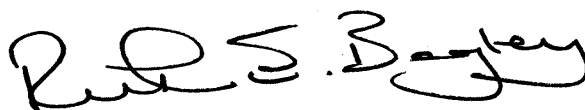


Date of issue: 2nd November 2012

MEETING	LICENSING SUB-COMMITTEE (Councillors Rasib (Chair), Malik and Plimmer)
DATE AND TIME:	MONDAY, 12TH NOVEMBER, 2012 AT 10.00 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

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

Apologies for absence.

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

CONSTITUTIONAL MATTERS

1. Declarations of Interest

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

LICENSING ISSUES

- | | | | |
|----|---|---------|----------------------|
| 2. | Application for a Premises Licence - 17 Elmshott Lane, Cippenham, Slough | 1 - 42 | Cippenham Green |
| 3. | Street Trading Application - Kondal Catering, Gibtel Lodge Car Park, Colnbrook By Pass, Colnbrook, Slough | 43 - 88 | Colnbrook with Poyle |
| 4. | 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

- | | | | |
|----|---|----------|-----|
| 5. | Private Hire Driver Conduct Hearing (Reference 04-12) | 89 - 128 | All |
|----|---|----------|-----|

Press and Public

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



SLOUGH BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE - 12 NOVEMBER 2012
LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE FOR KZ, 17 ELMSHOTT LANE, CIPPENHAM, SLOUGH, SL1 5QS

1. The Application

The application is being made by Mr Javed Khan and Imran Ahmed, for a new premises licence called KZ, 17 Elmshott Lane, Slough, SL1 5QS.

The application is for the licensable activity of the Provision of Late Night Refreshment – On and off the Premises between the hours of 23.00 hrs and 01.00 hrs Monday to Sunday.

Copy of the application form is attached at **Appendix “A”**.

A representation from a local resident to the application is attached at **Appendix “B”**.

No representations have been received from any Responsible Authority.

2. Background

A visit was made to the premises on 7th September 2012 at 23:20 hrs by Nicola Keegan, Assistant Licensing Officer, Slough Borough Council and Debie Pearmain Thames Valley Police Licensing Officer during a scheduled enforcement operation. It was found that KZ was opening after 23:00 hrs in contravention of the requirements of the Licensing Act 2003 which states that the Provision of Late Night Refreshment between 23:00 hrs and 05:00 hrs is a licensable activity and requires a premises licence to be in force.

Mrs Keegan and Mrs Pearmain spoke to one of the owners, Mr Javed Khan, who advised he is new to the food business and did not realise that a premises licence was needed and did not realise he was committing an offence by opening past 23:00 hrs. Mr Khan also stated that he had been regularly opening after 23:00. Mrs Pearmain cautioned Mr Khan and told him to close the premises immediately.

On the 12th September 2012 Mrs Keegan sent Mr Khan an advisory letter to the premises and his home address confirming the offence and inviting Mr Khan to submit a premises licence application. On 20th September 2012 Mrs Keegan received a letter from Mr Javed Khan replying to her letter of 12th September 2012.

Copy of the letter C/o premises is attached at **Appendix “C”**.

Copy of Mr Javed Khan's letter is attached at **Appendix “D”**.

Prior to the submission of this premises licence application no complaints were received by the Licensing Office with regard to this premises. No representations or comments have been received with regard to this application either from the Slough Borough Council Neighbourhood Enforcement/Environmental Health Team with regard to noise complaints at or near the premises or Thames Valley Police with regard to crime and disorder at or near the premises.

3. Representations Received

A representation has been received from a local resident **Appendix “B”**, raising concerns over the premises being permitted to provide Late Night Refreshment. The grounds for objecting can be summarised as follows:

- Increase in noise pollution
- Increased disturbance to local residents
- Increase in anti-social behaviour

Although this representation has been included, the Committee should carefully consider if this is a valid representation.

The Committee may wish to consider if the reasons for objecting to the application are relevant bearing in mind that Thames Valley Police, the main enforcement agency for crime and disorder and Slough Borough Council Neighbourhood Enforcement/Environmental Health Team, the main enforcement agency for public nuisance, have not objected to the application on any of the reasons outlined in the petition which would come within the Licensing Objectives of Crime and Disorder and Prevention of Public Nuisance.

Thames Valley Police have requested that additional conditions be added to the premises licence should it be granted. The applicant has agreed to the addition of all the requested conditions.

Copy of the requested conditions is attached at **Appendix “E”**.

Copy of the applicant acceptance is attached at **Appendix “F”**.

One of the applicant's, Javed Khan, has sent an initial response, via email, to the representation to his premises licence application.

Mr Javed Khan's response to the representation attached at **Appendix “G”**.

4. The Sub-Committee must have regard to:

- The Licensing Act 2003
- The Guidance given by the Secretary of State – The Sub-Committee can decide not to follow the Guidance if it has good reason to do so

- The Council's Statement of Licensing Policy. The Sub-Committee must have regard to the Council's policy but may depart from it if it has good reason to do so.
- The overriding principle is that each application will be determined on its merits.

5. 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.

6. Options Available

The Sub-Committee may

1. Grant the application as it stands in which case it would be issued subject to the relevant mandatory conditions and conditions consistent with the applicant's operating schedule.
2. Grant the application subject to further conditions which are reasonable, proportionate and necessary in order to meet one or more of the four licensing objectives i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.
3. Refuse the application.

7. Appeals

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

8. Appendices

- A. Application.
- B. Local resident representation.
- C. Letter from Licensing to Mr Khan c/o premises
- D. Letter from Mr Khan to Mrs Keegan
- E. Thames Valley Police additional conditions
- F. Applicant acceptance of additional conditions
- G. Response to representation by Mr Khan

9. Background Papers

1. The Licensing Act 2003.
2. Guidance issued under Section 182 of the Licensing Act 2003.

3. Regulations (cited as the Licensing Act 2003 ([various]) Orders 2005).
4. Slough Borough Council Statement of Licensing Policy – December 2010.

Contacts for further information

Melanie Sagar, Licensing Officer

01753 875110

melanie.sagar@slough.gov.uk

Mick Sims, Licensing Manager

01753 477387

michael.sims@slough.gov.uk

APPENDIX A

RECEIVED

18 SEP 2012

Application for a Premises Licence to Be Granted Under the Licensing Act 2003

594462

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We JAVED KHAN AND IMRAN AHMED
(Insert name(s) of applicant)

apply for a Premises Licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
17 ELM SHOTT LANE. CIPPENHAM. SLOUGH BERKSHIRE			
Post town	SLOUGH	Post code	SL1 5QS

Telephone number at premises (if any)	01628-668600
Non-domestic rate-able value of premises	£1824 (ONE THOUSAND EIGHT HUNDRED AND TWENTY FOUR) POUNDS PER ANNUM

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-----|---|
| a) an individual or individuals * | N/A | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | N/A | |
| i. as a limited company | N/A | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership ✓ | | <input checked="" type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | N/A | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | N/A | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | N/A | <input type="checkbox"/> please complete section (B) |
| d) a charity | N/A | <input type="checkbox"/> please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- g) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	JAVED KHAN
Address	[REDACTED]
Registered number (where applicable)	N/A.
Description of applicant (for example, partnership, company, unincorporated association etc.)	PARTNERSHIP
Telephone number (if any)	[REDACTED]
E-mail address (optional)	N/A.

