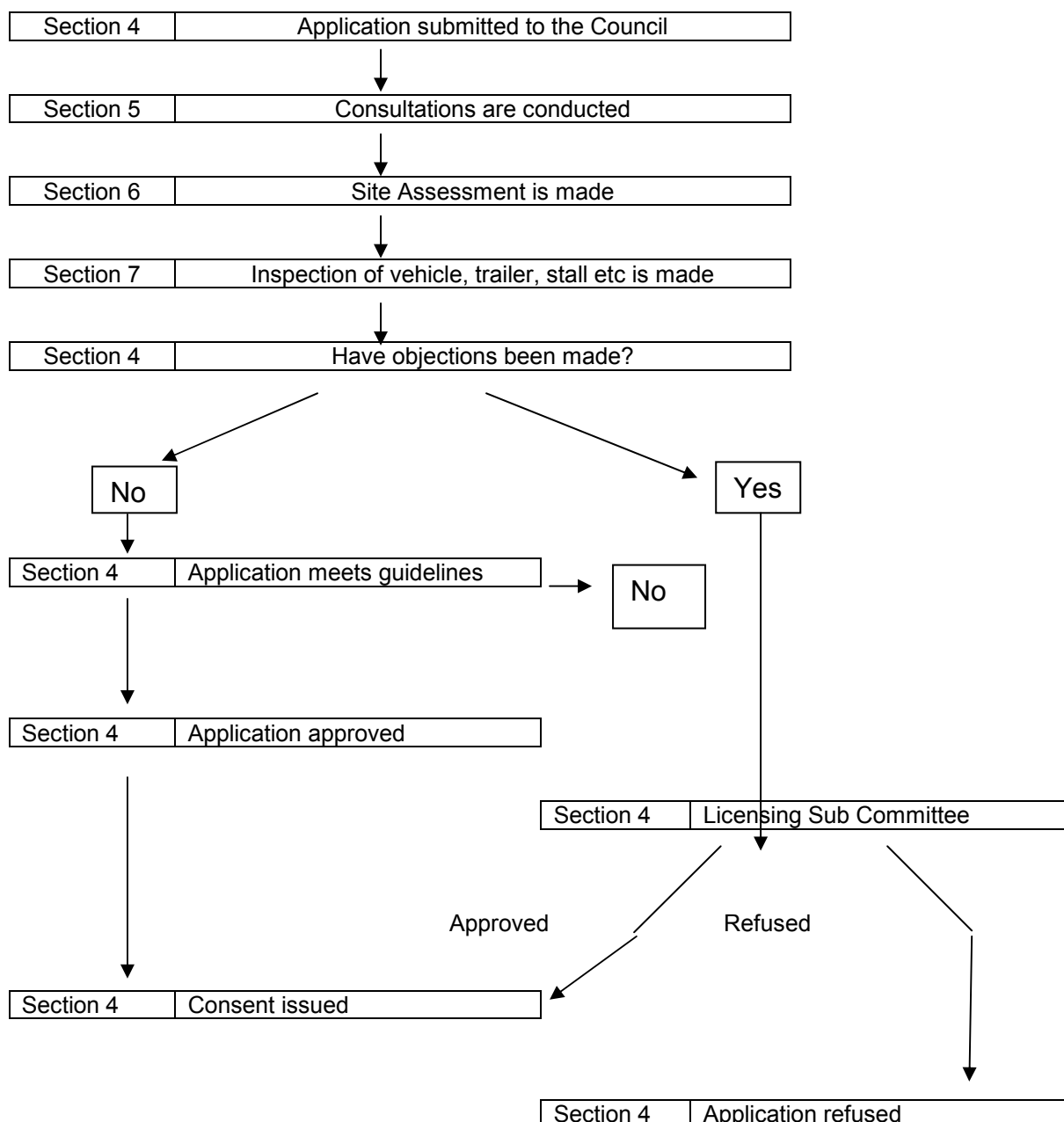
(h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.

(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 – 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

LICENSING SUB-COMMITTEE – 15TH OCTOBER 2012

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
APPLICATION FOR A NEW STREET TRADING APPLICATION FOR
KONDAL CATERING, COLNBROOK BY-PASS, COLNBROOK

1. The Application

- 1.1. An application is being made by Mr I Kondal for a Street Trading Consent for 'Kondal Catering' on Gibtel Lodge car park, Colnbrook By-Pass, Colnbrook. A copy of the application is attached at **Appendix 'A'**.

