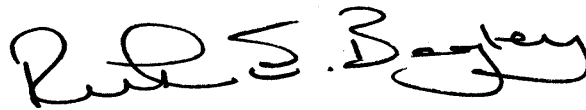


Date of issue: 20th November, 2013

MEETING	LICENSING SUB-COMMITTEE (Councillors Malik (Chair), Rasib and Wright)
DATE AND TIME:	THURSDAY, 28TH NOVEMBER, 2013 AT 10.00 AM
VENUE:	SAPPHIRE SUITE 5, THE CENTRE, FARNHAM ROAD, SLOUGH, SL1 4UT
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	TERESA CLARK 01753 875018

NOTICE OF MEETING

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



RUTH BAGLEY
Chief Executive

AGENDA

PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
	CONSTITUTIONAL MATTERS		
1.	Declarations of Interest		
	<i>All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare</i>		

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.

The Chair will ask Members to confirm that they do not have a declarable interest.

All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.

- | | | | |
|----|--|--------|--|
| 2. | Guidance on Predetermination/ Predisposition - To Note | 1 - 2 | |
| 3. | Minutes of the Last Meeting held on 16th October 2013 | 3 - 14 | |

LICENSING ISSUES

- | | | | |
|----|--|---------|-------|
| 4. | Application for a Street Trading Consent: Alternative Perfumes, High Street Slough | 15 - 52 | Upton |
| 5. | Exclusion of the Press and Public | | |

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

PART II

- | | | | |
|----|---|----------|--|
| 6. | Private Hire Driver Conduct Hearing (Reference 06-13) | 53 - 120 | |
|----|---|----------|--|

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.

PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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Licensing Sub-Committee – Meeting held on Wednesday, 16th October, 2013.

Present:- Councillors Sohal, Davis and Wright

Officers Present:- Teresa Clark, Senior Democratic Services Officer, Richard Garnett, Environmental Health Officer, Rachael Rumney, Senior Licensing Officer, and Monika Juneja, Principle Locum Lawyer

PART 1

15. Declarations of Interest

Councillor Wright declared that she had received a phone call from a member of the public, in respect of Agenda item 6, Private Hire Conduct hearing (Ref 05-13). The caller had not identified himself and she had advised him she could not enter into any discussion regarding this matter.

16. Guidance on Predetermination/ Predisposition

Members confirmed that they had read and understood the guidance note on Predetermination and Predisposition.

17. Minutes of the Last Meeting held on 22nd July, 2013

Resolved – That the minutes of the meeting held on 22nd July be approved as a correct record.

18. Application for a new Premises Licence- Bombay Dreams Fusion, 302-304 High Street, Slough, SL1 1NB

The meeting commenced at 10.25 am due to the delayed arrival of one of the parties.

Following introductions the procedure for the hearing was outlined. The Chair confirmed that all parties had received a copy of the relevant paperwork.

At the commencement of the hearing, the Applicant's Legal Representative requested that a written submission prepared by the Applicant be circulated. With the agreement of the Chair, the document was distributed to all parties present together with a number of photographs of the location of the premises.

Introduction by the Council's Licensing Officer

The Senior Licensing Officer referred the Sub-Committee to the report set out in the agenda papers.

It was confirmed that an application was received from Ms Aslam and the matter was referred to the Sub-Committee for decision as representations

Licensing Sub-Committee - 16.10.13

were received from Responsible Authorities, i.e. the Neighbourhood Enforcement Team and Thames Valley Police.

The Sub-Committee was reminded that in reaching its decision Members were obliged to have regard to the following Licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Applicant had submitted an application for a Licence in which the following activities were requested:

- Sale by retail of alcohol for consumption on the premises
- Performance of live music
- Playing of recorded music
- Performance of dance
- Anything of a similar description to that falling within Appendices (e), (f) or (g) of the report
- Late night refreshment

The activities were requested for the following hours:

Monday to Thursday: 10:00 – 02:00

Friday: 10:00 – 03:30

Saturday: 10:00 – 04:30

Sunday: 10:00 – 02:00

In addition to the above a number of seasonal variations were requested by the Applicant as set out in the Officer's report. The Sub-Committee was advised that the Applicant had agreed verbally to a number of conditions requested by Thames Valley Police but this had not been confirmed in writing.

The Senior Licensing Officer discussed the options available to the Sub-Committee, which were in summary; to grant the application submitted; grant the application subject to further reasonable conditions; or refuse the application.

The parties submitted representations and questions as follows:

Representations made by Trading Standards

The Environmental Health Officer advised that the premises was situated on the ground floor only (unoccupied offices above), and there was residential accommodation to the sides. He was concerned if the premises was licensed there would be noise disturbances in the locality of Wexham Road, High Street and Sussex Place. He also raised the following specific concerns:

- Nuisances from noise, people arriving and smoking outside the premises.

Licensing Sub-Committee - 16.10.13

- Limited street parking and lack of parking available after midnight.
- The proposal to use a guest list would result in disturbances on the High Street while customers waited to enter the premises.
- Noise emanating from within the premises when the doors opened.
- There had been previous noise issues relating to other premises in the locality and the same issues could arise.
- The proximity of the premises to residential homes.