Part 3 Operating Schedule

When do you want the premises licence to start?

ASAP.

Day	Month	Year
0	1	12

SOONER
IF
POSSIBLE

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

N/A.

Please give a general description of the premises (please read guidance note1)

FAST-FOOD
TAKE-AWAY
PREMISES

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

☐
☐
☐
☐
☐
☐
☐
☐

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

☐
☐
☐

Provision of late night refreshment (if ticking yes, fill in box L)

☒

Supply of alcohol (if ticking yes, fill in box M)

☐

In all cases complete boxes N, O and P

N/A

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11.00 AM	01.00 AM	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	11.00 AM	01.00 AM			
Wed	11.00 AM	01.00 AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thurs	11.00 AM	01.00 AM			
Fri	11.00 AM	01.00 AM	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11.00 AM	01.00 AM			
Sun	11.00 AM	01.00 AM			

1 SMALL TABLE AND 4 CHAIRS
OUTSIDE FOR O.A.P. AND/OR DISABLED PEOPLE

N/A

N/A

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) <u>DEFINITELY</u> <u>NOT APPLICABLE</u>	On the premises <input type="checkbox"/> Off the premises <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A	
Mon	N/A	N/A		
Tue	N/A	N/A		
Wed	N/A	N/A		
Thurs	N/A	N/A		
Fri	N/A	N/A		
Sat	N/A	N/A		
Sun	N/A	N/A	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) N/A	

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	JAVED KHAN.
Address	[REDACTED]
Postcode	[REDACTED]
Personal Licence number (if known)	
Issuing licensing authority (if known)	SHROUTH BOROUGH COUNCIL

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1100	0100	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	1100	0100	
Wed	1100	0100	
Thurs	1100	0100	
Fri	1100	0100	
Sat	1100	0100	
Sun	1100	0100	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

see . operating Schedule .

b) The prevention of crime and disorder

See operating Schedule.

c) Public safety

See operating Schedule.

d) The prevention of public nuisance

See operating Schedule.

e) The protection of children from harm

See. operating Schedule.

Please tick yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	[Redacted]
Date	17/9/12
Capacity	OWNER

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	[Redacted] (INRAN AHMED)
Date	17/9/12
Capacity	OWNER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

A Guide to Completing your Operating Schedule

Reply to: **Licensing**
Tel: **01753 875664**
E-Mail: **licensing@slough.gov.uk**

The operating schedule will form part of the completed application form for a **Premises Licence or Club Premises Certificate**. An operating schedule should include information which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory.

Where the operating schedule forms part of a **new application or an application to vary conditions**, the licensing authority will take the following general matters into account:-

- Type of activity
- Duration of proposed licensable activities which are regulated entertainment
- Proposed hours of operation
- Capacity / occupancy levels of premises
- Proximity to local residents, and in particular where residents are located above, below, opposite or; immediately adjacent to premises
- Access to public transport services

MANDATORY CONDITIONS

The Licensing Act 2003 details specific mandatory conditions that **MUST** be entered on all licenses dependant upon the type of licensable activity taking place. These are:

AUTHORISATION OF ALCOHOL

The supply or sale of alcohol is prohibited when:

- (a) At a time when there is no Designated Premises Supervisor in respect of the premises

OR

- (b) At a time when the Designated Premises Supervisor does not hold a personal licence.

In addition every supply of alcohol must be made or authorised by a person who holds a Personal Licence.

EXHIBITION OF FILMS

Where a Premises Licence authorises the exhibition of films:

- (a) the admission of children is restricted in accordance with any recommendation by the film classification body
- (b) where the film classification is not specified, admission of children must be restricted to any recommendation made by the Licensing Authority in the Premises Licence

DOOR SUPERVISION

Where at specific times one or more individuals must be at the premises to carry out a security activity, all such individuals must be licensed by the Security Industry Authority (SIA). Exemptions to this requirement are:-

- (1) Premises which hold a Premises Licence authorising plays or films
- (2) Premises being used exclusively by a club with a Club Premises Certificate, under a Temporary Event Notice authorising plays or films or under a Gaming Licence.
- (3) Any occasion on which letters patent of the Crown make it lawful for those premises to be used for the public performance of plays without a licence (prescribed by regulations under the Act).

CLUB PREMISES CERTIFICATES

SUPPLY OF ALCOHOL FOR CONSUMPTION ON and OFF THE PREMISES

1. The supply of alcohol must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the Club Premises Certificate, to members of the club for consumption on the premises
2. The supply of alcohol for consumption off the premises must be in a sealed container
3. The supply of alcohol for consumption off the premises must be made to a member of the club in person

MANDATORY LICENCE CONDITIONS

(The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010)

The conditions in paragraphs 1 to 3 and 5 of the Schedule apply to existing and future premise licences and club premises certificates where the licence or certificate authorises the supply of alcohol on the premises but **NOT** where the licence or certificate authorises the sale by retail or supply of alcohol **ONLY FOR CONSUMPTION OFF THE PREMISES**.

Condition 1. (Effective date 6th April 2010)

(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Condition 2. (Effective date 6th April 2010)

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Condition 3. (Effective date 6th April 2010)

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Condition 4. (Effective date 1st October 2010)

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Condition 5. (Effective date 1st October 2010)

The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Attached are examples of ways in which you can promote the licensing objectives and could be included in your Operating Schedule.

(Please Note: This list is neither definitive nor prescriptive, but is merely clearly worded examples of possible ways in which the licensing objectives can be promoted)

Remember, what you put in your Operating Schedule may be translated into a condition on your Premises Licence or Club Premises Certificate.

Do not include anything that you do not intend to do to promote the licensing objectives.

CRIME AND DISORDER

<u>Door Supervisors</u>	I intend to promote the 4 licensing objectives by (Please tick)
1. Will be correctly registered with the Security Industry Authority (S.I.A.).	<input type="checkbox"/>
2. Door supervisor ratio agreed by the Police and Licensing Authority, which is 1: __	<input type="checkbox"/>
3. A female door supervisor will be available if searches are to be conducted on female customers.	<input type="checkbox"/>
4. Where there are 5 or more door supervisors, at least one of these will be female.	<input type="checkbox"/>
5. Will wear clothing that can be easily and clearly identifiable on Closed Circuit Television (C.C.T.V.) – yellow reflective tabards.	<input type="checkbox"/>
6. Will be in attendance at the entrance of the premises from ____ hrs until the main exit doors to the premises are closed, and at any time when patrons may be queuing for access.	<input type="checkbox"/>
7. Door Supervisors will be issued with multi-channel radios capable of communicating with other door supervisors, the designated premises supervisor and Town Centre radio link where applicable	<input type="checkbox"/>
8. A Door Supervisor Register is kept and includes names, dates and times of the persons employed in such capacity. An incident register will be kept to record all incidents of disorder at the premise and immediately outside and the manager and member of staff involved in incident must sign off entry. These registers must remain on site at all times.	<input type="checkbox"/>
<u>C.C.T.V.</u>	
9. A C.C.T.V. system has been installed and is working to the satisfaction of Thames Valley Police and the Licensing Authority.	<input checked="" type="checkbox"/>
10. CCTV recordings will be maintained for a period of 31 days	<input checked="" type="checkbox"/>

