

Licensing Sub-Committee – Meeting held on Tuesday, 25th July, 2023.

Present:- Councillors Khawar (Chair), Mohindra and Nazir

Officers Present:- Mr Cryan (Legal Services), Mr Denney-Clarke (Licensing) and Mrs Kauser (Democratic Services)

Also present under Rule 30:- Councillors Iftakhar and Stedmond

PART 1

5. Declarations of Interest

None received.

6. Guidance on Predetermination/ Predisposition - To Note

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

7. Minutes of the Last Meeting held on 6th July 2023

Resolved - That the minutes of the meeting held on 6th July 2023 be approved as a correct record.

8. Application for Street Trading Consent - The High Street, 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 Trading Standards and Licensing Manager

The Trading Standards and Licensing Manager, Mr Dnney-Clarke introduced the report, reminding Members that an application for a street trading consent (STC) was submitted by Slough Business Improvement for MacKenzie Square, Town Square and High Street, Slough. The STC was sought to operate Thursday to Sunday 0600 hours to 1800 hours. Several representations to the application have been made by local residents, and other consultees however, no negative representations have been made by any responsible authority.

It was highlighted that the Council's Trading Standards and Food and Safety Team had commented that whilst there were no objections to the application in principle, it was requested that a number of conditions be attached – as outlined in the report – in the event that the application be approved. It was noted the applicant had agreed to accept all the conditions as proposed.

Options available to the Sub-Committee were outlined.

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Questions to the Trading Standards and Licensing Manager

Clarification was sought relating to the proposed locations for trading and the Licensing Manager confirmed that the application had been amended to include MacKenzie Square, in the place of Curve Plaza, as the owner of Curve Plaza had not given consent for the location to be used for STC.

A Member asked about food safety and was informed that the applicant was responsible for ensuring that any food market stalls had the relevant food hygiene certificates and that this was covered under the conditions attached to the STC should the application be approved.

Applicant's Submissions - Mrs Clarissa Parker

Mrs Parker explained that Slough Town Centre BID Limited had been operating since April 2020. The purpose of the application was to provide for community events to support local businesses, entrepreneurs, start-ups and artists. It was envisaged that the markets would encourage footfall in the town centre which had been suffering since the rise of the internet as people tended to buy things online.

Questions to the Applicant

Mrs Parker confirmed that public liability insurance of £10 million was in place.

Members asked a number of questions relating to the location of and type of market stalls. It was explained that the market would start with about 6 stalls on a Friday and Saturday but the application had been submitted for 36 stalls in order to allow for bigger events which would probably take place on a biannual or quarterly basis. It was envisaged that bigger events would take place at Christmas and Easter.

Although there was no exact plan of where the stalls would be located, the stalls would be operating with Saunders Markets Limited who operated licences in Harrow Weald, Nine Elms, Willesden, Watford, Hemel Hempstead and High Wycombe.

Responding specifically to concerns regarding noise and litter and safety during larger events, the Sub-Committee were informed that wardens would be on patrol during larger events. Whilst traders would be expected to provide their own water and to clear up waste Slough BID would also be working with independent cleaners to address issues regarding litter concerns. It was also highlighted that there would be a markets manager who would maintain a presence in the town centre on all of the days the market was in operation.

Submissions by Trading Standards and Food and Safety

The Sub-Committee considered the written representations submitted by the Trading Standards and Food and Safety Teams.

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Interested Parties Submissions - Mr Anwar and Councillor Iftakhar

Local resident, Mr Anwar and Councillor Iftakhar were in attendance and made submissions on the application.

Mr Anwar indicated that there were children and families who lived near to where it was proposed the stalls would be operating and that he was concerned about the noise levels which would arise from operating 36 stalls from 0600 hours to 1800 hours. Concerns regarding litter and security, especially during bigger events, was also raised.

Councillor Iftakhar made submissions about public safety, which included emergency vehicles access to the High Street. Concern was also raised about the number of stalls that were being proposed to operate within the space.

Closing remarks

In closing Mr Denney-Clarke pointed out that the legislation allowed the Sub-Committee to grant the application subject to Slough Council's standard conditions, to grant the application subject to Slough Council's standard conditions and subject to such conditions as Sub-Committee considered necessary or to refuse the application.

In closing Mr Anwar said that he was not against a market operating in the High Street but was concerned about the number of stalls and about noise pollution. In closing Councillor Iftakhar repeated that he had concerns about public safety.

In summary, Mrs Parker stated that any concerns raised had been addressed and that Slough BID planned to operate with local businesses and residents and to obtain the support of all parties.

Decision

The Sub-Committee carefully considered all the evidence before it, and all oral submissions made during the hearing.

Following the submissions from the Licensing Officer the Sub-Committee decided it was reasonable to substitute MacKenzie Square for the Curve Plaza and that there was a typographical error in the application with respect to the Sunday trading hours. The Sub-Committee accepted that the application was meant to state a trading start time of 06:00 hours on Sundays and not 18:00 hours. However, following representations about noise from interested parties, the Sub-Committee decided to vary the operating hours set out in the application to prevent trading before 07:00 hours.