Photographs of the unit and food hygiene certificate have been included with the application and are attached at **Appendix 'B'**.

- 1.2. The application is for Street Trading Consent at the specified pitch between the hours of;

Monday to Sunday 1600 hours and 2300 hours.

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 Council approved the recommendation of the Licensing Committee and made all streets within the Borough Consent Streets.
- 2.3 In addition a Street Trading Consent is also required where the trading takes place on any private land to which the public has access without payment.
- 2.4 'Kondal Catering' is to be situated on Gibtel Lodge's car park on Colnbrook By-Pass, which is private property. A copy of the site plan is attached at **Appendix 'C'**
- 2.5 The Licensing Office has consulted with all of the relevant responsible authorities and businesses within 100 yards of the proposed site. Two objections from local businesses' have been received, an objection from a ward councillor and Colnbrook Parish Council. A copy of these objections is attached at **Appendix 'E'**

3. Objections

As detailed in Point 2.5 above the responsible authorities and businesses within 100 yards of the proposed site have been consulted on the new application.

All of the written objections are attached to the report. The stated grounds for objecting to the application can be summarised as follows:

- Increase of air pollution
- Increase of litter
- Nuisance to residents

Although the objections received state concern for 'irate' residents, we have not received any objections from the residential consultation.

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. Grounds for Refusal

- 5.1 Section 7 sub-paragraph (2) of the Act details – Subject to sub-paragraph (3) (*Mandatory grounds for refusal*) the Council may grant a Consent if they think fit.
- 5.2 In essence the Council is not under any duty to grant a Street Trading Consent and need not specify statutory grounds for refusal. Therefore the matter to grant or refuse an application for a Street Trading Consent is at the total discretion of the Council.

6. Appeals

There is no right of appeal against the Council's decision to refuse to grant or renew a Consent or against the revocation or variation of a Consent.

7. Standard Conditions

- 7.1 The Council has already approved a set on Standard Conditions which are attached at **Appendix 'F'** and which will apply to and will be imposed on any Street Trading Consent that is granted.
- 7.2 The Council may also attach such other conditions they consider reasonably necessary.

8. Options Available

The Sub Committee may:

1. Grant the application as it stands in which case it will be subject to the Council approved Standard Conditions.
2. Grant the application with any variation deemed reasonably necessary subject to the Council approved Standard Conditions and any other

specific conditions or restrictions the Committee deem reasonable and necessary.

3. Refuse the application.

(Options 1 and 2 above will be subject to the full application procedure being completed)

9. 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 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.

10. Appendices

Appendix A – Application Form

Appendix B – Photographs of the unit and Food hygiene certificate

Appendix C – Plan of Site

Appendix D – Copy of Consultation letter sent to residents/businesses

Appendix E – Copy of all the objections made

Appendix F - Slough Borough Council Street Trading Consent Standard Conditions

Appendix G – Slough Borough Council Street Trading Consent Guidance

Photographs of the trading unit have been included with the application. Colour copies will be made available at the hearing.

11. Background Papers

1. The Local Government Miscellaneous Provisions Act 1982.

Contacts for further information

Tara O’Keefe, Assistant Licensing Officer, 01753 875883
tara.o'keefe@slough.gov.uk

Mick Sims, Licensing Manager, 01753 477387
michael.sims@slough.gov.uk

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

Grant

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					
Current address					
Post Town			Postcode		
Daytime contact telephone number					
E-mail address					
National Insurance Number					

SECOND APPLICANT (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		
Daytime contact telephone number					
E-mail address					
National Insurance Number					

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	

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	GIBTEL LODGE, Colnbrook By Pass SL3 8QQ
------------------------------------	---

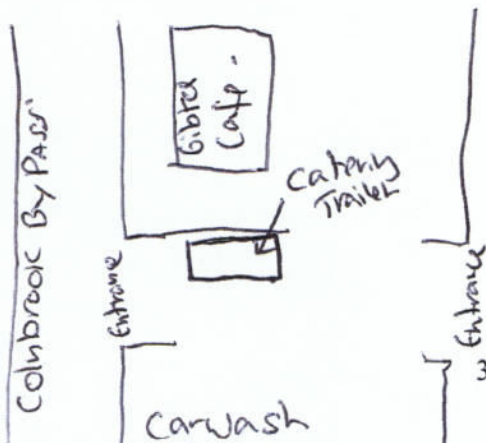
Plan attached: Yes No

Is trading taking place on private land? Yes No

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

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

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname				First names JOE	
Current address		GIBTEL LODGE Colnbrook By Pass			
Post Town	Slough			Postcode	SL3 8QQ
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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname SEHBAT			First names JASWINDER		
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					
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					