CRIME AND DISORDER		I intend to promote the 4 licensing objectives by (Please tick)
C.C.T.V. (Cont'd)		
11.	If the C.C.T.V. equipment fails, the Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.	<input checked="" type="checkbox"/>
12.	A notice will be displayed at the entrance to the premises advising that C.C.T.V. is in operation.	<input checked="" type="checkbox"/>
13.	At least one C.C.T.V. camera will be in operation at the front of the premises at all times when the premise's is in use.	<input checked="" type="checkbox"/>
<u>Bottles and glasses</u>		
14.	Alcohol and soft drinks will be served in plastic or toughened glasses.	<input type="checkbox"/>
15.	All bottles sold will be made of plastic (where available).	<input type="checkbox"/>
16.	Where glass bottles are to be used the contents will be decanted into plastic or toughened glasses where it is not intended that the contents are to be consumed direct from the bottle.	<input type="checkbox"/>
17.	Customers carrying open or sealed bottles or glasses will not be admitted to the premises at any time.	<input type="checkbox"/>
18.	Customers will not be permitted to take open containers of alcoholic or soft drinks from the premises.	<input type="checkbox"/>
19.	All bottles and glasses are to be removed from public areas as soon as the contents have been drunk or are empty.	<input type="checkbox"/>
20.	Bottle bins for collection or empty bottles will not be accessible to members of the public.	<input type="checkbox"/>
<u>Radios</u>		
21.	We are members of the Town Link Radio System which provides two way communications between licensed premises in Slough, the Police & the Licensing Authority (i.e. C.C.T.V.).	<input type="checkbox"/>
22.	The equipment will be kept in working order at all times.	<input type="checkbox"/>
23.	The equipment will be on at all times the premises are open to the public, and will be monitored by the Designated Premises Supervisor or other responsible staff member.	<input type="checkbox"/>

CRIME AND DISORDER		I intend to promote the 4 licensing objectives by (Please tick)
Capacity Limits		
24.	All instances of crime and disorder will be reported to the Police as soon as reasonably practicable via C.C.T.V. or the radio.	<input checked="" type="checkbox"/>
25.	We have a capacity limit of _____ to prevent overcrowding which could lead to crime and disorder.	<input type="checkbox"/>
26.	Door supervisors will ensure the capacity limits are not exceeded, at all times.	<input type="checkbox"/>
<u>Proof of age cards</u>		
27.	We have a proof of age policy that has been formulated in discussion with the Police and the Licensing Authority.	<input type="checkbox"/>
<u>Drinks promotions</u>		
28.	All-inclusive nights or other irresponsible drinks promotions will not to be permitted.	<input type="checkbox"/>
29.	The Designated Premises Supervisor or a Personal Licence holder will be in charge of the premises when any drinks promotions are taking place.	<input type="checkbox"/>
<u>Drugs</u>		
30.	We have an anti-drugs policy that has been agreed following discussion with the Police and the Licensing Authority and is in line with the Safer Clubbing Guidance.	<input type="checkbox"/>
31.	A secure facility to store controlled drugs prior to collection is available.	<input type="checkbox"/>
32.	A drugs register will be maintained.	<input type="checkbox"/>
33.	The Police will be notified of all seizures of controlled drugs.	<input type="checkbox"/>
<u>Notices</u>		
34.	Crime prevention notices are displayed warning customers of the possibility of crime which may target them, e.g. "Bags should not be left unattended" , "Watch out for Pickpockets" .	<input type="checkbox"/>

CRIME AND DISORDER		I intend to promote the 4 licensing objectives by (Please tick)
Notices (Cont'd)		
35.	A detailed "Customer Code of Conduct" poster is conspicuously displayed warning customers that if they act in an inappropriate manner they could be barred from all licensed premises in the vicinity.	<input type="checkbox"/>
General		
36.	We are a member of Pubwatch and a representative attends Pubwatch meetings and participates in all initiatives.	<input type="checkbox"/>
37.	A Personal Licence holder will be at the premises at all times when alcohol is being sold or regulated entertainment is being provided.	<input type="checkbox"/>
38.	We have a policy on the safe management of large groups, i.e. hen and stag parties.	<input type="checkbox"/>
39.	A secure area for customer's personal belongings is available.	<input type="checkbox"/>
40.	During under 18 nights, no alcohol is available to any customers.	<input type="checkbox"/>

PUBLIC SAFETY

41.	The premises have current and suitable Public Liability Insurance in the sum of £ <u>2</u> million. A certificate will be obtained each year and displayed at the premises.	<input checked="" type="checkbox"/>
42.	An appropriately qualified Medical Practitioner is present throughout any sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.	<input type="checkbox"/>
43.	Where a ring is involved, it is constructed and maintained by a competent person and inspected by a competent authority before use. Any material used to form this is fire-retardant.	<input type="checkbox"/>
44.	At any wrestling or similar entertainment, members of the public will not occupy any seat within 2.5 metres of the ring.	<input type="checkbox"/>
45.	At water sports entertainments, an appropriate member of staff trained in rescue and life saving procedures is stationed within the vicinity of the water at all times.	<input type="checkbox"/>

PUBLIC SAFETY		I intend to promote the 4 licensing objectives by (Please tick)
Indoor Sports Entertainments		
46.	Special effects including the following will only be used with prior notification to the Licensing and/or Fire authorities:- Dry ice machines and cryogenic fog; Smoke machines and fog generators; Pyrotechnics, including fireworks; Real flame; Firearms; Motor vehicles; Strobe lighting; Lasers; Explosives and highly flammable substances.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
PUBLIC SAFETY		
<u>General</u>		
47.	Free drinking water will be available at all times when the premises are open to the public and taps are labelled as such.	<input type="checkbox"/>
48.	A chill out area is provided which is to the satisfaction of the Police and Licensing Authority.	<input type="checkbox"/>
49.	Personal safety messages are displayed, e.g. "Make mine a safe one" or similar poster campaigns.	<input type="checkbox"/>
50.	A "Hot Line" to local taxi firms is available.	<input type="checkbox"/>
51.	A policy is in place for escorting all patrons from the premises to a licensed taxi or private hire vehicle should a request be made.	<input type="checkbox"/>
52.	Seats are available to accommodate ____% of the maximum capacity of the premises.	<input type="checkbox"/>
53.	A continuous and accurate record is maintained of the number of patrons within the premises. These records are available upon request.	<input type="checkbox"/>
54.	Searching, as a condition of entry will be considered at all times and will be mandatory when directed by Police.	<input type="checkbox"/>

PUBLIC SAFETY (Theatres, Cinemas, Concert Halls & similar places)

