

Date of issue: Monday 17<sup>th</sup> July 2023

<b>MEETING:</b>	<b>LICENSING SUB-COMMITTEE</b> (Councillors Khawar (Chair), Mohindra and Nazir)
<b>DATE AND TIME:</b>	TUESDAY, 25TH JULY, 2023 AT 10.30 AM
<b>VENUE:</b>	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	SHABANA KAUSER 07821 811 259

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.



**STEPHEN BROWN**  
Chief Executive

**AGENDA**

**PART 1**

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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Apologies for Absence

**CONSTITUTIONAL MATTERS**

- |    |                          |   |   |
|----|--------------------------|---|---|
| 1. | Declarations of Interest | - | - |
|----|--------------------------|---|---|

*All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.*

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Guidance on Predetermination/ Predisposition - To Note	1 - 2	-
3.	Minutes of the Last Meeting held on 6th July 2023	3 - 6	-

## LICENSING ISSUES

*This 'General' Licensing Sub-Committee is convening to hear and decide licensing matters other than those arising under the Licensing Act 2003 and Gambling Act 2005. This includes (amongst others) applications for hackney carriage/private hire drivers' licences, hackney carriage/private hire drivers' vehicle licences and street grading consents.*

4.	Application for Street Trading Consent – The High Street, Slough.	7 - 52	Herschel Park
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### Press and Public

**Attendance and accessibility:** 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 any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

**Webcasting and recording:** The public part of the meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The footage will remain on our website for 12 months. A copy of the recording will also be retained in accordance with the Council's data retention policy. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

**Emergency procedures:** The fire alarm is a continuous siren. If the alarm sounds Immediately vacate the premises by the nearest available exit at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.

## **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 Thursday, 6th July, 2023.**

**Present:-** Councillors Shah (Chair), Mohammad and Stedmond

**Officers Present:-** Mr Cryan (Legal Services), Ms Kauser (Democratic Services) and Ms Rumney (Licensing)

**PART 1**

**1. Declarations of Interest**

None received.

**2. Minutes of the Last Meeting held on 26th April 2023**

**Resolved** – That the minutes of the meeting held on 26<sup>th</sup> April 2023 be approved as a correct record.

**3. Guidance on Predetermination/ Predisposition - To Note**

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

**4. Renewal application for Simply Pleasure, 32 Windsor Road, Slough, SL1 2EJ.**

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 to renew the sex shop licence for Simply Pleasure, 32 Windsor Road had been received. An objection to the renewal application was received on behalf of Slough Baptist Church on the grounds that the premises was situated on a busy pedestrian route to local shops and services, housing in the area had increased which meant more families residing in the local vicinity and proximity of the premises to a family church.

Options available to the Sub-Committee were outlined.

Questions to the Licensing Officer

Members asked how long the premises had been operating and whether there had been representations made to the application from Thames Valley Police. The Licensing Officer informed the Sub-Committee that their records indicated that the business had been operating since at least 2004 and that TVP had not made any objections to the renewal application.

## **Licensing Sub-Committee - 06.07.23**

Clarification was sought whether the renewal application had been properly carried out, specifically if an advertisement of the application had been made in the local newspaper. The Licensing Officer confirmed that the application was placed in a local newspaper.

A Member asked whether there had been any breaches of the licence, specifically incidents of underage sales and was informed that there had been none. It was noted that the premises had a greyed out frontage and a double entry system to let customers in and operated a Challenge 25 Policy.

### Submissions by the Applicant

Mr Clarke on behalf of the applicant submitted that the premises had been operating for a number of years and that there had been no breaches of any of its licensing conditions as per the Council's terms and conditions. The company was a local employer with twenty one stores nationally.

The application was seeking to renew the existing hours of operation, namely 10am to 7pm, Monday to Saturday. The premises were not open on Sundays or on Public Holidays and had a challenge 25 policy to ensure that no-one under the age of 18 was admitted to the premises. Mr Clarke indicated that local developments had taken traffic away from the local area but that otherwise the environment had not changed and believed that the objection should not be upheld.

### Questions to the Applicant

In response to questions from the Sub-Committee Mr Clarke stated that three local staff comprising of a manager and two sales assistants were employed. Mr Clarke could not confirm how many of the company's other shops were located near to a church. Mr Clarke submitted that although Slough Baptist Church had previously objected to the licence he was unaware of any other objections.

### Submissions made on behalf of Slough Baptist Church

Pastor Wilson of Slough Baptist Church was in attendance to submit objections to the renewal application on behalf of the Church. Objections were based on the location of the premises near to the Church and to shops and a residential area. Pastor Wilson explained that Slough was a fast growing area where families with children had moved into the area and that the Church was a multi-ethnic church with many children and young people. The Church also operated a Friday toddler group and a summer holiday club. Pastor Wilson also said that many families pass by on their way to local schools.

## Licensing Sub-Committee - 06.07.23

### Questions to Pastor Wilson

In response to questions from the Sub-Committee Pastor Wilson said that although there had not been any formal complaints about the premises a number of informal comments had been made to him about the premises.

### Closing remarks

The Licensing Officer reminded the Sub-Committee of the options available to them.

In closing, Pastor Wilson of Slough Baptist Church reiterated that he was objecting to the location of the premises being near to the Church and to its impact on families.

In summing up, Mr Clarke stated that the business was a local employer operating within the terms of its licensing conditions.