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	1700	2300
Tuesday	1700	2300
Wednesday	1700	2300
Thursday	1700	2300
Friday	1700	2300
Saturday	1700	2300
Sunday	1700	2300
Seasonal Variations:		

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: Scough.

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

Yes

No

<p>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)</p>	<p>12FT x 6.5FT w 10ft high. white ^{light} double Axle catering trailer.</p>
<p>Description of goods / articles</p>	<p>Hot & Cold Food, drinks.</p>

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: _____

SLOUGH. Refused.

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)	WHITE 12FT X 6 FT Food trailer. 12 FT X 4 FT side opening hatch.. 10 FT High.
Description of goods / articles to be sold. (E.g. hot / cold food, fruit and vegetables etc).	HOT INDIAN CURRIES Several Fast-Tiffin style
Address of premises or location where vehicle, stall, trolley, stand and any food will be stored when not in use.	Gibbet The Catering van will have 24 hour refrigeration.

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: _____

Gibbet Lodge
Colnbrook By Pass

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:.....INDRZ SINGH KOWDAL.....

Signed..... Dated.....19-4-12.....

Applicant Name:.....

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

Applicant Name:.....

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

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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

Course Director

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*

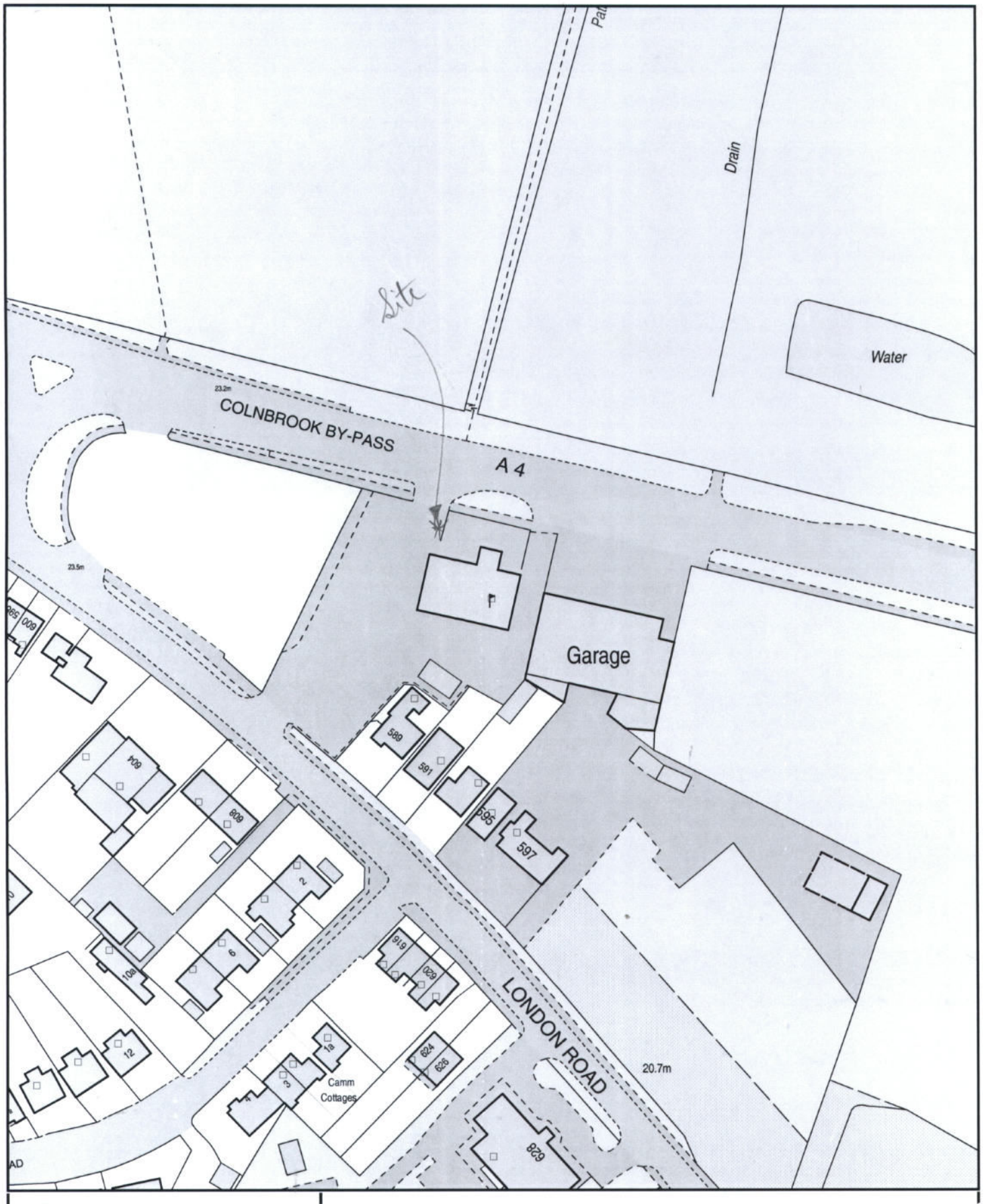
Original issue date *30 June 2011*

Issue Number **1**

PASS

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

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589 London Road, Slough, England, United Kingdom