Premises used for closely seated audiences Attendants		I intend to promote the 4 licensing objectives by (Please tick)
55. The number of attendants on each floor in the auditorium is _____.		<input type="checkbox"/>
Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor	
1 – 100	One	
101 – 250	Two	
251 – 500	Three	
501 – 750	Four	
751 – 1000	Five	
And one additional attendant for each additional 250 persons (or part thereof)		
56. Attendants are not engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or result in their absence from the auditorium when they are on duty.		<input type="checkbox"/>
57. Attendants are readily identifiable to the audience.		<input type="checkbox"/>
58. The premises are only used for a closely seated audience in accordance with seating plans. A copy of the plan is available at the premises.		<input type="checkbox"/>
59. The premises have a certificate confirming the suitability of the design, construction and loading of any temporary seating which should be kept available at all times.		<input type="checkbox"/>
PUBLIC SAFETY (Theatres, Cinemas, Concert Halls & similar places) Gangways		
60. Sitting on floors will not be permitted except where authorised in the Premises Licence.		<input type="checkbox"/>

Premises used for closely seated audiences Gangways (Cont'd)	I intend to promote the 4 licensing objectives by (Please tick)
---	--

61. Waiting or standing will not to be permitted except in areas designated in the Premises Licence.	<input type="checkbox"/>
62. In no circumstances is anyone permitted to:- (i) Sit in any gangway; (ii) Stand or sit in front of an exit; or (iii) Stand or sit on any staircase including any landings.	<input type="checkbox"/>

PUBLIC SAFETY (Theatres, Cinemas, Concert Halls & similar places)

General

63. No drinks will be sold to or consumed by a closely seated audience unless they are in plastic or paper containers.	<input type="checkbox"/>
64. Where the potential audience exceeds 250, all seats in the auditorium are, except in boxes accommodating not more than 8 persons, either securely fixed to the floor or securely linked together in lengths of not fewer than four or more than twelve.	<input type="checkbox"/>

Premises use for film exhibitions

65. The number of attendants on each floor in the auditorium is _____.	<input type="checkbox"/>
--	--------------------------


Attendants – premises without a staff alerting system

Number of members of audience present on the premises	Minimum number of attendants required to be on duty	<input type="checkbox"/>
1 – 250	Two	
And one additional attendant for each additional 250 members of the audience present (or part thereof).		
Where there are more than 150 members of an audience in any auditorium or on any floor.	At least one attendant shall be present in any auditorium or on any floor.	

PUBLIC SAFETY (Theatres, Cinemas, Concert Halls & similar places)			I intend to promote the 4 licensing objectives by (Please tick)
<u>Attendants – premises with a staff alerting system</u>			
Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency	
1 – 500	Two	One	

501 – 1000	Three	Two	<input type="checkbox"/>
1001 – 1500	Four	Four	
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	
66. The staff alerting system is maintained in working order.			<input type="checkbox"/>

PREVENTION OF PUBLIC NUISANCE

 Noise and vibration		I intend to promote the 4 licensing objectives by (Please tick)
67.	A noise management plan has been devised and is in operation at the premises.	<input checked="" type="checkbox"/>
68.	Noise or vibration from the premises will be maintained at a level that will not be audible at the façade of any neighbouring noise sensitive premises.	<input checked="" type="checkbox"/>
69.	Doors and windows will be kept closed when regulated entertainment is taking place.	<input type="checkbox"/>
70.	All windows are double glazed to minimise the breakout of noise.	<input type="checkbox"/>
71.	The premises are air-conditioned to avoid the need to open doors and windows for ventilation.	<input type="checkbox"/>

72.	All entrances and exits have an effective lobby to minimise the breakout of noise.	<input type="checkbox"/>
73.	Noise limiters are fitted to amplification equipment and have been set at a level agreed with the local authority.	<input type="checkbox"/>
74.	Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.	<input type="checkbox"/>
75.	Disposal of empty bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 23:00 hrs and 07:00 hrs to minimise disturbance to nearby occupiers.	<input checked="" type="checkbox"/>
76.	For the final hours of opening the music is reduced in volume and is discernibly quieter.	<input type="checkbox"/>
77.	The playing of live or recorded music in garden or outside seating areas of the premises is not permitted.	<input type="checkbox"/>
78.	The playing of live or recorded music in garden or outside seating areas of the premises is not permitted after _____ hrs.	<input type="checkbox"/>
79.	The garden or outside seating areas are closed to the public after _____ hrs.	<input type="checkbox"/>
80.	A full acoustic survey into the impact of noise from the premises has been carried out by a competent person. All recommendations have been carried out.	<input type="checkbox"/>
Noxious smells		
81.	All ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties.	<input checked="" type="checkbox"/>
Light pollution		
82.	Flashing / bright / flood lights used outside the premises and any security or access lighting installed will not be operated so as to cause a nuisance to nearby occupiers.	<input checked="" type="checkbox"/>
83.	All external lighting, including floodlighting, is directed away from adjacent occupiers.	<input checked="" type="checkbox"/>
Litter		
84.	<u>1</u> litter receptacles are placed outside the premises for customers to use and are emptied at least daily.	<input checked="" type="checkbox"/>
85.	Staff undertake a litter pick to a distance of <u>10</u> metres around the premises daily.	<input checked="" type="checkbox"/>

PROTECTION OF CHILDREN FROM HARM

<u>General</u>	I intend to promote the 4 licensing objectives by (Please tick)
86. The premise's provides entertainment of a clearly adult or sexual nature and as such access is not permitted to people under 18 years of age.	<input type="checkbox"/>
87. The premise's operates a proof of age policy that has been agreed by the police.	<input type="checkbox"/>
88. A crime prevention policy agreed by the police and local authority is in place.	<input type="checkbox"/>
<u>Nudity and Striptease</u>	
89. Advertising of such events will not be displayed <u>on</u> the premises so that it is seen from outside the premises.	<input type="checkbox"/>
90. No person under 18 years of age is permitted to enter the premises whilst nudity or striptease is taking place.	<input type="checkbox"/>
91. The activities inside the premises cannot be seen from outside the premises.	<input type="checkbox"/>
92. Conditions relating to regulated entertainment involving striptease, pole dancing, lap dancing, nudity or semi-nudity have been agreed in advance of such events with the Licensing Authority.	<input type="checkbox"/>

Name of Applicant:

JAVED KHAN.

If on behalf of Applicant:

(please enter full details and position)

N/A.