### Decision

The Sub-Committee carefully considered all the evidence before it, and all oral submissions made during the hearing. The Sub-Committee was satisfied that the premises had measures in place, such as a controlled entry system and challenge 25 scheme, to ensure that children were protected and that there had been no breaches of any licence conditions.

The Sub-Committee was also satisfied that there had been no significant changes in the local environment and that the business had been operating responsibly within the terms of the licensing terms and conditions of the Council.

**Resolved** - That the application for a renewal of the licence be granted for one year with trading hours of 10:00am to 7:00pm from Monday to Saturday. The premises will not be open on Sundays or on public holidays.

Chair

(Note: The Meeting opened at 11.00 am and closed at 12.05 pm)

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## Slough Borough Council

<b>Report To:</b>	Licensing Sub-Committee
<b>Date:</b>	25 <sup>th</sup> July 2023
<b>Subject:</b>	Application for Street Trading Consent - The High Street, Slough - Objection to grant application.
<b>Chief Officer:</b>	Richard West
<b>Contact Officer:</b>	Russell Denney-Clarke
<b>Ward(s):</b>	Herschel Park
<b>Exempt:</b>	No
<b>Appendices:</b>	Appendix A – Copy of Application Appendix B – Copy of Site Plan Appendix C – Copy of Consultation Appendix D – Copy of Consultation Notice Appendix E – Copy of Consultation Result Appendix F – Copy of Representations Appendix G – Copy of Additional Conditions Appendix H – Copy of RBWM’s Market Charter Appendix I – Copy of RBWM’s Consent

### 1. Summary and Recommendations

- 1.1 This report details a Street Trading Consent for the High Street application which has received objections.

#### Recommendations:

- 1.1 Following the hearing, having had regard to the representations made by all parties, the Licensing Sub-Committee are asked to determine the application for the grant of a new Street Trading Consent.
- 1.2 The Licensing Sub-Committee may:
1. Grant the application subject to Slough Borough Council’s standard conditions.
  2. Grant the application subject to Slough Borough Council’s standard conditions and any additional conditions (**see appendix G**) or restrictions that the Committee consider to be reasonably necessary to;
    - maintain public safety
    - prevent public nuisance and anti-social behaviour
    - preserve the amenity of the specific locality.
  3. Refuse the application.

## 2. Report

### Introductory paragraph

- 2.1 As quasi-judicial body the Sub-Committee is required to consider this matter on its merits and must act reasonably and rationally. The Sub Committee can only consider relevant factors and must ignore irrelevant factors. The decision must be based on evidence, which logically shows 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 Sub Committee must give fair consideration to the contentions of all persons entitled to make representation to them.
- 2.2 The Sub-Committee can only consider matters within the report.
- 2.3 Members should note that the Sub-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.
- 2.4 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 issues. In addition, as a quasi-judicial body, Members are required to avoid both actual bias and the appearance of bias.

### Options considered

- 2.5 Consideration has been given to how the decision sought will help the Council meet its vision and corporate priorities, however the nature of the decision is outside the scope of these priorities.

### Background

2.6 On 22<sup>nd</sup> May 2023, an application for a Market Licence Part III Food Safety Act 1984, Section 37 Local Government (Miscellaneous Provisions) Act 1982 was received by Slough Borough Council.. This application also falls within the scope of schedule 4 of the Local Government (miscellaneous provisions) Act 1982 (Street Trading Consents).

2.7 The Application for the grant of Street Trading Consent:

Applicant:	Clarissa Parker
Trading as:	Slough Town Centre BID Limited
Proposed business:	Food Market and General Market
Site location:	Mackenzie Square, Town Square Slough and High Street, Slough

2.8 A copy of the application is attached at **Appendix A**. A copy of the site plan is attached at **Appendix B**.

2.9 The proposed days and times applied for are:

Thursday to Saturday 06:00 to 18:00  
Sunday 06:00 to 18:00

2.10 The consultation for this application commenced on Thursday 25<sup>th</sup> May and ended on 23<sup>rd</sup> June 2023. 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. The representations can be summarised as follows.

- Access to emergency services.
- Noise, congestion, vermin, smell and litter generated from pitches and traders.
- Provision of water, electrical supply, WC, hand washing and wastewater facilities, and any gas or electrical equipment to be operated in a safe manner and checked regularly by a qualified person.
- Possible security required for crime such as shop lifting.
- Stalls may not complement existing stalls and shops.
- Great Idea, but ensure a good variety of items are sold that will attract the diverse community.
- Good proposal which could bring shoppers back to Slough
- Good Idea to bring much needed variety and choice to the High Street.
- Requirement of conditions in relation to counterfeit goods, age restricted goods, allergen information and weights and measures.

### **3. Implications of the Recommendation**

#### **3.1 Financial implications**

3.1.1 There are no financial implications to the Council.

#### **3.2 Legal implications**

##### **3.2 Schedule 4 (Part 7) of the Local Government (Miscellaneous provisions) Act 1982. (Street Trading Consents)**

- (1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (3) A street trading consent shall not be granted —
  - (a) to a person under the age of 17 years; or
  - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.

- (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-*paragraph include conditions to prevent* —
  - (a) obstruction of the street or danger to persons using it; or
  - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (6) The council may at any time vary the conditions of a street trading consent.
- (7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street—
  - (a) from a stationary van, cart, barrow or other vehicle; or
  - (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions—
  - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
  - (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

### **3.3 Risk management implication**

- 3.3.1 Consideration has been given to risk management implications however the nature of the decision is outside the scope of these priorities.

### **3.4 Environmental implications**

- 3.4.1 Consideration has been given to environmental implications however the nature of the decision is outside the scope of these priorities.