Representations made by Thames Valley Police (TVP)

Ms Pearmain, Licensing Officer, advised that TVP was concerned that the premises was not merely a restaurant. The Applicant had indicated there would also be a dance floor and seating over half of the floor area and a DJ and music for dancing would be available. She also discussed the following concerns:

- Historic issues in the locality with noise and disorder.
- Key workers lived nearby and a noise abatement order had been served.
- There had been problems related to drinking in High Street East. Another venue would add to the existing problems.

The Officer advised that a mediation meeting had been held with the Applicant to discuss a review of the opening hours set out in the report but the conditions had not been accepted. There was a particular concern that the premises would in fact be similar to a nightclub and it was important to ensure that the objectives of crime and disorder and public safety were not undermined.

Questions to the Licensing Officer

Had any objections about the application been received? It was confirmed that the application had been advertised in the usual manner and none had been received.

Question to the Environmental Health Officer

What provision was there for public car parking? The Officer advised that Hatfield Car Park closed at 9 pm but this was disputed by the Applicant.

Questions to Thames Valley Police

Was there any evidence/ statistics relating to incidents of crime and disorder? The Sub- Committee was advised that this was not available but advised that a premises known as Rubz had lost its licence following incidents.

Licensing Sub-Committee - 16.10.13

Submission by the Applicant

The Applicant's Legal Representative argued that no facts had been submitted to support the representations made. concerns lodged by the Authorities. He advised that the locality of the premises was not highly populated and it was clear that the concerns about the car park were not substantiated. The concern relating to noise pollution was speculative and it was disputed that some of the residential property referred to was actually occupied as such. There was no evidence that the extended hours would impact on noise levels and the Applicant's application was not unreasonable. The representative contended that if the licence was granted and complaints subsequently materialised, then the licence could be reviewed by the Sub-Committee. The Applicant's husband stated that the premises had been empty for 8 yrs and he would be investing in the area. The restaurant clientele would be respectable and would not cause antisocial behaviour problems in the street. There would be strict codes of dress and behaviour in place.

Questions to the Applicant's Representative

- Would people be able to walk in to the restaurant off the street? Members were advised that customers would book in advance so the Applicant would know how many clients would be expected (it was confirmed that capacity was 300).
- The Licensing Officer questioned the description of the premises as the Applicant had indicated there would be hen parties, DJs, music, and Karaoke. It was confirmed that the premises would open for breakfast, lunch and dinner, weekdays but at weekends there would be functions and dinner and dance.
- Why was the time of closing crucial to the Applicant? The Sub-Committee was advised that in the Asian community people worked late hours and would eat and socialise late into the evening.

Summing Up

The Environmental Health Officer repeated his concerns relating to the residential properties in the area and noise from customers walking to and from cars and entering the premises. He felt that reducing opening hours would alleviate this problem.

The Licensing Officer, Thames Valley Police, reiterated her concerns and argued that to grant the licence would undermine the licensing objectives.

The Senior Licensing Officer, SBC, reminded the Sub-Committee of its responsibilities and options available.

The Applicant's Representative confirmed his case as previously submitted.

Licensing Sub-Committee - 16.10.13

At the end of the hearing, in response to a query relating to the location of residential properties, a TV Police Officer tabled a map showing the respective locations.

Following the summing up, the parties left the meeting at 11.40 am in order for the Sub-Committee to deliberate.

Decision

The Sub-Committee re-convened at 12.50 pm and all parties were asked to re-join the meeting when the decision was announced.

The Sub-Committee carefully considered all of the evidence submitted by the Applicant and her representative, the Licensing Officer, the Environmental Health Officer and the Thames Valley Police Licensing Officer. In reaching its decision the Sub-Committee had regard in particular to the following Licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Sub-Committee took account of inter alia, the capacity of the premises, the proposed restaurant/ dancing and sale of alcohol use, the residential properties in the neighbourhood, and the potential disturbances from customers entering and leaving the premises. At the same time Members were mindful of the need to have regard to the regeneration and economic development of the area. The Sub-Committee had concerns relating to the requested closing times submitted by the Applicant and after careful deliberation decided to grant a Premises Licence subject to revised closing times, seasonal adjustments and conditions as set out within the Addendum to these minutes.

Members considered that the hours granted would be more reasonable in view of the representations made. The Sub Committee considered the decision reached to be appropriate, reasonable and proportionate to promote the Licensing Objectives.

The Sub-Committee reminded the Applicant of her right to notify the Licensing Authority of her intention to hold a 'Temporary Event' at the premises.

The Sub-Committee also reminded the Applicant of her responsibilities as the Licensee and the importance of fully adhering to all of the conditions set out in the premises licence.

Resolved- That the premises be issued with a licence as set out within the addendum to these minutes, subject to the conditions imposed.

Licensing Sub-Committee - 16.10.13

19. Exclusion of the Press and Public

Resolved – 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 Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

20. Private Hire Driver Conduct Hearing (Reference 05-13)

The Chair welcomed all parties to the meeting and after introductions explained the procedure for the hearing.

The Sub Committee was requested to decide whether the Appellant (Ref 05-13) was a fit and proper person to continue to hold a Private Hire Driver's licence in view of his failure to display his licence plate at all times.

The Senior Licensing Officer, advised that the Appellant been observed by a Licensing Officer, driving his Private Hire vehicle without his licence plate on 4 separate occasions, between 26th April, 2013 and 1st August, 2013. The Officer advised that the requirement to correctly display a licence plate at all times, whether a driver was working or not, was a condition of a Private Hire Driver's licence. The Sub-Committee noted that the driver was sent a letter by a Licensing Officer and issued with 3 penalty points on each occasion. The issue of the 12 Penalty Points had necessitated the automatic referral of the License to the Sub-Committee for review. The Sub-Committee was recommended to consider whether the licence be suspended for a period of time to be determined.