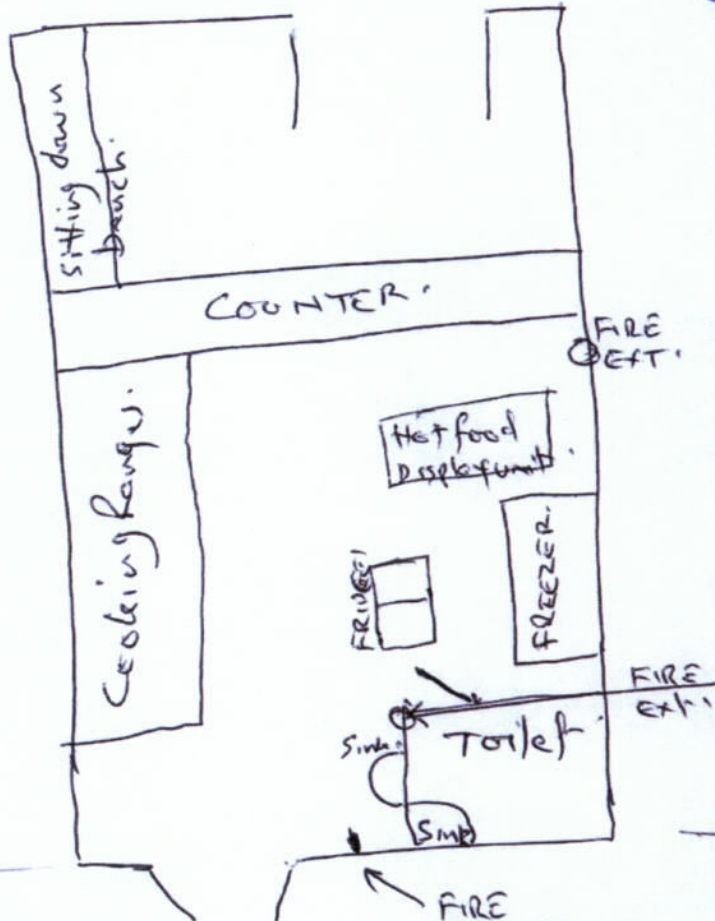
Date:

17/9/12.

LAY OUT OF THE SHOP

Elm Street
One.

FRONT DOOR



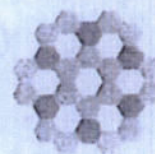
Back Door
+
Fire exit

PREMISES

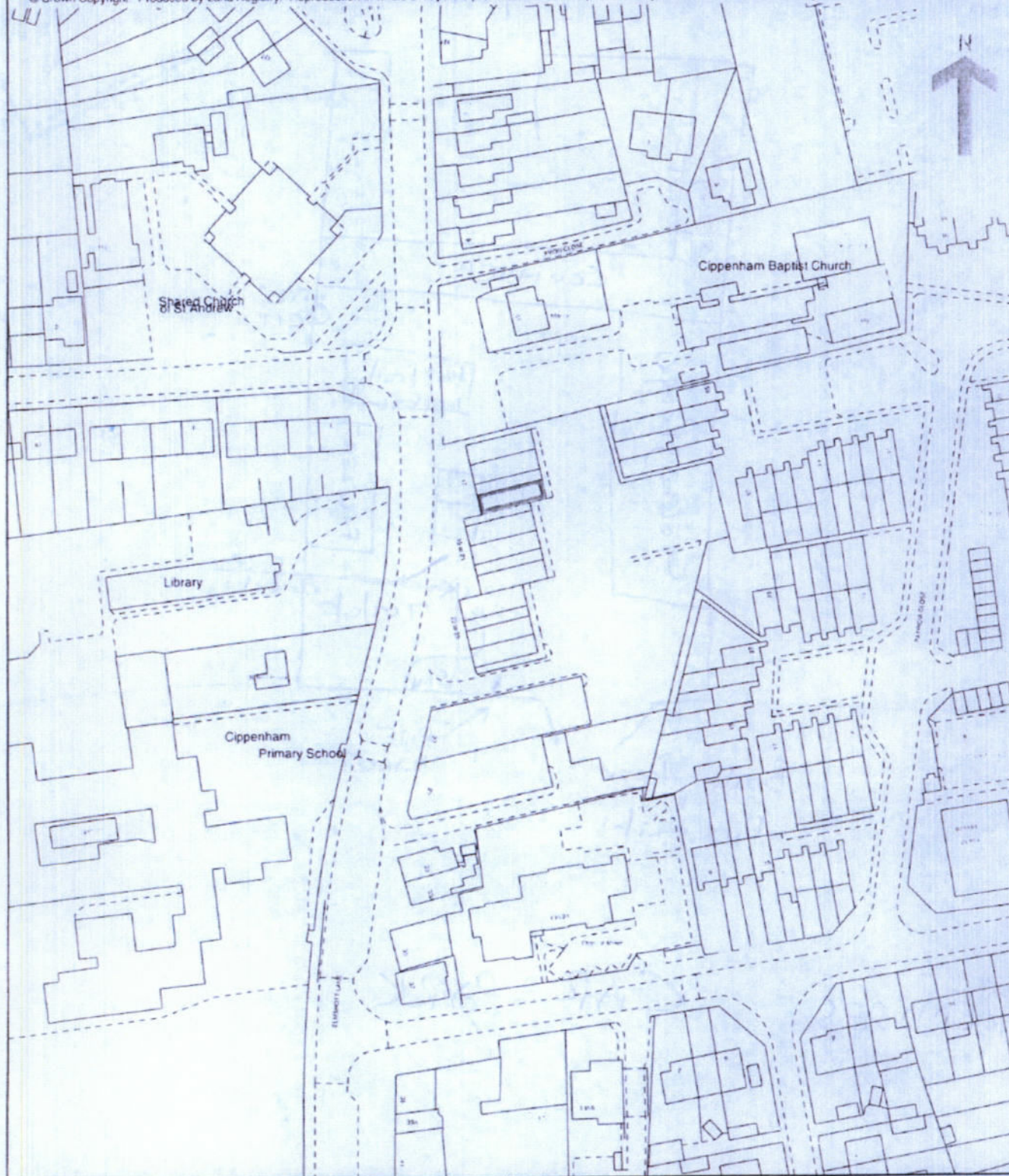
CAR PARK

Land Registry
Official copy of
title plan

Title number **BK444673**
Ordnance Survey map reference **SU9480NW**
Scale **1:1250**
Administrative area **Slough**



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This official copy issued on 26 July 2011 shows the state of this title plan on 26 July 2011 at 10:32:14. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by Land Registry, Gloucester Office.

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Contact Licensing submitted - objection rec'd 16.10.12.txt
 From: eforms@slough.gov.uk
 Sent: 16 October 2012 14:51
 To: _Licensing
 Subject: Contact Licensing submitted

An instance of the Contact Licensing form has been submitted. 14:53:25 16 Oct 2012

The status of this form is: New

 Form Data:

Your name:: [REDACTED]
 Your email address:: [REDACTED] Your enquiry:: Reference;K's
 restaurant, Elmslot Lane

I am objecting against the above restaurant applying to open between 11p.m to 1.00a.m. Firstly this will cause too much noise with any customers and staff leaving the premises in the early hours of the morning.

2nd why do they need to be open during the night apart from attracting all the undesirable people to gather which has happened in the past, like drug dealers.

3rd reason the car park used by the restaurant is right next to my house we are already usually woken at 5.00a.m. which is the time lorries turn up to make their deliveries to the Coop shop.

I also think it's bad that we were not personally notified about these plans.

So I think this is a noise problem, a safety problem and a social problem.

Please reply to this E-mail.