Address is approximate



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29th May 2012

Department: Customer & Community
Services
Contact Tola Idowu
Name:
Contact No: 01753 875664
Email: licensing@slough.gov.uk
Our Ref:
Your Ref:

To the occupier

Dear Sir / Madam

Re: Consultation – Application for a Street Trading Consent – Colnbrook By-pass, within the grounds of Gibtel Lodge & Cafe, SL3 8QQ (see attached map)

Slough Borough Council is responsible for the licensing of Street Trading Consents in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Where new applications for Street Trading Consents are made, in line with Council policy it is necessary to consult formally with relevant consultees and with local residents and or businesses in the vicinity of the proposed area where the trading has been requested to take place.

On **Tuesday 29th May 2012** an application was made for a Street Trading Consent by Kondal Catering, to allow trading to take place at the above location.

The type of trading to be carried out is the supply of hot and cold food and drinks **on Monday to Sunday** between the hours of **16:00 and 23:00**

Where the proposed trading to take place is to be defined as 'Late Night Refreshment' i.e. hot food and drink between the hours of 11.00 pm and 05.00 am, an application will also have to be made for a Premises Licence under the Licensing Act 2003, which will be subject to a separate statutory consultation.

I would therefore be grateful if you could forward any objections or representations you may have to the application to – **The Licensing Team, Landmark Place, Windsor Road, Slough, SL1 1JL** or by email to licensing@slough.gov.uk no later than 14 days from the date of this letter quoting the address of the proposed trading site.