### **3.5 Equality implications**

- 3.5.1 The Sub-Committee should be aware of and consider any implications that may arise from the Human Rights Act 1998 and section 149 of the Equality Act 2010. The legislation makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.
- 3.5.2 When determining the case and considering imposition of conditions the Sub-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 decision would be appropriate.

3.5.3 The Sub-Committee is specifically referred to the following Convention rights:

- (i) Article 6 (the right to a fair trial),
- (ii) Article 8 (the right to respect for private and family life)
- (iii) Article 1 of the First Protocol (the protection of property)

#### **4. Background Papers**

- Schedule 4, part 7 of the Local Government (Miscellaneous Provisions Act) 1982.
- The Market Policy.
- Street Trading Policy

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**APPLICATION FOR A MARKET LICENCE  
 PART III FOOD SAFETY ACT 1984  
 SECTION 37 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

I / WE apply under the provisions of the above Act's' for a market licence and submit the following particulars. I / WE undertake to comply in full with the Council's Market Licensing Standard Terms and Conditions applying to a market licence and with any additional or special conditions which may be specified in the licence agreement.

**MAIN APPLICANT - OPERATOR**

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Company/Business Name</b> Slough Town Centre BID Limited			<b>Company/Business Address</b> 2 <sup>nd</sup> Floor, 135-137 High Street, Slough SL1 1DN		
<b>Operator Surname</b> Parker			<b>First names</b> Clarissa		
<b>Date of birth:</b>					
<b>Current address</b>					
<b>Post Town</b>				<b>Postcode</b>	
<b>Daytime contact telephone number</b>					
<b>E-mail address</b>					
<b>National Insurance Number</b>					

Is the application being made on behalf of a partnership? Yes  No   
 If 'Yes' please complete the following section;

**SECOND APPLICANT - OPERATOR**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Company/Business Name</b>			<b>Company/Business Address</b>		
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>					
<b>Current address</b>					
<b>Post Town</b>				<b>Postcode</b>	

<b>Daytime contact telephone number</b>	
<b>E-mail address</b>	
<b>National Insurance Number</b>	

**PROOF OF IDENTITY & RIGHT TO WORK**

**Photographic identification and proof of right to work is required for all Operators and Traders.** 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

**DURATION OF CONSENT BEING APPLIED FOR:**

1 monthly  Weekly  Daily  Other \_\_\_\_\_ 365 days

Is the applicant trading at present? Yes  No

How long has the applicant been trading? \_\_\_\_\_

**PROPOSED TRADING SITES(s)** - precise location(s) to be specified along with an **acceptably prepared plan**.

<b>Address of trading location</b>	<b>Curve Plaza, Town Square Slough and High Street, Slough</b>
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**REQUESTED TRADING TIMES (please use 24 hour clock).**

	Start time	Finish time
<b>Monday</b>		
<b>Tuesday</b>		
<b>Wednesday</b>		
<b>Thursday</b>	06.00	18.00
<b>Friday</b>	06.00	18.00
<b>Saturday</b>	06.00	18.00
<b>Sunday</b>	18.00	18.00
<b>Seasonal Variations:</b>		

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

**IF NOT SLOUGH HIGH STREET - 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	
<b>Surname</b>				<b>First names</b>	
<b>Current address</b>					
<b>Post Town</b>				<b>Postcode</b>	
<b>Contact telephone number</b>					
<b>E-mail address</b>					

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

Yes  No

Has the Operator and traders been licensed with another local authority?

Yes  No

If **'yes'**, please specify: \_\_\_\_\_

Has the Operator and traders ever had a Market Licence suspended or refused?

Yes  No

If **'yes'**, please specify the Licensing Authority: \_\_\_\_\_

Does the applicant have the required Public Liability Insurance (**£10m**) - Evidence **MUST** be produced at time of application.

Yes  No

**TRADER DETAILS – N/A @ this stage**

**TRADER 1**

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

<b>Full details of any vehicles, stall, trolley stand etc to be used in the course of trading.</b> (Include registration/fleet number, height, width, length, colour)	N/A @ this stage
<b>Description of goods / articles to be sold.</b> (E.g. hot / cold food, fruit and vegetables etc).	N/A @ this stage
<b>Address of premises or location where vehicle, stall, trolley, stand and any food will be stored when not in use.</b>	N/A @ this stage

**Application Check List**

- |   |     |
|---|-----|
| I have enclosed the completed application form.   | Y   |
| I have enclosed a plan of the site / location.  | Y   |
| I have enclosed details of relevant criminal convictions & cautions as detailed in the Council Market policy for the applicant(s) & traders. (where applicable) | N/A |
| I have enclosed relevant fee.   | Y   |
| I have enclosed a passport size photograph of applicant(s) and each trader<br>(A digital image can be emailed to ??????????????????????????????)                | Y   |
| I have enclosed proof of right to work for all applicant(s) and nominated persons.  | Y   |
| I have enclosed a copy of the Public Liability Insurance.   | Y   |
| I have enclosed Food Safety / Hygiene certificates for all applicants and nominated persons.  | N/A |

I understand that if I do not comply with the above requirements my application will be rejected. Y

**Please return completed application forms to;**

**The Communication Team**

**1<sup>st</sup> Floor west**

**St Martins Place**

**Bath Road**

**Slough**

**SL1 3UF**

**Contact Tel: ??????????????????**

**Email: ??????????????????????**

**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 – The Market Licensing Standard Terms and 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: Clarissa Parker**