Yours faithfully [REDACTED]

'Disclaimer: You should be aware that all e-mails received and sent by this Council are subject to the Freedom of Information Act 2000 and therefore may be disclosed to a third party. (The information contained in this message or any of its attachments may be privileged and confidential and intended for the exclusive use of the addressee). The views expressed may not be official policy but the personal views of the originator. If you are not the addressee any disclosure, reproduction, distribution, other dissemination or use of this communication is strictly prohibited. If you received this message in error please return it to the originator and confirm that you have deleted all copies of it. 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.'

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12th Septmeber 2012

APPENDIX C

Mr Javed Khan
KZ
Elmshott Lane
Cippenham
Slough
SL1 5QS

Mr Khan

Department: Public Protection Services

Contact Name: Nicola Keegan

Contact No: 01753 875664

Fax: 01753 875809

Email: licensing@slough.gov.uk

Our Ref:

Your Ref:

REF: Application for Premises Licence (Licensing Act 2003) for the Provision of Late Night Refreshment

Further to my visit to your premises on Friday 7th September 2012 with Debie Pearmain, Police Licensing Officer, whereby we witnessed the sale of hot food to customers after 11pm. I must advise that the **selling of hot food and hot drink after 11pm** is licensable and requires a Premises Licence (issued under the Licensing Act 2003) for the provision of 'Late Night Refreshment'.

As you do not have a licence, you cannot trade after 11pm. However, if you wish to trade after 11pm you will need to apply for a Premises Licence.

The licensing team will be able to advise you on the full application procedure.

Please note: Carrying out a 'licensable activity' without the authorisation of a premises licence will result in prosecution and could lead to a fine of £20,000 and/or 6 months imprisonment.

Yours sincerely

Nicola Keegan
Assistant Licensing Officer
Public Protection Service

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Slough Borough Council.
My Council Offices
Landmark Place
High Street
Slough SL1 1SL

RECEIVED

20 SEP 2012

CURREF: - KZ/JK/BC
YOUR REF: - ????

APPENDIX D

15-08-2012

FOR THE PERSONAL ATTENTION OF:- NICOLA KEEGAN
ASSISTANT LICENSING OFFICER
PUBLIC PROTECTION SERVICES DEPARTMENT

DEAR M/S KEEGAN,

REF: - APPLICATION FOR PREMISES LICENCE
(LICENSING ACT 2003) FOR THE PROVISION OF
LATE NIGHT REFRESHMENT FOR
KZ ELMSHOTT LANE CIPPENHAM SLOUGH.

THANK YOU FOR YOUR LETTER DATED 12/09/2012
IN THE ABOVE MENTIONED MATTER

BOTH MY PARTNER AND THE WRITER OF THIS
LETTER HERewith HEREBY AND HEREUNDER PROFUSELY
APOLOGIZE FOR CONTRAVENING THE LICENSING ACT 2003
AS DESCRIBED IN YOUR LETTER AFTER YOUR VISIT TO OUR
PREMISES AT ELMSHOTT LANE CIPPENHAM SLOUGH ON 7/9/12

WE ARE BOTH FAIRLY NEW TO THIS BUSINESS AND
WHILST APPRECIATING AND UNDERSTANDING THAT IGNORANCE OR
UNAWARENESS OF THE LAW IS NO EXCUSE IN A COURT LAW

WE SINCERELY TRUST THAT A MITIGATORY LEVEL OF OUR POSITION
WILL BE DULY NOTED AND UNDERSTOOD FULLY BY THE LICENSING DEPT.

FINALLY WE DO WISH A.S.A.P TO TRADE AFTER 11:00PM
AS DETAILED IN OUR ENCLOSED APPLICATION ^{FORM} DULY COMPLETED
AS REQUESTED BY YOU FOR YOUR CONSIDERATION

ASSURING YOU OF OUR BEST ATTENTION AT ALL TIMES

WE REMAIN *[Signature]* JAVED KHAN PARTNER
KZ ELMSHOTT LANE

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Division/Station : HQ Licensing

From : Debie Pearmain
Police Licensing OfficerTo : Rachael Rumney
Senior Licensing Officer

Ref :

Date : 20 September 2012

Tel.No. 01753 835571

Subject :

New Premises Application - KZ, 17 Elmshott Lane, Cippenham, Slough

Thames Valley Police request the following conditions are attached to the above premise licence alongside those already offered:

At least one CCTV Camera will be in operation at the front of the premises at all times when the premise is in use.

CCTV images to be kept for 31 days and made available upon the request of Thames Valley Police employees and Slough Borough Council Licensing Officers.

Nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Slough Borough Council Licensing Officers.

In relation to the application for one small table and four chairs outside the premise, we would request this equipment is taken inside at 8.00pm, to ensure that the public nuisance licensing objective is not undermined.

If the applicant agrees to the above conditions there will be no police objections.

Submitted for your information and necessary action.

Regards

Debie Pearmain
Police Licensing Officer

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APPENDIX F

Sagar Melanie

From: Javed Khan [REDACTED]
Sent: 18 October 2012 15:01
To: Sagar Melanie
Subject: RE: Hours extension

hello again melaine

i javed khan can confirm that i agree to all 4 conditions set out in the police notice, it is also worth taking on board that a Red Planet Pizza shop which is about 30meters away from us stays open till 12 o'clock every night and have never witnessed any misbehaviour in any form in the vacinity of this area, thanks, javed klhan

--- On **Thu, 18/10/12, Sagar Melanie** <Melanie.Sagar@slough.gov.uk> wrote:

From: Sagar Melanie <Melanie.Sagar@slough.gov.uk>
Subject: RE: Hours extension
To: "Javed Khan" [REDACTED]
Date: Thursday, 18 October, 2012, 13:40

Hi

Thank you however the below response only cover 2 of the 4 requested conditions, 3 of which are not on your operating schedule. Please can you confirm you acgree to all 4 conditions?

Kind regards

Melanie Sagar

Licensing Officer

Customer & Community Services

Slough Borough Council

Tel: 01753 875110

www.slough.gov.uk

Please don't print this email unless you really need to - think of the environment.

From: Javed Khan [REDACTED]
Sent: 18 October 2012 14:38
To: Sagar Melanie
Subject: Hours extension

hello Melaine

sorry last e-mail got sent before i finished it.

just to continue on the police notice, we have got my self Javed Khan and Muhammad Ali

who work in the shop who can assist the police with cctv any time they want,

2, we also have got no problem moving the small table and 4 chairs inside the as requested,thank you

javed khan

'Disclaimer: You should be aware that all e-mails received and sent by this Council are subject to the Freedom of Information Act 2000 and therefore may be disclosed to a third party. (The information contained in this message or any of its attachments may be privileged and confidential and intended for the exclusive use of the addressee). The views expressed may not be official policy but the personal views of the originator. If you are not the addressee any disclosure, reproduction, distribution, other dissemination or use of this communication is strictly prohibited. If you received this message in error please return it to the originator and confirm that you have deleted all copies of it. 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.'

APPENDIX G

Responses to representation by Mr Javed Khan

Email received 18.10.12 @ 14:32

thank you for your e mail, i would like answer to all 3 objections.

1. we have got electric roller shutters which make hardly any noise when operating, secondly we always advise our customer to wait inside the shop while waiting for their food and not outside especially in the evenings and they always leave very quietly.