The Sub-Committee was reminded that it could only grant a Private Hire Drivers Licence if it was satisfied that the applicant was a fit and proper person. Similarly, if an incident involving a driver was brought to its attention, the Sub-Committee had the power to not issue, suspend, revoke that licence or issue a strict warning. It was highlighted that Licence holders provided a public service and their primary responsibility was the safety of members of the public and to adhere to the law.

The Appellant submitted reasons why he had not displayed his plate on the relevant dates.

Following a summary from the Licensing Officer and Appellant, the parties were asked to leave the room whilst the Sub-Committee deliberated.

The meeting adjourned at 1.48 pm and reconvened at 1.57 pm.

The Sub-Committee considered all the written and oral information at its disposal and after careful consideration decided that the driver's licence be suspended for four weeks. The Sub-Committee felt that the period of suspension was reasonable and proportionate in view of the seriousness of the failure to comply with the conditions of the licence.

Licensing Sub-Committee - 16.10.13

The driver was reminded of his responsibilities as a private hire driver and issued with a strict warning, with regard to his future conduct and responsibility as the holder of a private hire driver's licence. Any future breaches of the conditions of the licence would result in the Appellant being requested to reappear before the Sub-Committee when previous breaches of the licence would also be considered.

Resolved – That the Appellant's Private Hire Licence (Ref 05-13) be suspended for four weeks.

Chair

(Note: The Meeting opened at 10.25 am and closed at 2.10 pm.)

ADDENDUM

Bombay Dreams Fusion, 302-304 High Street, Slough Licence Granted by the Licensing Sub-Committee, 16th October, 2013 subject to conditions set out below

- 1. Sale by retail of alcohol for consumption on the premises: –**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – 00:00
- 2. Performance of live music: –**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – midnight
- 3. Playing of recorded music: –**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – midnight
- 4. Performance of dance: –**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – midnight
- 5. Anything of a similar description to that falling within (e), (f) or (g)**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – midnight
- 6. Late night refreshment: -**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – midnight

Seasonal Variations:

- 1. sale by retail of alcohol for consumption on the premises: –**
New Year Eve until 03:30 am.
- 2. performance of live music: –**
New Year Eve until 03:30 am.
- 3. playing of recorded music: –**
New Year Eve until 03:30 am.

4. **performance of dance: –**
New Year Eve until 03:30 am.

5. **anything of a similar description to that falling within (e), (f) or (g)
as set out in report**
New Year Eve until 03:30 am.

(The designated premises supervisor (DPS) is Ms Hanah Aslam).

Bombay Dreams Fusion, 302-304 High Street, Slough

Conditions determined by the Licensing Sub-Committee

In the absence of the DPS a Personal Licence Holder (PLH) to be on the premises during all licensable activities.

Last entry time for new patrons to be 00:30 hrs midnight on a Friday and Saturday including smokers.

Maximum of 10 clients allowed out to smoke at any one time.

A specific area to be set aside to the rear external part of the premises for customers who smoke.

The DPS will give a minimum of 21 days notice of an intention to hold a promotion promoted by an outside promoter (i.e. not directly employed by the DPS) to run an event at the premise. The DPS shall cancel the event should the Police give notice of objection.

Accredited SIA door team to be used inside the premise and outside from 2100 hours until close, seven days a week.

Sunday to Thursday- Minimum of 2 SIA accredited door staff to be on duty, one to be female. The number of SIA staff must be proportionate to the number of customers on the premises at all times.

Friday to Saturday- Minimum of 6 SIA accredited door staff to be on duty, one to be female. Four door staff to be on duty inside the venue with 2 door staff on the front door.

New Years Eve- Minimum of 6 SIA accredited door staff to be on duty, one to be female. Four door staff to be on duty inside the venue with 2 door staff on the front door.

Door Staff signing in and out Register to be in place and made available upon the request of Thames Valley Police and authorised Local Authority Licensing Officers and be kept for a minimum of one year.

CCTV to be installed in accordance with current or amended Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. These cameras shall be located both internally and externally. CCTV images shall be retained for 31 days and except for mechanical breakdown beyond the control of the proprietor shall be made available upon request to the police and Authorised Officers of the Council. Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable. Any request from Thames Valley Police or Local Authority Licensing Officers for a recording to be made for evidential purposes must be carried out immediately.

DPS or 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 Local Authority Licensing Officers.

DPS or nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.

The DPS will become a member of the local pub watch scheme as long as it is in existence.

Drugs policy to be in place and made available to Thames Valley Police and authorised Local Authority Licensing Officers.

Incident Register to be in place and kept up to date and made available upon the request of the Thames Valley Police and authorised Local Authority Licensing Officers and be kept for a minimum of one year.

DPS and Management shall operate and make use of the Retail Radio system.