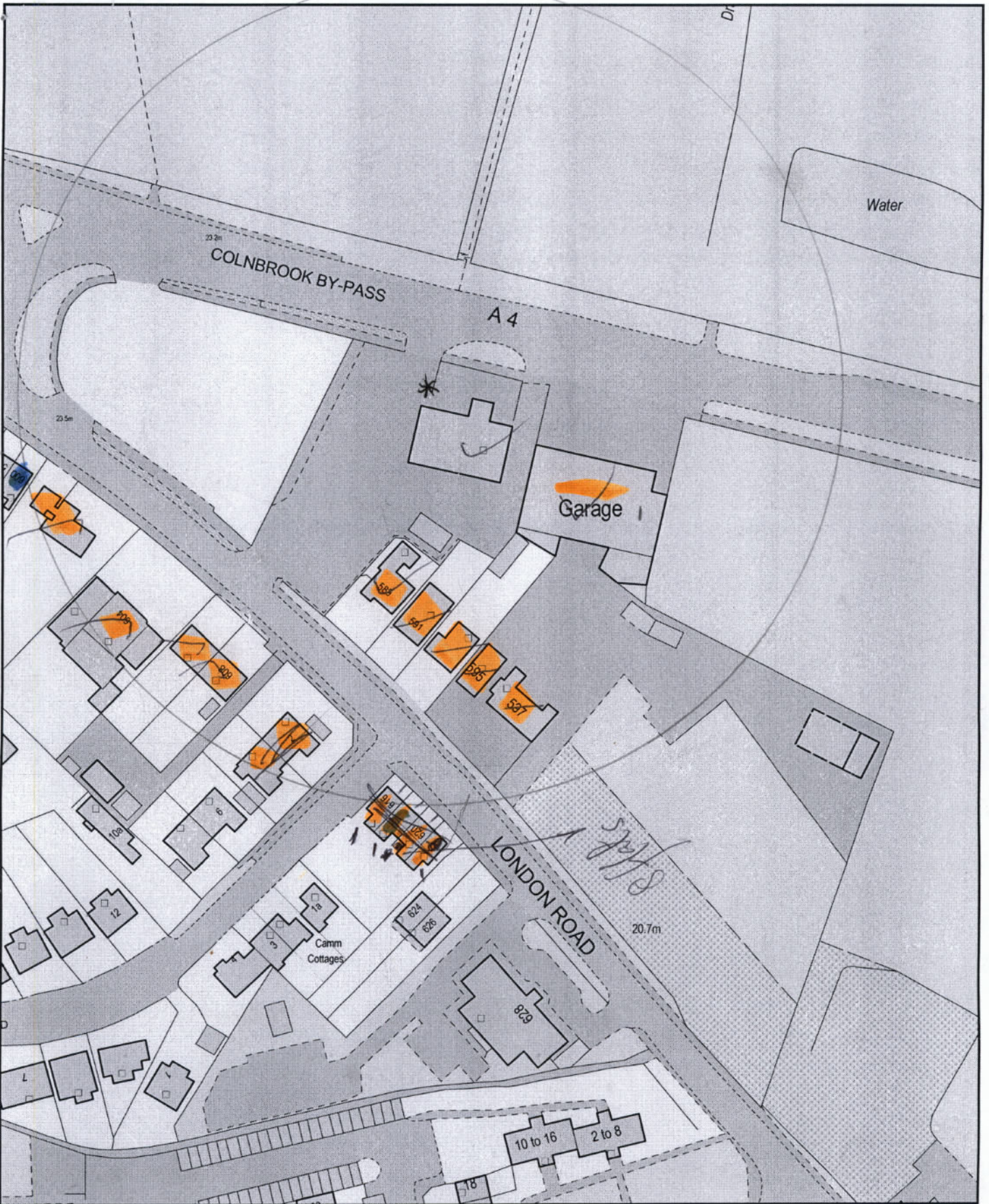
If objections or representations are received to the application the matter will be referred to a Licensing Sub Committee for determination with a hearing to take place normally between 4 to 8 weeks from the date of the application being made.

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.

Yours sincerely,

T Idowu
Licensing Officer
Customer & Community Services

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www.slough.gov.uk
Slough
 Borough Council



Scale - 1:1250
 Time of plot: 13:38 Date of plot: 25/05/2012

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Edwin Aggar

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APPENDIX E

From: James Walsh [colnbrooklabour@hotmail.co.uk]

Sent: 30 July 2012 20:20

To: Idowu Tolani

Subject: Objections to Licensing application - Gibtel

Dear Tola,

I am writing to officially object to the Gibtel licensing application (see below). I will list my reasons as bullet points for sake of clarity.

- The site is already used as a car wash, which was established without planning permission causing a nuisance to neighbouring residents. A service that only marginally benefits our residents is not conducive to striking a balance between Colnbrook as a place to live and Colnbrook as a place to work.
- This site is at the busy London Road/A4 junction with minimal opportunities for parking. In addition, it is adjacent to the derelict "Heathrow Gateway" development, the side of which is already used as a cut-through for traffic when the junction is blocked. Having a fast-food van open during the peak hours (4pm to 8pm) will only exacerbate problems at the site and in neighbouring roads.
- The proposed opening hours do not take into consideration the close proximity of residents to the site - 4pm to 11pm every day of the week is completely excessive and pays no heed to local residents who won't want to be disturbed by the noise, anti-social behaviour and rubbish that these vans can help generate.
- Opening hours that cover each day of the week give no evening respite to residents, who already put up with aircraft, heavy traffic and living in one of the most polluted parts of Berkshire (Brand's Hill is an AQMA).
- The A4 and London Road are congested roads at the best of times and the presence of another fast-food outlet in this area will exacerbate the problems residents already have in getting in and out of their driveways and moving to and from work and school during peak hours.
- There is no need for yet another fast-food outlet in Colnbrook - we have several cafes, a fish n chip shop, Mamas Grill burger shop, several pubs that serve food, an application to open a fast food outlet at the Red Lion site in the High street and proposals for yet another outlet at The Smithy in Bridge Street. This is far too much in such a small village and does nothing to help achieve one of the council's key aims - improving the health of our residents.