**Signed...**

**Dated: 22/05/23**




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**Zone 1 (2):  
MacKenzie  
Square**

**Zone 2 (10):  
High Street  
West**

**Zone 3 (4):  
Town  
Square**

**Zone 4 (20):  
High Street  
East**

-  Food/General/Specialist stall
-  Existing street trader/ Non BID trading zone
-  Pedestrian access

# High street's licensing areas

Date: 05/2023

Scale: 1 / 1,500

Contains OS data © Crown copyright Road Map (2022), 2022

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# Consultation response for Slough High Street - Street Trading Consent

This form is to register your response to the consultation on a proposed market on Slough High Street. The consultation closes: 23/06/2023 at 16:00

\* Required

## Consultation Response

Your data and information will be handled in line with our privacy policy - please see [www.slough.gov.uk/yourprivacy](http://www.slough.gov.uk/yourprivacy).

1. Date of Response \*



2. What are your views on the consultation \*

3. Do you support or oppose the granting of Street Trading Consent for a market on Slough High Street? \*

Support

Oppose

4. Name \*

5. Address \*

6. Email address

7. Phone number

The value must be a number

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This content is neither created nor endorsed by Microsoft. The data you submit will be sent to the form owner.



## **PUBLIC NOTICE**

### **Local Authorities (Miscellaneous Provisions) Act 1982 Schedule 4 Application for Street Trading Consent for an Outdoor Market on Slough High Street**

**Location:** From Mackenzie Square to Junction with Alpha Street North

On Thursday 25 May 2023 the Licensing Team as the responsible authority in accordance with the published policy are to formally consult with members of the public, residents, business and other council partners.

The application is for an **Outdoor Market** to trade on **Thursdays to Sundays** from **6am to 6pm**. Valid for one year once granted.

The location of the stalls are marked on the plan on page two of this notice.

Responses to this consultation are to be received no later than **16:00 on 23 June 2023**

Any representations or objections can be registered with Slough Borough Council's Licensing team by the following methods.

1. By scanning the QR Code
2. In writing to Licensing, Slough Borough Council, Observatory House, 25 Windsor Road, Slough SL1 2EL
3. By email to [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)

For details of our privacy policy visit [www.slough.gov.uk/yourprivacy](http://www.slough.gov.uk/yourprivacy)

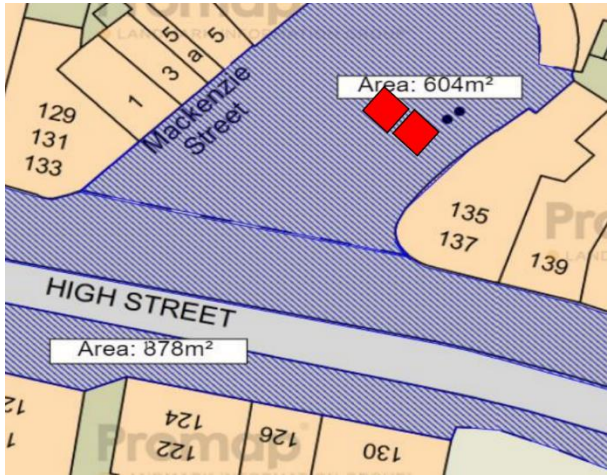


Scan QR Code to respond.

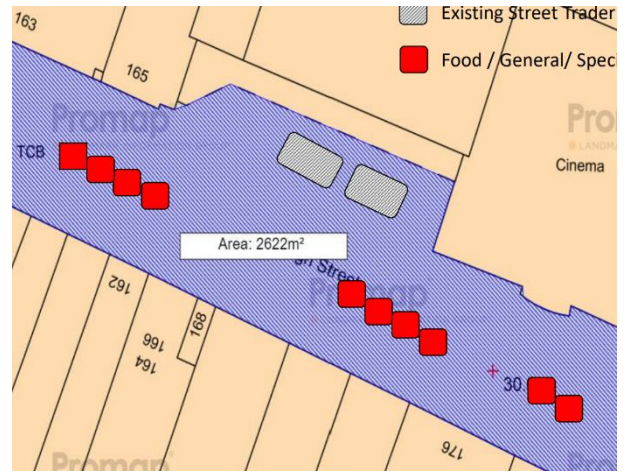
[www.slough.gov.uk/business-licensing](http://www.slough.gov.uk/business-licensing)

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 end of the consultation period.

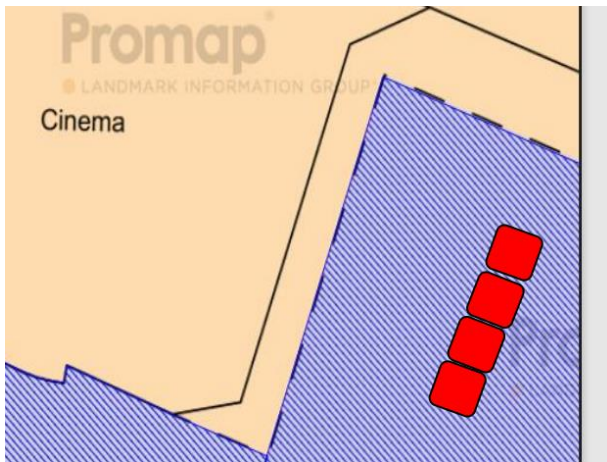
The Licensing Sub Committee is made up of local Councillors who will determine each application on its own individual merits. At the Committee hearing the applicant(s) and objectors will be given the opportunity to put their case forward. The Committee are empowered to grant, refuse, or apply any relevant conditions in addition to the **General Conditions** to any licence application put before them.