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<p>Committee & Date: 28th November 2013 Licensing Sub Committee</p>

Contains Confidential or Exempt Information	NO
Report Title	Application for a Street Trading Consent: Alternative Perfumes, High Street Slough
Responsible Officer(s)	Michael Sims – Licensing Manager, Customer & Community Services
Author(s)	Tara O’Keefe – Assistant Licensing Officer, Customer & Community Services
Purpose of Report	Regulatory/Determination of Application for Street Trading Consent

1. Recommendations

- 1.1 That Licensing Sub Committee determine the Application.
- 1.2 The Sub Committee may:
 - (a) Grant the Application subject to Conditions, variations, or restrictions which the Council thinks reasonably necessary; or
 - (b) Refuse the Application.

2. Principles for making decisions

2.1 Context

- 2.1.1 As a quasi-judicial body the Committee is required to consider the application on its merits and must act reasonably and rationally. The Committee can only take into account relevant factors and must ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of the relevant facts, or the likelihood or the unlikelihood of some future event, the occurrence of which would be relevant. The Committee must give fair consideration to the contentions of all persons entitled to make representation to them.
- 2.1.2 The Committee can only consider matters within the application that have been raised through representations.
- 2.1.3 Members should note that the Committee is meeting on this occasion solely to perform the role of licensing authority. As such Members should disregard the Council’s broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the Council’s related policies and guidance.
- 2.1.4 Members will be aware of the Council’s Code of Conduct which requires them to declare interests. The Code applies to members when considering licensing

applications. In addition as a quasi-judicial body, members are required to avoid both actual bias and the appearance of bias.

2.2 Human Rights & Equality Act Duties

2.2.1 In determining the application the Committee should be aware of and take into account any implications that may arise from the Human Rights Act 1998 and Sc 149 Equality Act 2010. The Act makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.

2.2.2 When determining the application and considering imposition of conditions the Committee must be satisfied that any decision which interferes with the rights of the applicant or of others only does so insofar as it is necessary to protect the rights of others and that no alternative decisions would be appropriate.

2.2.3 The Committee is specifically referred to the following Convention rights:

- (a) Article 6 (the right to a fair trial);
- (b) Article 8 (the right to respect for private and family life); and
- (c) Article 1 of the First Protocol (the protection of property).

3. Application Summary

- 3.1 Application for: Street Trading Consent
- 3.2 Applicant: Mr Richard Daley
- 3.3 Name of Business: Alternative Perfumes
- 3.4 Proposed business: Sale of costume jewellery, perfume, cosmetics, sunglasses, and hair accessories
- 3.5 Location of Application Site: Slough High Street
- 3.6 Hours of operation: Monday to Friday 08:00am to 18:30pm
- 3.5 Duration of consent applied for: Annual
- 3.6 Operating History: The Applicant is not trading at present.

4. Background

4.1 On 24 November 1987, Slough Borough Council adopted street trading powers under section 3 and Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982. The Council has designated all streets in their Borough as consent streets. Street trading is only allowed in consent streets with the consent of the Council. The Council limits the number of consents issued and attaches appropriate conditions to consents.

- 4.2 If an Applicant wishes to offer goods for sale from a fixed stall or location on the public highway, they must have Street Trading Consent from the Council.
- 4.3 Slough High Street is limited to five Street Trading pitches there is currently two vacancies following the non renewal of consent.
- 4.4 The vacant site is located at number 5 on the map at Appendix B and photographs of the vacant pitch for which the Application seeks consent are attached at Appendix C.
- 4.5 The High Street is a prime location for a Street Trading Consent. The Council's process for determination of applications requires objected applications to be determined by a Licensing Sub Committee.
- 4.6 The current sites on the High Street are identified on Appendix B with the corresponding number:
1. Richard's Fruit & Veg – Fruit and vegetables
 2. Hugh's Spuds – Jacket potatoes
 3. Burger Van – Burgers and ice cream
 4. Vacant Pitch
 5. Vacant Pitch – proposed location for current application

5. Policy Considerations

- 5.1 Slough Borough Council Street Trading Consent Policy.
- 5.2 Slough Borough Council Street Trading Consent Standard Conditions.
- 5.3 The nature of the business e.g. product sold.
- 5.4 The appearance and suitability of the trading unit.

6. Consultation

- 6.1 Copies of all applications are sent to the following for comment:
- (a) Thames Valley Police
 - (b) Royal Berkshire Fire and Rescue Service
 - (c) Ward Members
 - (d) Slough Borough Council – Planning
 - (e) Slough Borough Council – Highways
 - (f) Slough Borough Council – Transport
 - (g) Slough Borough Council – Trading Standards
 - (h) Slough Borough Council – Parking and Development
 - (i) Slough Borough Council – Food and Safety Team
 - (j) Slough Borough Council – Neighbourhood Enforcement Team
 - (k) 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
- 6.2 A copy of the Council's letter is attached at Appendix D. Following the consultation exercise, the Council has received one objection. A copy of the objection is attached at Appendix E.

6.3 In summary the objection raises the following matters:

- (a) The granting of this application would set a precedent for others;
- (b) Economic viability of other local businesses selling similar products and whether the Council should protect those businesses; and
- (c) Loss of view to current shop holders if the Consent is granted.