For reference, I may call this application in to be considered by the Licensing Committee.

Regards,

James Walsh, Cabinet Commissioner, Health and Wellbeing, **Colnbrook with Poyle Ward**

From: _Licensing
Sent: 06 July 2012 10:28
To: Walsh James
Subject: FW:STC application

Dear All

The Licensing Team has received an application for a Street Trading Consent to enable trading to take place on the Colnbrook By-pass, within the grounds of Gibtel Lodge & Cafe, SL3 8QQ ([Site Map](#)).

The type of trading to be carried out is the supply of hot and cold food and drinks on Monday to Sunday between the hours of 16:00 and 23:00.

Prior to the application being granted the Licensing Team must consult with:

*Thames Valley Police
Royal Berkshire Fire and Rescue
SBC Planning
SBC Highways
SBC Transport
SBC Parking and Development
SBC Trading Standards
SBC Food and Safety
SBC Neighborhood Enforcement Team
Environmental Services and Quality*

I have attached a copy of the application and a formal consultation letter for your information together with the criteria for Site Assessments where Street Trading Consents would not normally be granted.

*Please accept this email and attachments as formal consultation on the application with any objections or representations to be made within 28 days of the date of the attached letter. Any representations must be made by no later than close of business on **Wednesday 1st August 2012**.*

Regards

Tola Idowu

Licensing Officer

☎ 01753 875675

tolani.idowu@slough.gov.uk



Please consider the environmental impact of needlessly printing this e-mail

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All messages sent by this organisation are checked for viruses using the latest antivirus products. This does not guarantee a virus has not been transmitted. Please therefore ensure that you take your own precautions for the detection and eradication of viruses.'

Tola Idowu (Licensing Officer)
Via e-mail

31st July 2012

**Application for a Fast Food Street Trading Consent for land at side of Gibtel London
Road Colnbrook**

Dear Mr. Idowu,

I write to object in the strongest manner to the granting of consent for this food outlet within the ward of Colnbrook with Poyle. The Parish Council, unfortunately are not on your list of Consultees hence the late response. Some of us, having been alerted to this application via word of mouth from irate residents, and confirmed by one of our ward councillors, I will leave aside the official complaint of the non-notification for the whole Parish Council to discuss following its summer recess, and concentrate on the matter at hand.

In dealing with the need of yet another fast food takeaway, whether it be a Street Trading Consent (mobile) or static as in a fixed premises, is extremely difficult to justify. Within our ward we have three BP petrol stations who all provide microwavable 'take out' hot food facilities, two fish and chip shops, three Cafés, a pizza/burger/kebab shop, and an Indian Restaurant which provides a take-out service, and also another mobile burger van which operates along Poyle Road. There is also planning consent granted to three separate premises, under change-of use, all within the High Street and Conservation Area. The availability of these services is a 24 hours 7 day a week service, taking into consideration the Golden Cross Service station at the end of Colnbrook High Street. That makes a total of 11 operating fast food outlets currently, 3 with permission to operate, and this requested permit, a total of 15.

The siting of this requested resource is within 100 meters of residential homes along the London Road and Springfield Road opposite. I would suggest that the aroma issue alone will give rise to many future complaints from those living closest, along with noise and disturbance into the night. These facilities often become a congregation centre for anti-social behaviour, again detracting upon the quality of life of those residents nearby.

On page 2 I have reproduced an aerial photograph indicating the proximity of existing fast food takeaways, and are listed below with Google measured distances between the requested site and the existing sites.

Requested site to New Oceans (Cherwell Close, accessed from A4 London Road) 490 Mtrs

Requested site to 9 Market Place (approved site) 570 Mtrs

Requested sit to The Red Lion (approved site) 600 Mtrs

Requested site to Mama's Grill 1000 Mtrs

Requested site to Riverside Café 1052 Mtrs

Requested site to The Old Smithy (approved site) 1100 Mtrs

I have not included those existing outlets to the eastern end of our ward as they tend to serve the Poyle end of our residents. The ones I have included tend to serve the centre and western sector of our ward and are all within a few minutes walking distance to the addition facility requested.