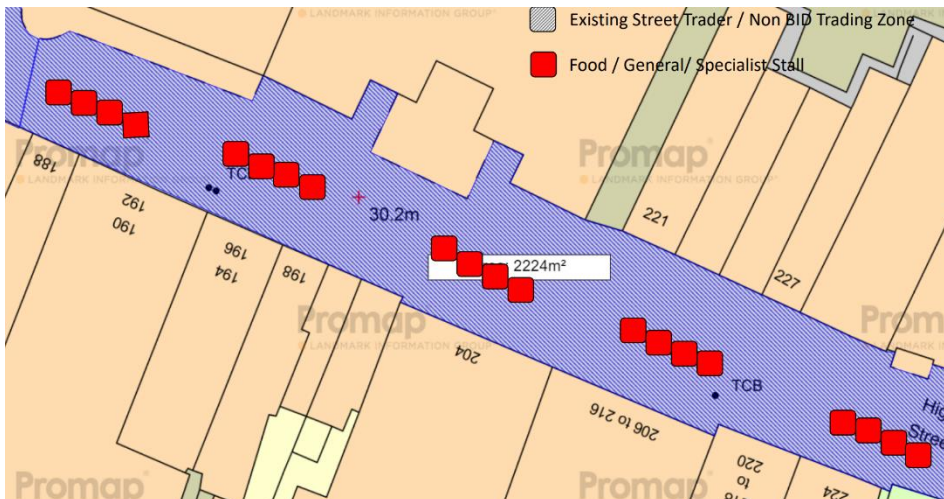
Zone 1 – Mackenzie Square (2)



Zone 2 – O2 Shop to Queensmere (10)



Zone 3 - Town Square (4)



Zone 4 - Queensmere to Alpha St North (20)

NOTE: PLANS ARE NOT TO SCALE ON THIS NOTICE  
 Copyright of the maps is with the applicant.

## Appendix E - Copy of Consultation Results

Date of Response	What are your views on the consultation	Do you support or oppose the granting of Street Trading Consent for a market on Slough High Street?
5/25/2023	<p>I have concerns regarding noise generated from pitches and traders attended the High Street at 6am.</p> <p>Radley House on the corner of Park Street is a particular hot spot for noise complaints and many reports have been made from residents regarding noise already generated from normal High Street activities. Residents complain about shop deliveries, cash in transit vans, street entertainers, organised town centre events, deliveroo drivers parking outside Boots idling engines etc.</p> <p>As Park Street is the key access road to the High Street it is obvious that on street trading days there is likely to be a large amount of vehicle activity passing through this road as well as pitch stands setting up raising the level of noise in this area. I am concerned this noise will cause nuisance to residents and there will most certainly be a response from residents in the form of complaints.</p>	Oppose
5/26/2023	A good idea to bring some much needed variety & choice to the High Street.	Support
5/27/2023	Much needed addition until the development from British Land completes and brings more footfall.	Support
5/29/2023	Es ist ein gutes idea	Support
5/29/2023	Es ist ein gutes idea	Support
6/6/2023	<p>I am opposed to street trading and the setup of market stalls on the high street</p> <p>We are residents who live on the high street. What you are proposing will cause a lot of distress for our block. The noise all day from 6am to 6pm will be very loud especially from the setup very early in the morning which will be very loud and the closing down of the stalls every night will also be very loud. Also as per guidelines you can't even have any loud activity till after 8am.</p> <p>There will also be lots of shouting from the traders which we don't want on our doorstep it's already unbearable as it is</p> <p>There will also be lots of litter, more rats than there already are and more mess from these traders.</p> <p>There will also be lots of smell and pollution coming from the stalls I won't be able to open my windows for fresh air. Especially from the food stalls and lots of flies around. Also the increased level of people right in front of my doorstep it will be so congested</p>	Oppose

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**Nicola Keegan**

---

**From:** [REDACTED]  
**Sent:** 26 May 2023 20:14  
**To:** \_Licensing  
**Subject:** Outdoor Market in Slough  
  
**Categories:** Nicola

I think this is a good proposal and could bring shoppers back to the town

Kind regards

[REDACTED]

**Nicola Keegan**

---

**From:** [REDACTED]  
**Sent:** 27 May 2023 [REDACTED]  
**To:** \_Licensing  
**Subject:** Street trading consultation

**Categories:** Nicola

Dear sirs

I am writing with my comments on the above.

I think it is a great idea but we need to make sure that what is sold is not cheap knock offs but stalls that sell a good variety of items that will attract the many varied and diverse communities in Slough. Bringing them together.

Regards

[REDACTED]

## Nicola Keegan

---

**From:** Dean Cooke  
**Sent:** 23 June 2023 14:16  
**To:** \_Licensing  
**Cc:** TS DUTY  
**Subject:** Response to Market Consultation

**Categories:** Nicola

Dear Licensing,

I am responding on behalf of Trading Standards in relation to the Market Consultation.

We will not object to the Licence subject to the addition of some conditions

- Ban on the sale of Counterfeit Goods
- Ban on the sale of Age Restricted Goods
- Food Vendors must display allergen information where appropriate
- Items sold by weight or measure to have suitable equipment

Kind regards,

Dean

**Dean Cooke**  
**Principal Trading Standards Officer**  
**Slough Trading Standards**  
**M. 07821 811567**

## Nicola Keegan

---

**From:** Ann Stewart  
**Sent:** 23 June 2023 12:02  
**To:** \_Licensing  
**Cc:** Russell Denney-Clarke  
**Subject:** Market consultation

**Categories:** Nicola

Hi Licensing

I filled in your consultation form- below are my comments in case it does not come through.