As a result of concerns expressed about trees and street furniture within the space and in the absence of information about the size of the stalls it was decided to restrict the number of stalls permitted to operate to 25 stalls. The Sub-Committee considered the conditions as set out in Appendix G of the agenda to be reasonable and proportionate and noted that the Applicant had

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agreed to these. The Sub-Committee therefore decided to adopt the conditions set out at Appendix G of the agenda – amending the number of stalls from 36 stalls to 25 stalls.

The Sub-Committee decided to grant a Street Trading Consent for MacKenzie Square, Town Square and High Street, Slough for Thursday to Sunday for a period of one year with amended operating hours of 07:00 hours to 18:00 hours and a maximum of 25 stalls and subject to the following conditions:

This consent is granted for up to twenty five (25) stalls and only in the areas marked as green on the map within the appendix to this licence.

As the map has a scale and the stall size has not been specified, the stalls are limited up to twenty five (25) individual traders

- Any stall is subject to the daily fee of (£35) (in addition to those imposed by the consent holder) a per a day fee, which is collected by the consent holder and sent to the Licensing Authority within fourteen (14) days of receipt
- This consent is only for the days applied for and any derogation is subject to further consultation
- Adequate space must be kept between the stall and the following:
 - o Street furniture, not limited to benches, lamp-posts, art installations at the time of granting of this consent
 - o Movement of people for ingress and egress from existing trading premises and for free movement along the designated areas
 - If a premises is unoccupied at the granting of consent, and the premises opens after consent is granted, adequate movement must be ensured upon that premises opening and
 - o Any movement of people, must have reasonable adjustments / space for those whom are mobility restricted in accordance with relevant legislation and as amended.
- All laws in relation to Health and Safety and Fire Safety are adhered to; including emergency vehicle access
- Vehicular activity is limited to the applied for primary hour for two (2) hours on any granted day. (for set up)
- Vehicular activity is also limited from the applied for terminal hour for two (2) hours on any granted day. (for set down)
- In accordance with “Martin’s Law” (define Act) the entrance of Park Street has additional protection during the applied for Street Trading Consent hours
- Unless it is integral for the traders vehicle to be in the authorised area, vehicles are parked in the agreed offsite parking areas (yet to be defined).
- All vehicles whether in the consent area or not are parked at the owners risk
- All authorised policies / market rules provided by the Market Consultant – at the time of granting is Saunders Markets Limited (Company Number 07224480), must be adhered to and in addition to these conditions
- Any amendments to the authorised policies are subject to:

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- At least six (6) weeks notice must be given to the Licensing Authority (Slough Borough Council) in a tangible form if the Market consultant or Market manager is to change; except if this causes alleged breaches of said Act or Published policy(s).
- Any items which are illegal or undesirable are prohibited under this granted consent. This is not an exhaustive list and if unsure, advice is to be sought from Slough Borough Council (the Local Authority)
 - o Loose Food sold without appropriate allergen controls
 - o Food businesses without a minimum 3 star food rating
 - o Unregistered Food businesses
 - o Age restricted products
 - o Counterfeit, Trademarks or Copyright infringing Goods
 - o Unsafe Goods
 - o Tobacco Products
 - o Nicotine Inhaling Products (including all vaping type products and heated tobacco products)
 - o Shisha / Water inhaled tobacco products (or derivative) including chewing tobacco
 - o Bladed items as defined in the Criminal Justice Act 1988 and The Offensive Weapons Act 2019
 - o Explosives / Fireworks as defined by Explosives Regulations 2014 (as amended).
 - o Alcohol (except where an appropriate licence is granted under Licensing Act 2003 (as amended))
 - o Any other goods restricted by licence, consent or law e.g. sex toys
- Any good sold by weights or measure for money or money worth is sold using appropriate weighing or measuring equipment, which is correctly marked and calibrated to the appropriate sensitivity criteria as defined by law
- Any trader will forfeit the goods and sign them over to the Local Authority of the type named above and not return to the market under any guise while this granted consent is in force for the duration of this consent and a further three (3) years.
- The existing holders of granted Street Trading Consent goods within the whole consented area are not replicated
- Any waste is appropriately disposed by the stall holder or holder of this Consent.
- Within Zone 2 (denoted as High Street West) where existing Street Trading Consent is granted or Event space denoted (red areas); even when the space is not being used by those whom have ongoing Street Trading Consent as per the Act, their Consented space cannot be used under this granted consent.
- Any stall within Zone 3 (denoted as Town Square) is subject to ongoing rental outside the market as defined by the Event / Communications' team at

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Slough Borough Council (Events team). These four (4) stalls are to be forfeited to the Event's team if prior event authorisation has been given and co-operation is expected within this zone.

- It should be ensured that after the initial plan for the market has been fulfilled, at least three (3) months is given in advanced of any changes of the proposed operation of the market and to the Local Authority, in a tangible form.
- Any renewal application to this granted consent (number) must be received by the Licensing Authority (Slough Borough Council) no less than 3 months before the expiry of the grant for this consent, this must also be received in a tangible form.

Chair

(Note: The Meeting opened at 10.30am and closed at 12.20pm)