2. we have applied for the extension to the hours because we have got vast local community who have asked us to stay open late so that can be accommodated, our shop has never attracted any rude or undesirable people for last 16 months we have been trading here, never had any reason to call the police, what so ever if there are drug dealers in this area then we do know anything about it our shop is a family run business which has got a very good reputation among the local community.

3. the lorry turning up at 5am is totally untrue because i personally have asked the coop manager Mr Mukesh about the deliveries time and he said there is no way that a delivery lorry would turn up before 7am.

Further email received 18.10.12 @ 15:01

it is also worth taking on board that a Red Planet Pizza shop which is about 30meters away from us stays open till 12 o'clock every night and have never witnessed any misbehaviour in any form in the vicinity of this area, thanks,
javed kihan

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SLOUGH BOROUGH COUNCIL

LICENSING SUB-COMMITTEE – 12TH NOVEMBER 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		KOWDAL 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
------------------------------------	---

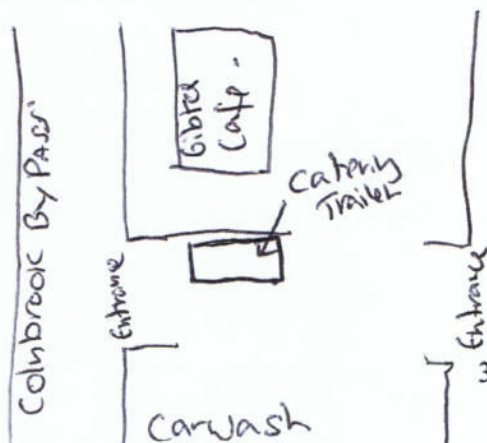
Plan attached: Yes ☒ No ☐

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 ☐

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

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 Served 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

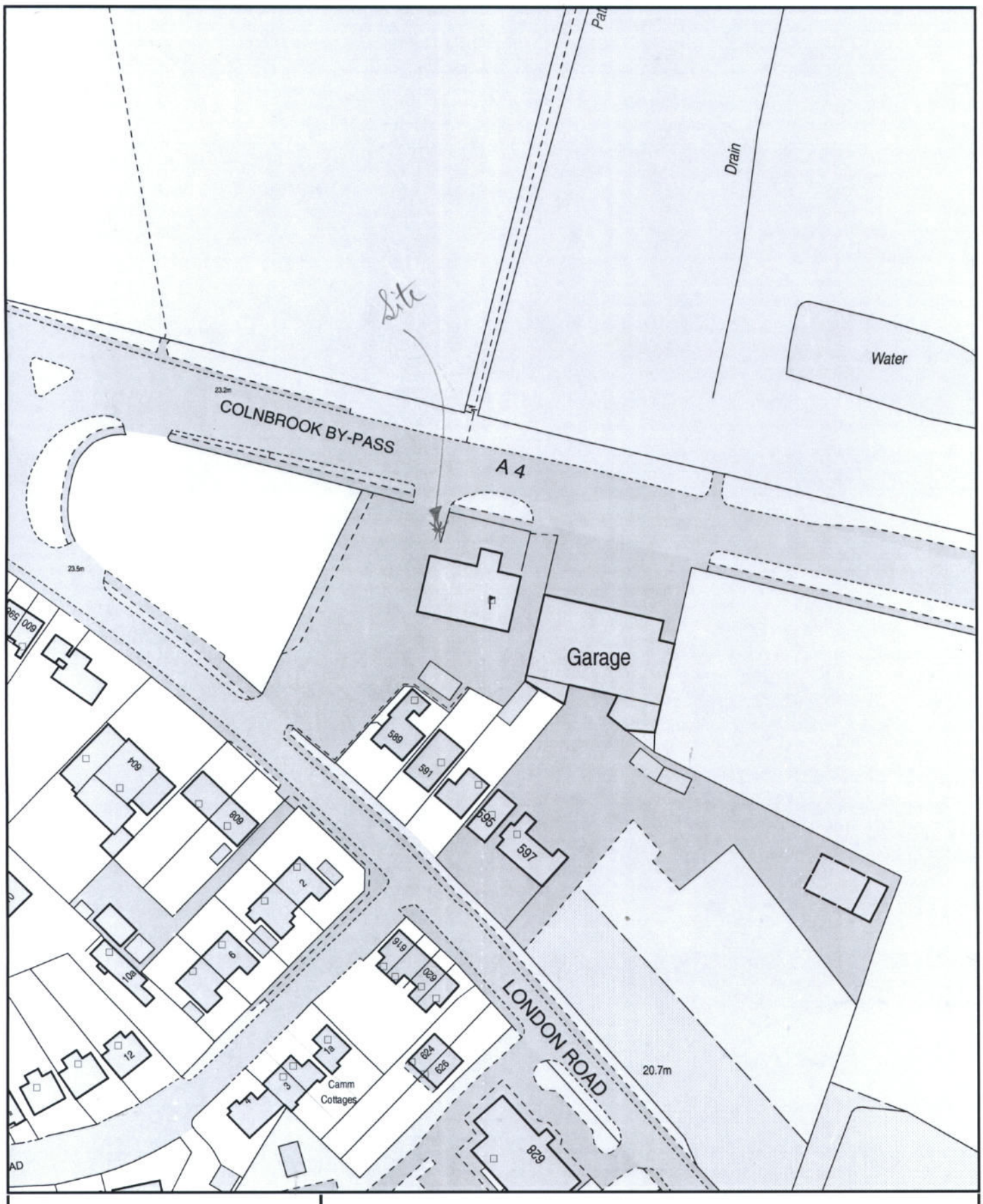
Original issue date 30 June 2011

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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APPENDIX D

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.