Aerial View of Closest Hot Food Takeaways

I would strongly recommend that this request be refused on the grounds that the requirement is unjustified.

Yours sincerely,

Cllr. M. J. Nye

Colnbrook with Poyle Parish Council

Ray Angell

31st July 2012

Tola Idowu
Licensing Officer
Slough Borough Council
St. Martins Place
Montem Lane
Slough

Dear Mr. Idowu,

**Application for a Fast Food Street Trading Consent for land at side of Gibtel Lodge
London Road Colnbrook**

I write in objection to the granting of consent for this new fast food outlet within the ward of Colnbrook with Poyle. The Colnbrook with Parish Council, for some are not on your list of Consultees which is the reason for this reply. This came to us via an alert to this application from irate residents, and confirmed by one of our ward councillors. It beggars believe that the Parish Council has not been notified of this licence application and it does not now have time to discuss this application due to the late notice and summer recess. All this after a meeting with the Deputy Leader and our Chair and Vice Chair where again it was emphasised that SBC are failing in consulting with the Parish Council and whereby it was going to be rectified by SBC.

Looking at this application their cannot be a justification for further fast food takeaways , whether it be a Street Trading Consent (mobile) or static as in a fixed premises. Within our ward and very close to this site we have three BP petrol stations who all provide microwavable 'take out' hot food facilities, two fish and chip shops, three cafés, a pizza/burger/kebab shop, one chinese takeaway, a pub that provides Thai food takeaways, one Italian restaurant that does pizza takeaways and an Indian Restaurant which provides a take-out service, and also another mobile burger van which operates along Poyle Road. There is also planning consent granted to three separate premises, under change-of use, all within the High Street and Conservation Area. The availability of many of these services is a 24 hours 7 day a week service, taking into consideration the Golden Cross Service station at the end of Colnbrook High Street. That makes a total of 11 operating fast food outlets currently, 3 with permission to operate, and this requested permit, a total of 15.

The siting of this requested resource is very close to residential homes along the London Road and Springfield Road opposite and at the centre of a very busy gyratory system that is fed by two roads that at the this point have long traffic queues. It is also designated by SBC as having extremely poor air quality caused by the local traffic jams and aircraft. This existing poor air quality together with more cars which will produce further bad quality air surely cannot possible be the right position to carry on a fast food preparation and cooking facility. I would also suggest that the smell issue alone will give rise to many future complaints from those living closest, along with noise and disturbance into the night. These fast food facilities often become a congregation centre for anti-social behaviour, litter strewn all around imploding upon the quality of life of those residents nearby.

Yours sincerely

Ray Angell

Cllr Ray Angell
Vice Chair Colnbrook with Poyle Parish Council

Correspondence:

The Parish Clerk
1, Swallow Gardens
Hatfield, Herts.
AL10 8OR

COLNBROOK with POYLE PARISH COUNCIL



Our Ref: RLNH/JSB/100457

19th September 2012

The Licensing Team
Slough Borough Council
Landmark Place
High Street
Slough SL1 1JL

Dear Sir/Madam,

**Application for a Street Trading Consent @ Tantric Blue and
Gibtel Lodge both on Colnbrook By-pass, Colnbrook**

The Parish Council wishes to object to these street trading consents for the same reasons. There are already sufficient fast food take-away establishments in the area and such additional provision would inevitably add to the existing problems with the anti-social behaviour of lorry drivers along the Colnbrook by-pass, who park in the lay-byes and use the area to urinate and defecate as well as the litter left by discarding urine filled bottles and soiled toilet tissue.

Add to this the cartons and paper cups etc. from this 'amenity' would only exacerbate an already difficult situation.

Yours faithfully,

R.L.N. Hewson
Clerk and Finance Officer

CHAIRMAN:	Mr. Peter Hood	Tel: 01753 682395
VICE CHAIRMAN:	Mr. Ray Angell	Tel: 01753 680507
CLERK & FINANCE OFFICER:	Mr. Roland Hewson	Tel: 01707 267958

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Slough Borough Council
STREET TRADING CONSENTS – GENERAL CONDITIONS

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.

GENERAL CONDITIONS DECLARATION

I (*insert name*).....of (*insert address*).....

.....

having applied for the grant or renewal of a Street Trading Consent issued by Slough Borough Council (Licensing Authority) acknowledge receipt of a copy of the current General Conditions for Street Trading Consents and agree to abide by all the attached conditions.