7. Conditions

7.1 The Council has a set of Standard Conditions which can be imposed on any Street Trading Consent.

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

7.3 The Council may at any time vary the conditions of a street trading consent.

7.4 The Council may revoke a Consent at any time.

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

8. Appendices

Appendix A – Application form

Appendix B – Plan of the pitches

Appendix C – Photographs of the pitch

Appendix D – Copy of the consultation letter

Appendix E – Copy of the objection made

9. Background Information

Section 3 and Schedule 4 of the Local Government Miscellaneous Provisions Act 1982

Minute 24 November 1987 of Slough Borough Council adopting powers under

Section 3 of the Local Government Miscellaneous Provisions Act 1982

Slough Borough Council Street Trading Consent Standard Conditions

Slough Borough Council Street Trading Consent Guidance



Taking pride in our communities and town

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

Grant / Renewal

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

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

APPLICANT (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname DALEY			First names RICHARD G.S.		
Date of birth					
Current address					
Post Town	SLOUGH			Postcode	
Daytime contact telephone number					
E-mail address (optional)					
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 (optional)			
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 Trade <input type="checkbox"/>	Limited Company <input type="checkbox"/>	Partnership <input type="checkbox"/>	Other(please specify)
Business Name			
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	HIGH ST1 BESIDE RICHARDS FRUIT & VEG STALL.
-----------------------------	---

Plan attached: Yes No

Is trading taking place on private land? Yes No

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

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

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

PROOF OF IDENTITY & RIGHT TO WORK

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

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

FIRST NOMINATED ASSISTANT

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

SECOND NOMINATED ASSISTANT

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

Current address			
Post Town		Postcode	
National Insurance Number			

THIRD NOMINATED ASSISTANT

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

FOURTH NOMINATED ASSISTANT

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

FIFTH NOMINATED ASSISTANT

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

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

Yes

No

REQUESTED TRADING TIMES (please use 24 hour clock).

	Start time	Finish time
Monday	08:00	18:30
Tuesday	08:00	18:30
Wednesday	08:00	18:30
Thursday	08:00	18:30
Friday	08:00	18:30
Saturday	08:00	18:30
Sunday	08:00	18:30
Seasonal Variations:		

Has the applicant been licensed with another local authority?

Yes

No

If 'yes', please specify: LONDON

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

Yes

No

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

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

Yes

No

<p>Full details of any vehicles, stall, trolley stand etc to be used in the course of trading. (Include registration/fleet number, height, width, length, colour)</p>	<p>A STALL WILL BE PURCHASED IF APPLICATION IS GRANTED.</p>
<p>Description of goods / articles</p>	

to be sold. (E.g. hot / cold food, fruit and vegetables etc).	COSTUME JEWELLERY, PERFUME, COSMETICS & SUNGLASSES . HAIR ACCESSORIES
Address of premises or location where vehicle, stall, trolley, stand and any food will be stored when not in use.	

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: _____

Application Check List

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

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

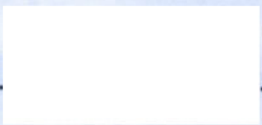
TO BE COMPLETED BY ALL APPLICANTS

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:..... *RICHARD D DALY*

Signed.....  Dated..... *11/7/2013*

Applicant Name:.....

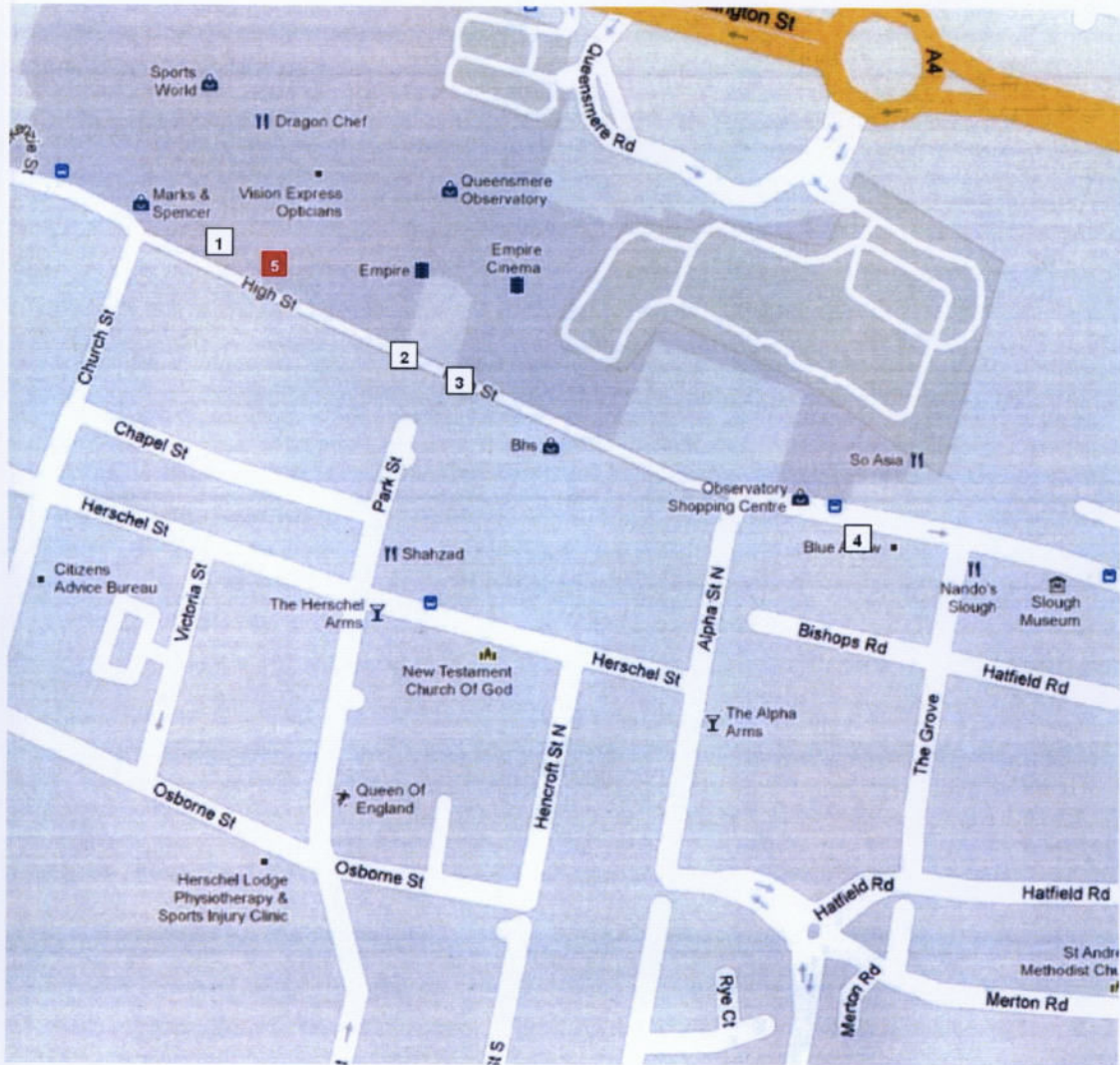
Signed:..... Dated:.....