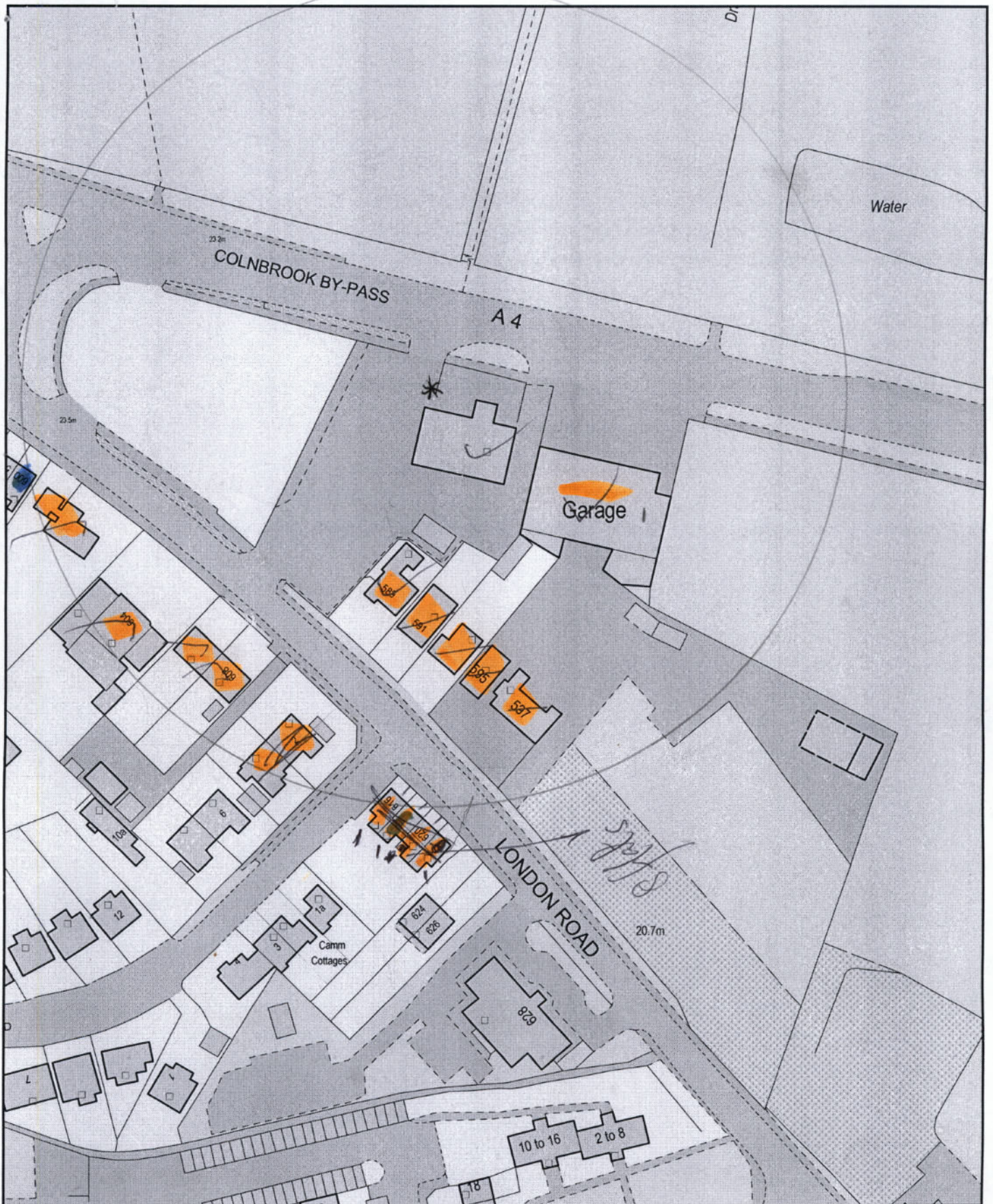
If objections or representations are received to the application the matter will be referred to a Licensing Sub Committee for determination with a hearing to take place normally between 4 to 8 weeks from the date of the application being made.

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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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

'Disclaimer: You should be aware that all e-mails received and sent by this Council are subject to the Freedom of Information Act 2000 and therefore may be disclosed to a third party. (The information contained in this message or any of its attachments may be privileged and confidential and intended for the exclusive use of the addressee). The views expressed may not be official policy but the personal views of the originator. If you are not the addressee any disclosure, reproduction, distribution, other dissemination or use of this communication is strictly prohibited. If you received this message in error please return it to the originator and confirm that you have deleted all copies of it.

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.'

Tel: 01753

Mobile: Email:

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

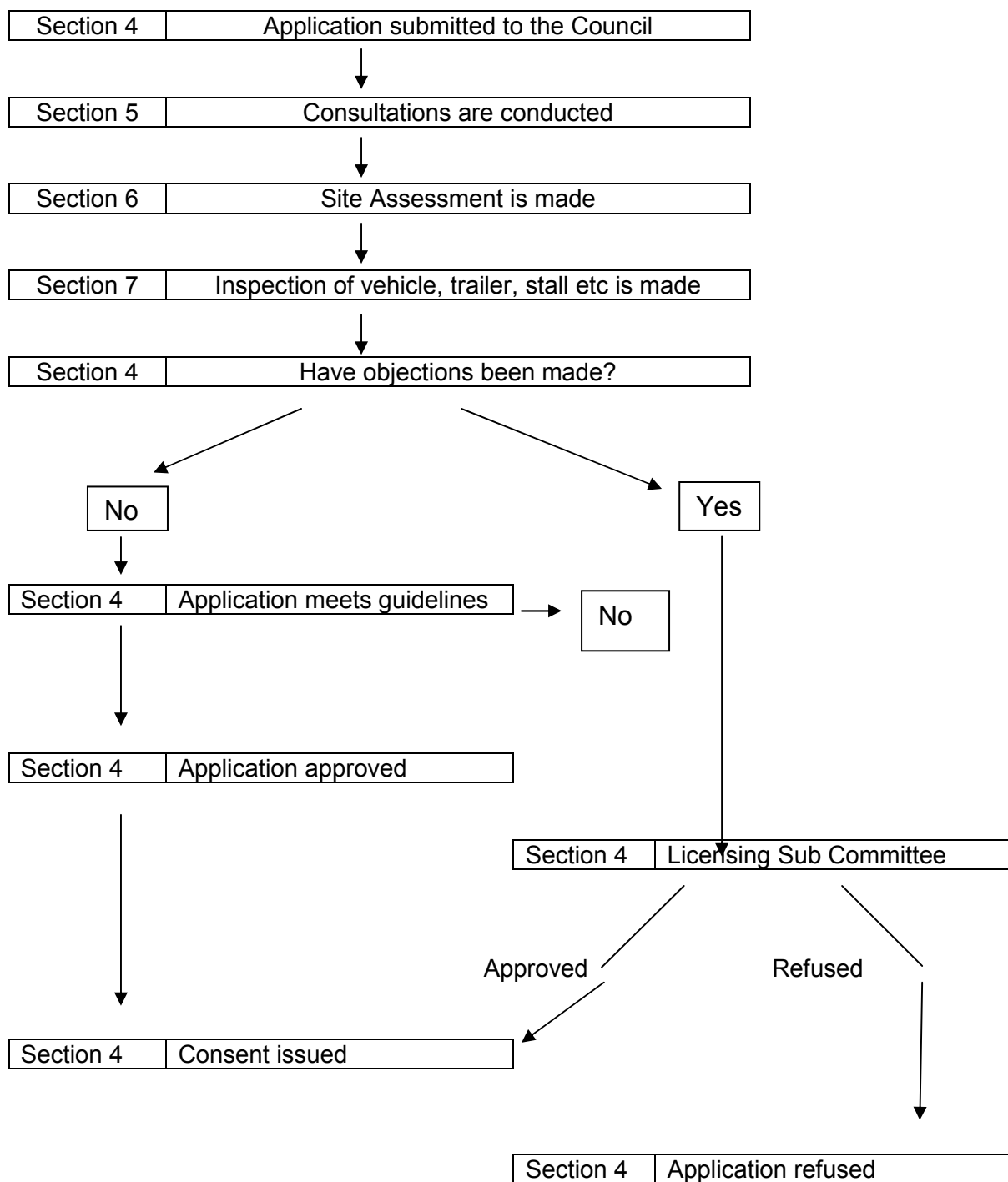
The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

- (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 5

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

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