I am writing on behalf of the Food & Safety Team at Slough Borough Council. We do not have any specific objection but would like the following matters to be reflected in any conditions linked to any consent given:

- Any food business present as part of the consent to be a) registered with a relevant local authority (usually the one where their stall/vehicle is stored overnight) and b) to have a minimum Food Hygiene Rating of 3 'Satisfactory'.
- Any electrical and/or gas equipment to be maintained and operated in a safe manner. Equipment should be examined from time to time by a competent person and relevant safety certificates/evidence of these examinations should be available upon request.
- Stall holders/the consent holder should ensure adequate provision of potable water where necessary.
- The Stall holders/consent holder should make adequate provision for the storage and disposal of waste including waste food and waste water.

Rgds

Ann

**Ann Stewart**  
**Food & Safety Professional- Communities and Public Protection**



**Tel- 01753 477905**  
**Mob-07784 211285**  
[www.slough.gov.uk](http://www.slough.gov.uk)

**Working Pattern- 8.30-5pm Tuesday-Friday & alternate Mondays.**



Nicola Keegan

---

From:  
Sent:  
To:  
Cc:  
Subject:

[Redacted]

Categories:

Nicola

[Redacted]

**From:** Adil Iftakhar <Adil.Iftakhar@slough.gov.uk>  
**Sent:** Thursday, June 15, 2023 6:07 PM  
**To:** Russell Denney-Clarke <Russell.Denney-Clarke@slough.gov.uk>  
**Cc:** Ketan Gandhi <Ketan.Gandhi@slough.gov.uk>  
**Subject:** RE: Consultation on Street Trading Consent for Outdoor Market on Slough High Street (Member Memo)

Dear Mr Denney-Clarke,

I have serious concerns around public safety which needs to be addressed.

In terms of how ambulance, fire and police service would respond to incidents within the town Centre as a result of these market stalls.

Regards,

CLlr Adil Iftakhar

[Redacted]

**From:** [REDACTED]  
**Sent:** 01 June 2023 12:11  
**To:** \_Licensing  
**Subject:** Outdoor Market on Slough High Street Consultation  
**Categories:** Melanie

Hello,

I would like to oppose the plans for the Outdoor Market on the following grounds:

- Public order
- Public safety
- Public nuisance
- Impact on existing traders

#### Public Order

The behaviour of individuals on Slough High Street is, at times, deplorable, with a significant number of shoplifting incidents that have regularly required additional security. A number of low security stalls hosting easily obtainable goods only increases the risk of crime on the High Street. As the plans published give no details of extra security or policing being provided, one can only assume that no additional security of policing is being provided. A rise in crime can only be hurting other traders, shoppers and residents.

#### Public Safety

At present, the High Street is a rat run for delivery bikes, scooters and mopeds. The pedestrianised areas are not enforced as such by the council, police or PCSOs. The already dangerous area for pedestrians is only made more so by the available space being taken up with barricades, slippery surfaces in poor weather and inappropriately placed advertising signage. If work will be done consistently (and again the document published does not show this) to enforce the current restrictions on vehicles, powered and unpowered, and in decluttering the area then I would withdraw this specific objection. At present, the High Street is not safe for pedestrians, this proposal only makes it less safe.

#### Public Nuisance

The plan is for the market to be available from 06:00. With the noise on the High Street due to current establishments and deliveries extending late into the night and into the early hours, having traders set up from 06:00 with mechanical and vehicle noise, then potentially their own noise as they hawk their wares and play music, this will exacerbate an existing problem to an intolerable level. It may be appropriate to limit the hours so that traders can set up after 08:00, and with stalls to be pack away no later than 19:00, and place a prohibition on vehicle movements outside those hours, and excessive noise inside them. It may be appropriate to monitor the behaviour of stallholders in their noise throughout their operation to ensure that local residents are not disturbed in the peaceful enjoyment of their private lives.

#### Impact on existing traders

Not all stores have access to their rear along the High Street and some, notably Superdrug, make use of the High Street for deliveries. No differentiation is given in the maps as to whether a stall will sell food or be general goods. I support a diversification of the retail provision in the High Street, as current conditions are woeful, but I am concerned that no impact assessment has been published in the only document available. I am not a current trader, nor linked to one in any way (stall holder or shop keeper) but merely concerned that the stalls that would be hosted may be ones that do not complement the existing offering.

In conclusion, I object to the proposal as it will encourage existing poor behaviour which the Police, PCSOs and Council have not used existing powers to prevent, cause a noise and physical nuisance and could impact others including economically. The proposals lack detail and specificity and without this, they are impossible to support.

I would also note, the notices posted are incredibly small, with very low font size. The document on the website is not easy to find. The map on the document is annoyingly disjointed, where it could be in landscape and fully pain the picture of the trading landscape (in Word, insert a section break on page break and pick the next page as being landscape).

I do not give consent for my personal details to be published as part of this consultation.

Yours,

A large black rectangular redaction box covering the signature area.

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## Draft additional Conditions

In addition to the standard Street Trading Consent conditions as per the published Slough Borough Council policy (“published policy 1”), The Local Government (Miscellaneous) Provision Act 1982, Schedule 4 (“the Act”) and in conjunction with the Slough Borough Council Markets Policy (“published policy 2”), the following conditions to the granted consent are imposed. The following applies to all Zones; where Zones are listed, these are in addition to the imposed conditions.

