

## **Licensing Sub-Committee – Meeting held on Tuesday, 7th March, 2023.**

**Present:-** Councillors Sandhu (Chair), P. Bedi and S. Malik

**Officers Present:-** Mrs Ali (Legal), Mr Idowu (Licensing) and Mrs Kauser (Democratic Services)

### **PART 1**

#### **13. Declarations of Interest**

None declared.

#### **14. Guidance on Predetermination/ Predisposition - To Note**

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

#### **15. Minutes of the Last Meeting held on 16th November 2022**

**Resolved –** That the minutes of the meeting held on 16<sup>th</sup> November 2022 be approved as a correct record.

#### **16. Application for a Street Trading Consent - Fastway Food Corner, Land at Bowles House, Blackthorne Road, Poyle**

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 Senior Licensing Officer, introduced the report to the Sub-Committee. An application for a Street Trading Consent had been submitted for the sale of hot food, consisting of burgers, fried chicken and chips, coffee, and tea and that the proposed hours of operation would be Monday to Sunday: 06.00 to 23.00 hours.

The Sub-Committee was advised that three objections to the application had been received, namely from a local business, Slough Borough Council's Parking and Planning teams. In summary, the objections related to:

- Concerns about road conditions and traffic congestion.
- The plans submitted do not reflect what is at the site.
- No parking is available for customers.
- No planning permission.

The Licensing Officer explained that he had carried out various site inspections, at different times of the day, to monitor the flow of traffic and concluded that it was a very busy area especially during the hours 4:30pm to

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6:30pm. Members were also informed that there were no car parking facilities at the site. Immediately behind the van there was only concrete land over which HGVs used to enter and exit the site. It was likely that customers would have to park on the pavement which was narrow and likely to cause traffic problems.

### Submissions by the Applicant

The Applicant's husband, Mr Singh, presented the reasons why an application for Street Trading Consent had been submitted. Mr Singh explained the type of food that was proposed to be sold and how it would be prepared.

When addressing the car parking arrangements at the site, Mr Singh explained that there were at least 3 car parking spaces in front of the van and that there were plenty of car parking spaces (almost 8) behind the van. He informed the Sub-Committee that you had applied for planning in 2022 and that it was the Council's Planning Team that advised you to put up barriers around the site that you proposed to trade from. Mr Singh explained that the barriers were not yet in place and that you proposed to do this in the future to create enclosed parking space.

### Questions to the Applicant

Mr Singh confirmed that trading was currently taking place at the site even though Street Trading Consent had not been given. It was explained that when the Council's Health and Safety Team inspected the proposed site and van in February 2023 and awarded you Grade 4 for food and hygiene standard, which the Applicant thought amounted to the Council granting permission to start street trading.

In response to Members question as to how clear the guidelines are in relation to exactly what an applicant needs to apply for before they can start trading, the licensing officer explained that the Council's guidelines are clear and it stated that an applicant needed to consider obtaining the relevant permission from planning, food safety and licensing before they could start trading. It was also highlighted that the Food and Hygiene Team are not able to consider and/or grant license for a premises licence or street trading consent. It was clarified that the Licensing team cannot refuse a trading licence if an applicant does not have planning or food safety certificate/grading.

Responding to the Sub-Committee Member's question, Mr Singh once again explained that his wife was mistaken by the grant of the food and hygiene certificate and believed it to amount to the grant of Street Trading Consent. The Licensing Officer pointed out to Members that there should have been no confusion because he met with Mr Singh in December 2022 and advised on what documents needed to be submitted and that at the time the applicant had an agent who was dealing with her Street Trading Consent application.

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Mr Singh informed Sub-Committee Members that he previously had an agent but as the agent was wrongly advising them they decided to terminate the use of the agent's services and as such, the applicant genuinely did not appreciate that the grant of a food and hygiene certificate did not mean that she could start trading.

### Representations by Responsible Authorities / Interested Party

The Sub-Committee relied on the written representations made by the Council's Highway and Parking Team and a local business in the vicinity of the site location.

### Summing Up

The Licensing Officer reminded Members that the Applicant had started trading without a Street Trading Consent. Mr Idowu drew the Sub-Committee's attention to the fact that in December 2022 he had discussed and advised the Applicant on the steps required to take to obtain a Street Trading Consent and as such, you should not have started trading without the proper consent of the Council in February 2023.

In Mr Singh's closing remark, he stated that he had spoken to neighbours in the immediate vicinity of the site and that they were happy with food being sold at the location. Furthermore, other than objection from one local business, there were no other objections to the application and that everyone they spoke to were of the view that it was good to have the food on site as there were no other food sites in the immediate vicinity of the location.

All parties were asked to leave the meeting whilst the Sub-Committee deliberated.

### Decision

The Sub-Committee carefully considered all the evidence before it and:

**Resolved** – That a Street Trading Consent be granted (for 12 months) for Monday to Sunday 0600 hours to 2300 hours. The consent was subject to the Council's Street Trading Consents standard general conditions.

Chair

(Note: The Meeting opened at 11.00 am and closed at 11.57 am)