Signed:.....

Print Name:.....

Date:.....

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

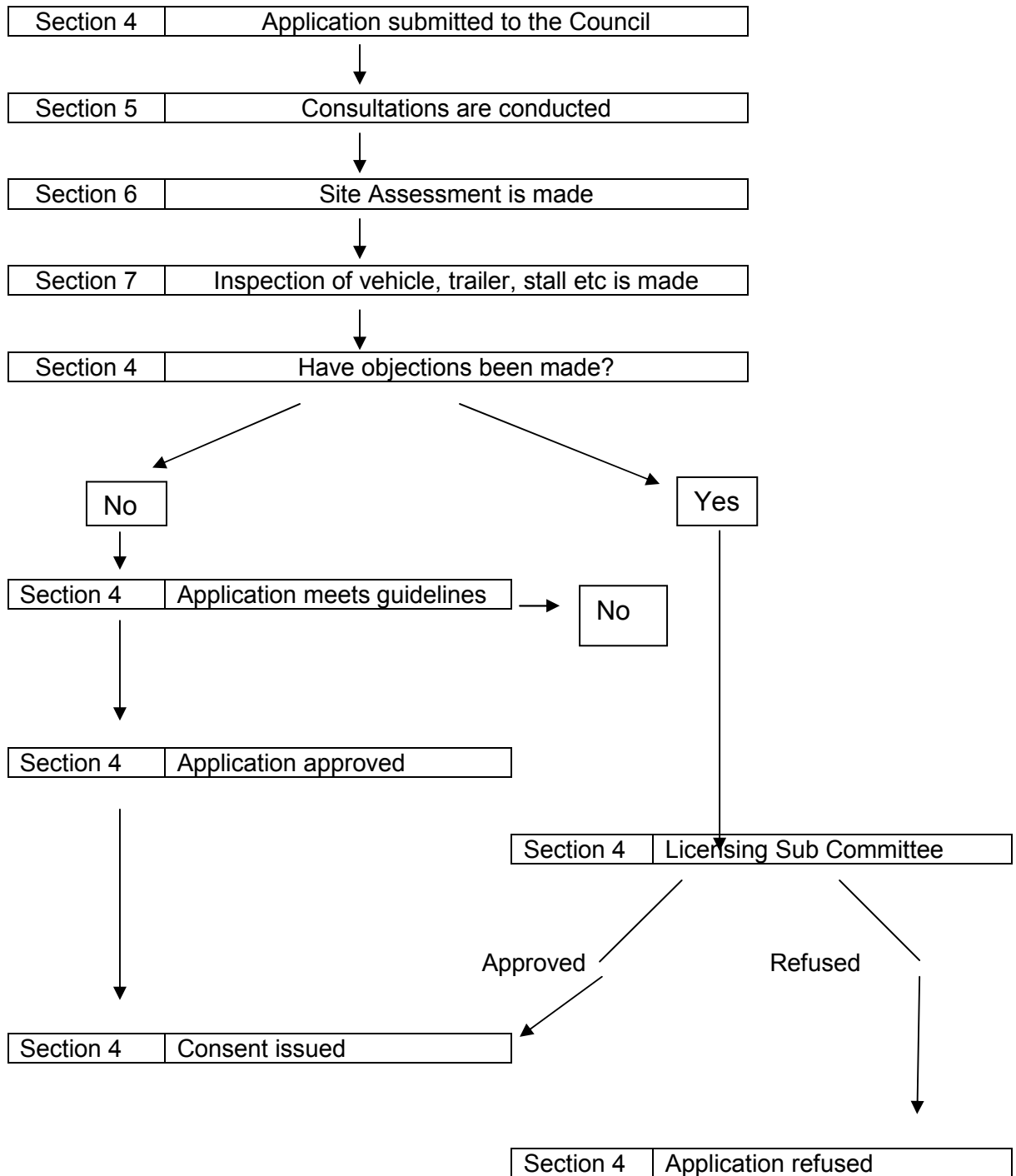
The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

- (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 – Food and Safety Team
- Slough Borough Council – Neighbourhood Enforcement Team
- 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

AGENDA ITEM 6

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

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AGENDA ITEM 7

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of the Local Government Act 1972.

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AGENDA ITEM 8

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of the Local Government Act 1972.

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