- This consent is granted for up to thirty six (36) 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 thirty six (36) 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:
  - Street furniture, not limited to benches, lamp-posts, art installations at the time of granting of this consent
  - 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
  - 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:
- 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)
  - Loose Food sold without appropriate allergen controls

- Food businesses without a minimum 3 star food rating
  - Unregistered Food businesses
  - Age restricted products
  - Counterfeit, Trademarks or Copyright infringing Goods
  - Unsafe Goods
  - Tobacco Products
  - Nicotine Inhaling Products (including all vaping type products and heated tobacco products)
  - Shisha / Water inhaled tobacco products (or derivative) including chewing tobacco
  - Bladed items as defined in the Criminal Justice Act 1988 and The Offensive Weapons Act 2019
  - Explosives / Fireworks as defined by Explosives Regulations 2014 (as amended).
  - Alcohol (except where an appropriate licence is granted under Licensing Act 2003 (as amended))
  - 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 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.

## **RBWM Market Charter**

RBWM have indicated that there is flexibility with regards to the Market Charter, in that it would not be invoked if Slough does not hold markets that conflict with the days and types of markets held in Windsor.

### Markets running this year in Windsor

**Weekly fruit and veg – Tues, Friday and Saturday**

**Weekly Wild fish - Thurs and Friday**

**Farmers Market 1st Saturday in the month**

**Independent food market - 3rd and 5th weekend of the month.**

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## Nicola Keegan

---

**From:** Russell Denney-Clarke  
**Sent:** 30 May 2023 11:33  
**To:** Nicola Keegan  
**Subject:** FW: Windsor Charter

**Russell Denney-Clarke**  
Trading Standards and Licensing Manager

Slough Borough Council  
Tel 07770 641137

---

**From:** Ketan Gandhi <Ketan.Gandhi@slough.gov.uk>  
**Sent:** Wednesday, May 10, 2023 10:51 AM  
**To:** Russell Denney-Clarke <Russell.Denney-Clarke@slough.gov.uk>; Lynsey Hellewell <Lynsey.Hellewell@slough.gov.uk>; Savio DeCruz <savio.deacruz@slough.gov.uk>; 'clarissa.parker' <clarissa.parker@sloughbid.co.uk>  
**Subject:** FW: Windsor Charter

Hi all

See below, we have the go-ahead from Windsor

ketan

Ketan Gandhi  
Associate Director – Community and Public Protection  
Place & Community

---

**From:** Chris Joyce <[Chris.Joyce@RBWM.gov.uk](mailto:Chris.Joyce@RBWM.gov.uk)>  
**Sent:** Wednesday, May 10, 2023 10:45 AM  
**To:** Ketan Gandhi <[Ketan.Gandhi@slough.gov.uk](mailto:Ketan.Gandhi@slough.gov.uk)>  
**Subject:** RE: contact needed

Hi Ketan

Whilst there is a charter in place, we have no objection to this proposal.

Many thanks

**Chris Joyce**  
**Head of Place Change Programme**  
Place Directorate  
Royal Borough of Windsor & Maidenhead  
Town Hall, St Ives Road, Maidenhead SL6 1RF

Mob: 07801446216

Website: [www.rbwm.gov.uk](http://www.rbwm.gov.uk)

Follow us on Twitter: @RBWM  
Like us on Facebook

---

**From:** Ketan Gandhi <[Ketan.Gandhi@slough.gov.uk](mailto:Ketan.Gandhi@slough.gov.uk)>  
**Sent:** 03 May 2023 13:10  
**To:** Chris Joyce <[Chris.Joyce@RBWM.gov.uk](mailto:Chris.Joyce@RBWM.gov.uk)>  
**Subject:** RE: contact needed

**CAUTION:** This email originated from outside the council. Do not click any links or open attachments in this email unless you recognise the sender and are sure that the content is safe.

Hi Chris

Thanks for responding, really appreciated.

We are going to be starting some markets in Slough and I understand that there is a Windsor Charter. I wanted to write to someone who would ideally confirm that it would be ok for us to proceed with our Markets without any challenge from RBWM. Our potential market provider has applied for the following markets which will be based on our High Street.

<b>Thursday</b> <b>(Night Market Speciality monthly/ quarterly)</b>	06:00	18:00 22:00 <b>(Night Market)</b>
<b>Friday</b>	06:00	18:00
<b>Saturday</b>	06:00	18:00
<b>Sunday (Monthly Speciality Markets)</b>	08:00	18:00

Could you either confirm that RBWM would be Ok with this or point me to the right person to speak to

Regards

Ketan

Ketan Gandhi  
Associate Director – Community and Public Protection  
Place & Community

---

**From:** Chris Joyce <[Chris.Joyce@RBWM.gov.uk](mailto:Chris.Joyce@RBWM.gov.uk)>  
**Sent:** Wednesday, May 3, 2023 10:28 AM  
**To:** Ketan Gandhi <[Ketan.Gandhi@slough.gov.uk](mailto:Ketan.Gandhi@slough.gov.uk)>  
**Subject:** RE: contact needed

Hi Ketan

What specifically do you need as I can point you in the right direction.

