

Licensing Sub-Committee – Meeting held on Thursday, 23rd June, 2022.

Present:- Councillors Sandhu (Chair), P. Bedi and Kaur.

Officers Present:- Mrs Kauser (Democratic Services), Mr Mehta (Legal Services) and Mrs Rumney (Licensing)

Also present under Rule 30:- Councillors S. Parmar.

PART 1

1. Declarations of Interest

None received.

2. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

3. Application for a Street Trading Consent - Grill King, Cippenham Lane Service Road, Slough.

Following introductions and confirmation that all parties had received a copy of the paperwork, the Chair outlined the procedure for the hearing.

Introduction by the Licensing Officer

The Principal Licensing Officer stated that an application for a street trading consent (STC) had been made for the sale of food to operate Monday to Sunday between 1300 hours and 0200 hours, operating from Cippenham Lane Service Road, opposite the Earl of Cornwall Public House

Following the consultation process, representations objecting to the application were received from Thames Valley Police (TVP), the Council's Neighbourhood Enforcement Team and local residents. Concerns related to anti-social behaviour, crime and disorder, noise nuisance and increased traffic in a residential area. A petition - containing 14 signatures - objecting to the application had also been received.

Options available, as set out in the report, were highlighted to the Sub-Committee.

Representations by the Applicant

Prior to addressing each of the objections, Mr Golen, the Applicant's representative, circulated a map detailing the site location of where the van would operate from which also highlighted the immediate area. It was noted that the proposed location was a slip road off Lower Cippenham Lane situated opposite the Earl of Cornwall Pub.

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Concerns relating to the application were addressed as below:

- The location of the van was not in a predominantly residential area
- Increased traffic and congestion concerns were disproportionate as this was a sole trader and existing traffic issues should not be attributed to the application.
- Lack of data from TVP to support submissions relating to crime and disorder.
- Locations for other mobile traders were highlighted and it was highlighted that competition to other businesses should not be taken as a factor to refuse the street trading consent.
- Existing issues relating to groups congregating in the area could not be attributed to this application given that there was a pub in the immediate vicinity.
- Concerns relating to litter could be addressed having a procedure in place to clear up at the end of each day and the use of commercial litter bins.

It was noted that most statutory agencies had not objected and that submissions from TVP and the Resilience & Enforcement team were largely the same and not supported by any evidence.

Mr Golen highlighted that the Highways department had approved the location for the van and that consent to install an electric point to power the van had been obtained.

Questions to the Applicant

In addressing questions from the Sub-Committee, relating to ensuring public safety and preventing anti-social behaviour and littering concerns, the applicant, Mr Afzaal, stated that he simply wanted to run a business and could reduce the opening hours to close at 2300 hours. With regards to littering it was submitted that the immediate area would be monitored and bins provided for customers to dispose of their waste.

It was confirmed that two people would be working in the van and that the van would be equipped with CCTV.

Representations by Interested Parties

Two objectors were in attendance as well as ward Councillor Satpal Parmar, who had been asked to speak on behalf of the objectors who had signed the petition.

Submissions made included:

- There was adequate food provision in the area and no demand for this business as there were a number of alternative food outlets on Bath Road.
- There would be increased light pollution and traffic issues.
- Problems caused by cars being sold from the area.
- Litter in the area would increase.

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Councillor Parmar stated on the balance of probabilities, approving the application would result in an increase in noise disturbance and have a detrimental impact on the neighbourhood.

Closing remarks

The Licensing Officer reminded Members of options available to them. Responding to whether the vehicle would remain in situ overnight, it was explained that a condition of all street trading consents was that vehicles did not remain at the location after the permitted trading hours.

In closing, Mr Golen commented that several of the objections went outside of the scope of what they considered to be fair and that it had been demonstrated that the business would be run in a responsible manner.

Decision

The Sub-Committee carefully considered all the written and verbal evidence. Given the potential for noise disturbance and congregation of individuals in what was predominantly a residential area Members -

Resolved - That a Street Trading Consent be granted (for one year) for the following times:

Monday – Sunday from 1300 hours to 2300 hours (no seasonal variations).

With the following additional conditions:

- Signage to be displayed encouraging customers to dispose of their litter responsibly and to leave the area quietly.
- Ensure that the immediate area around the site is kept litter free.

4. 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 contained exempt information relating to an individual as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended)

5. Private Hire Driver Licence Application (Reference 05-21)

Below is a summary of the matter considered in Part II of the meeting.

The Licensing Officer outlined the reasons why the matter had been referred to the Sub-Committee, namely relevant convictions from 2011 and failing to disclose those on the application form. Options available were highlighted for Members consideration.

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The Applicant, who was in attendance with a friend, explained the confusion in completing the application form, stating that he had declared his cautions and that he couldn't recall the dates relating to his convictions. The Applicant submitted that he had made mistakes when he was younger and was now a reformed character – married with young children - and requested that time lapsed since his last conviction be taken into account.

Having considered all the written and verbal evidence the Sub Committee

Resolved - That Applicant Reference 05-21 be granted a Private Hire Driver Licence subject to an additional condition requiring the applicant to sign up to the DBS Update Service and subscription to this service be maintained for as long as the Applicant held a PHD licence issued by Slough Borough Council.

6. Private Hire Driver Licence Application (Reference 06-21)

Below is a summary of the matter considered in Part II of the meeting.

The Licensing Officer explained to the Sub-Committee that the purpose of the referral of the application to the Sub-Committee was for Members to consider if the Applicant was a fit and proper person to be granted a PHD licence following a caution that he had received in March 2016 for affray.

Members were reminded that the Council's Policy and Guidance on Convictions and Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators and Vehicle Proprietors (revised October 2019) stated that a licence would not normally be granted until at least 10 years had elapsed since the completion of any sentence imposed.

In submissions made to the Sub-Committee, the Applicant stated that he had received the caution a number of years ago and deserved to be given a second chance. Information regarding the Applicant's current employment details was noted.

Having considered all the written and verbal evidence the Sub Committee

Resolved - That Applicant Reference 06-21 not be granted a Private Hire Driver Licence.

Chair

(Note: The Meeting opened at 9.36 am and closed at 1.55 pm)