Applicant Name:.....

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

Locations of Current Street Trading Consent Holders

The available pitch is marked in red



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APPENDIX C









12th July 2013

Department: Public Protection Services
Contact Name: Mick Sims
Contact No: 01753 477387
Fax: 01753 875809
Email: Michael.sims@slough.gov.uk
Our Ref:
Your Ref:

Consultee Letter

Dear Sir / Madam

Re: Consultation – Application for a Street Trading Consent – High Street, Slough (beside Richard’s Fruit & Veg stall)

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 11th July 2013 an application was made for a Street Trading Consent for trading to take place at High Street, Slough (beside Richard’s Fruit & Veg stall)

The type of trading to be carried out is costume jewelry, perfume, cosmetics, sunglasses, and hair accessories between the hours of 08:00 and 18:30 Monday to Sunday

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

I would therefore be grateful if you could forward any objections or representations you may have to the application to – **The Licensing Team, Landmark Place, High Street, Slough, SL1 1JL** or by email to licensing@slough.gov.uk no later than 28 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.

Customer Service Call Centre: 01753 475111

Minicom: 01753 875030

DX: 42270 Slough (west)

Yours sincerely,

Mick Sims
Licensing Manager
Public Protection Services

From: Sims Michael
Sent: 05 August 2013 09:09
To: sabiahussain786@gmail.com; Hussain Sabia
Cc: O'Keefe Tara
Subject: FW: Street Trading application for Alternative Perfumes, High Street, Slough

Importance: High
Dear Councillor Hussain

Thank you for your below response!

This application has been made by the applicant for the one remaining approved vacant Street Trading pitch in Slough High Street.

All applications for Street Trading Consents are subject to a full consultation as detailed below, and in any event where applications are made for the vacant pitch in the High Street, they are automatically referred to a Licensing Sub Committee for determination.

It is for the Members of the Sub Committee to determine this application and will obviously consider the other outlets in the town centre in doing so.

Once the date for the Licensing Sub Hearing has been set, we will send you formal notification to attend and make your objections to the Sub Committee in person.

For your information there are only a limited number of pitches in the High Street and this is only vacant pitch, any other applications for other locations in the High Street would not be considered.

Hope this assists.

Regards

Mick Sims
Licensing Manager

Slough Borough Council
Tel: 01753 477387
Fax: 01753 875890
www.slough.gov.uk

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

From: Rumney Rachael
Sent: 02 August 2013 09:55
To: Sims Michael
Subject: FW: Street Trading application for Alternative Perfumes, High Street, Slough

Mick,

Have you responded to this? If not do you want me to?

Cheers
Rachael

Rachael Rumney
Senior Licensing Officer

Slough Borough Council
Tel: 01753 477338
www.slough.gov.uk

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

From: Sabia Hussain [mailto:sabiahussain786@gmail.com]
Sent: 26 July 2013 00:04

To: Mick.sims@slough.gov.uk; Rumney Rachael

Subject: Re: Street Trading application for Alternative Perfumes, High Street, Slough

Hi

Please could note that I have objections to the below mentioned license.

My main issues are that by offering such a license we set a precedent. Will find further requests to set up stalls in other parts of the high street.

Secondly - in a time of economic instability how can we offer a license for a street stall to sell goods that are otherwise available in the vast amount of stores we already have selling the same products? Furthermore, we would be taking business away from lease holders of stores who are already suffering.

Thirdly, what about the fact that the stall would be blocking all view of the lease paying store directly behind it? Half the view is already blocked by the grocery stall and it would be further infringed should another stall set up.

Happy to discuss this further and attend a committee meeting to explain my objections.

Regards

Sabia

Cllr Sabia Hussain

07967 822124

On 22 Jul 2013, at 11:16, Hissey Philippa <Philippa.Hissey@slough.gov.uk> wrote:

Morning and apologies for taking a while to reply

Licensing is Mick Sims and team

Mick.sims@slough.gov.uk

Rachael.rumney@slough.gov.uk

From: Sabia Hussain [<mailto:sabiahussain786@gmail.com>]

Sent: 16 July 2013 23:08

To: Hissey Philippa

Subject: Re: Street Trading application for Alternative Perfumes, High Street, Slough

Hi Philippa

I would like to raise my concerns please confirm email address to whom I should address them to.

Kind regards

Sabia

Cllr Sabia Hussain

07967 822124

On 16 Jul 2013, at 11:23, Hissey Philippa <Philippa.Hissey@slough.gov.uk> wrote:

From: O'Keefe Tara
Sent: 15 July 2013 15:57
To: ellisjm@rbfrs.co.uk; Planning; Highways; Transport; Trading Standards; FoodandSafety; _TipOff; WexhamLeaCentralNHPT@thamesvalley.pnn.police.uk; Dhaliwal Arvind; Hussain Sabia; Chaudhry Shafiq; Richard Daley; Pearmain Debie; Hothi Kam
Subject: Street Trading application for Alternative Perfumes, High Street, Slough

Dear All

The Licensing Team has received an application for a Street Trading Consent for trading to take place at High Street, Slough (beside Richards Fruit & Veg) to provide costume jewelry, perfume, cosmetics, sunglasses, and hair accessories between the hours of 08:00 and 16:00 Monday to Sunday.

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 Neighbourhood Enforcement Team
 Environmental Services and Quality

I have attached a copy of the application and a formal consultation letter for your information together with a plan of the site.

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.

Regards

Tara O'Keefe
 Assistant Licensing Officer

Slough Borough Council
 Tel: 01753 875883
 Fax: 01753 875890
www.slough.gov.uk

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

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<Consultation letter to responsible authorities 12.07.13.doc>

<Map of location.doc>

<STC Application - Alternative Perfumes 11.07.13.pdf>

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Slough Borough Council
STREET TRADING CONSENTS – GENERAL CONDITIONS

1. **PERMITTED HOURS**

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

Or

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

Except with the prior permission of the Council

2. **COMPLIANCE WITH REGULATIONS**

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

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

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

3. **NUISANCE**

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

4. **DISCHARGES**

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

5. **STORAGE OF STOCK**

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

6. **MAINTENANCE**

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

7. **REFUSE CONTAINERS**

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

8. **CLEANSING**

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

9. **POSITION OF STALL ETC**

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

10. **DISPLAY OF CONSENT**

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

11. **MOVING STALL ETC**

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

12. **DISABLED PERSONS**

Each Consent Holder shall ensure that disabled persons and wheelchair users can be adequately served. This may involve such customers being served from outside the vehicle/stall etc. The Consent Holder's stall shall be of a size, type and design approved by the Council.

13. **STALLS ETC**

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

14. **PARKING ON FOOTWAY**

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

15. **INSURANCE**

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

16. **FIRE PRECAUTIONS**

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

17. **STORAGE OF EQUIPMENT**

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

18. **SETTING UP AND CLOSING DOWN**

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

19. **SURRENDER OR REVOCATION OF CONSENT**

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

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

20. **TRANSFER OF CONSENT**

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

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

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

22. **FOOD HYGIENE TRAINING**

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

23. **ELECTRICITY SUPPLY**

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

24. **MOBILE GENERATORS**

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

25. **ELECTRICAL EQUIPMENT**

All electrical equipment used in connection with the trading consent shall be constructed to a recognised standard, ideally to British Standard, and comply with all of the requirements of the latest edition of the IEE Regulations. In any case, electrical cables trailing across the highway or any part of the footway are **not permitted.**

26. **APPLICATIONS**

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

27. **CHAIRS AND TABLES**

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

28. **SIGNS ON PAVEMENT/HIGHWAY**

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

29. **BOTTLED GAS**

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

30. **DAMAGE TO PAVEMENT/HIGHWAY**

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

31. **PLANT AND EQUIPMENT**

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

32. **SALE OF GOODS OR ARTICLES**

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

33. **PRICE LISTS**

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

34. **EMPLOYMENT**

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

35. **SPECIAL CONDITIONS**

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

36. **CRIMINAL RECORDS CHECKS**

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

37. **PREMISES LICENCE**

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

38. **MOBILE TRADERS**

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

GENERAL CONDITIONS DECLARATION

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

.....

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

Signed:.....

Print Name:.....

Date:.....

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STREET TRADING CONSENT (2011)

1. INTRODUCTION

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

2. DEFINITIONS

- 2.1 Within the terms of the Slough Borough Council Street Trading Consent Protocol and Guidance the following definitions apply.
 - **The Council** – Means Slough Borough Council
 - **Street Trading** – Means the selling or exposing or offering for sale of any article (including a living thing) in any street.
 - **Street** – Includes:
 - (a) any road, footway, beach or other area to which the public have access without payment.
 - (b) A service area as defined in section 329 of the Highways Act 1980,
and also includes any part of a street
 - **Consent Street** – Means a street in which street trading is prohibited without the consent of Slough Borough Council.
 - **Consent** – Means a consent to trade on a street granted by Slough Borough Council.
 - **Consent Holder** – Means the person or company to whom the consent to trade has been granted by Slough Borough Council.
 - **Nominated Person** – Means the person or persons nominated by the Consent Holder to assist or carry on the business on his or her behalf.
 - **Static Trader** – Means a trader granted permission by Slough Borough Council to trade from a specific and approved location.
 - **Mobile Trader** – Means a trader who moves from street to street. All mobile trading (including ice cream vendors) is restricted to a maximum of 20 minutes static trading time period in any one particular location.
 - **Authorised Officer** – means an officer employed by Slough Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

2.2 Exempted Street Activities

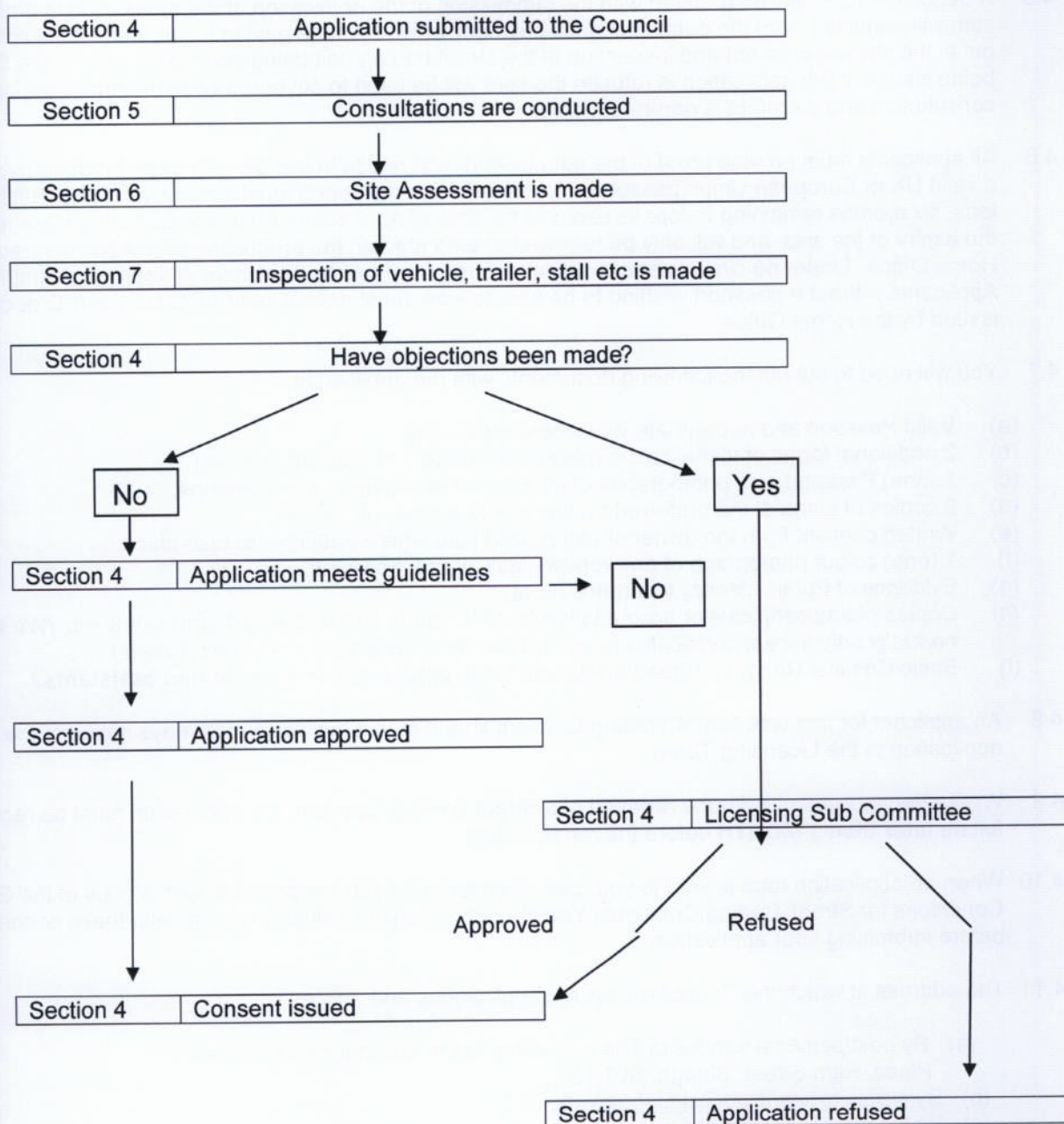
The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

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

With regard to point (f) above it has been established in law that mobile ice creamsales 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 eGovernment, 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

APPENDIX H

PROCEDURE FOR LICENSING SUB-COMMITTEE

1. The Chairman will open the meeting and introduce those present, including members of the Committee, and ensure that all parties are informed of the procedure to be followed.
2. The Committee will consider any request made by a party for permission for a person other than his representation as stated in his notice that he intends to attend or be represented at the hearing.
3. The Licensing Officer will introduce the report and outline the application.
4. Responsible authorities and interested parties if represented at the Committee may present relevant facts.
5. The Chairman will invite questions from the
 - Applicant or representative
 - Committee
6. The applicant or representative will present his case and call any other persons invited to appear to make representations.
7. The Chairman will invite questions from
 - Responsible authorities and interested parties
 - The Sub-Committee
8. The police, responsible authorities and interested parties will make any closing remarks to the Sub-Committee if they so wish.
9. The applicant or representative will make any closing remarks to the Sub-Committee if he so wishes.
10. The Committee may then decide the matter in private in which case all persons other than the legal adviser and Committee Clerk will then withdraw from the meeting.
11. The parties will be recalled and the Chairman will announce the Sub-Committee's decision and the reasons for reaching that decision.

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AGENDA ITEM 6

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

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