Many thanks

**Chris Joyce**  
**Head of Place Change Programme**  
Place Directorate  
Royal Borough of Windsor & Maidenhead  
Town Hall, St Ives Road, Maidenhead SL6 1RF

Mob: 07801446216

# Markets Policy



## SLOUGH BOROUGH COUNCIL MARKETS POLICY

<b>Document Number</b>	<b>01</b>
<b>Version Number</b>	<b>04</b>
<b>Date approved</b>	<b>27<sup>th</sup> September 2018</b>
<b>Effective</b>	<b>28<sup>th</sup> September 2018</b>
<b>Contact Officer</b>	<b>Michael Sims - Licensing Manager</b>

<b>Change History</b>		
<b>Version No</b>	<b>Date</b>	<b>Change Details</b>
<b>1.00</b>	<b>27/07/2018</b>	<b>Draft document prepared</b>
<b>2.00</b>	<b>20/08/2018</b>	<b>Amendments following Consultation</b>
<b>3.00</b>	<b>10/09/2018</b>	<b>Amendments following Licensing Committee resolution</b>
<b>4.00</b>	<b>27/09/2018</b>	<b>Final adoption by Full Council</b>

<b>Related Documents</b>	
<b>Document Title</b>	<b>Location</b>
<b>Food Act 1984</b>	<b>Statute</b>
<b>Local Government (Miscellaneous provisions) Act 1982</b>	<b>Statute</b>

**If you have any further questions about this Policy or for further information, including applications forms please contact:**

Licensing Manager  
 Slough Borough Council  
 Landmark Place  
 High Street  
 Slough  
 SL1 1JL

Tel: 01753 875664  
 Email: [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)

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4.	What is a Market Event
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6.	Licensing of Markets under the Council's Markets Policy
7.	How to apply
8.	Appeals procedure
9.	Fees
10.	Other Approvals
11.	Section 37 of the Local Government (Miscellaneous Provisions) Act 1982
12.	Enforcement
13.	Partnerships

## **1. INTRODUCTION**

The Council recognises the importance of markets in the local economy and their contribution to the character of the area. Markets serve an important function to the community and contribute in a number of ways to the local communities they serve.

Markets contribute to economic growth and regeneration by; creating jobs, promoting local produce and attracting tourists.

The Council's markets are described in more detail in Section 2 of this policy and they represent an important investment by the Council in delivering economic growth and regeneration creating jobs, promoting local produce, attracting tourists and Town Centre vitality.

The Council is keen to maintain regular markets in the Town Centre. This markets policy sets out the basis upon which markets are held and the process by which applications for new markets will be considered.

The Council recognises that there are many different types of market activities and this policy 27<sup>th</sup> September 2018 is intended to cater for each type of market. In particular, this policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Section 5 of the markets policy deals with the different types of market and the Council's approach in considering applications in respect of such markets.

In producing this policy the Council has taken the opportunity of consulting publicly and with the following organisations: NABMA (The National Association of British Market Authorities), the NMTF (National Market Traders Association) and other UK Local Authority Market Operators. In addition, the Council has consulted internally with Cabinet Members, Ward members for Central ward and the relevant Council Service areas responsible for licensing, economic regeneration, and town centres operations.

It is important to note as part of this policy, the Council will not licence markets to be held on any days or at any locations where civic ceremonies or events are to take place.

The policy will be kept under review.

## **2. MARKETS**

Council operates markets principally in the High Street. However, the Council can also run any number of ad-hoc markets at locations across the Borough and establish new markets if it chooses to do so.

## **3. LEGISLATIVE POWERS HELD BY THE COUNCIL**

The Council has adopted the provisions Sections 50 to 61 of Part III of the Food Act 1984, to hold markets within its area and the right to licence and control the frequency of markets within its borough. In addition the Council has adopted Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982 that requires any person intending to hold a temporary market to notify the Council in advance, so that if appropriate the Council can take steps to remove the permitted development rights to hold such a market and require the operator to apply for planning permission to do so.

This right has been exercisable for many years and this policy takes into account relevant UK and European legislation.

#### **4. WHAT IS A MARKET EVENT?**

The Council's markets policy is intended to cover, principally markets in the High Street and where necessary all market events held within the borough. In order that potential market operators are fully aware of the Council's definition of a market the following guidelines are provided:

- a) The legal definition of a market is a "concourse of buyers and sellers" (this means that the public are entitled to attend market events to buy and sell).
- b) A temporary market will comprise not less than five stalls, stands, vehicles, whether moveable or not or pitches from which articles are sold.
- c) There will be an operator of the market who will be responsible for the organisation and delivery of the event.
- d) The term "market event" includes car boot sales, antique and craft markets, general markets, farmers' markets, continental style markets and charity markets.
- e) A market may sometimes be held as an integral part of a special event and where this arises the market element will fall within the Council's markets policy.

The Council's markets policy differentiates between markets of a commercial nature and community-based markets which have a strong charitable element.

This markets policy does not cover street trading activities. This activity is regulated by the Council's Licensing Team under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

#### **5. MARKET OPERATOR**

A Market Operator is defined as person, body or organisation to whom a market licence is granted by the Council.

#### **6. LICENSING OF MARKETS UNDER THE COUNCIL'S MARKETS POLICY**

The Council's consent to a market event must be given before the market takes place. Markets will only be licensed once an application for a markets licence has been approved. Any market that takes place without such a licence is in breach of the Council's markets policy and will be subject to enforcement action as described in Section 12.

The Council will consider applications in respect of the following categories of market events:

- i) Commercial markets including continental style markets
- ii) Markets with a strong charitable/community element

The criteria set out in Section 4 will be relevant in respect of both categories of market event.



**i) Commercial markets**

A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes.

The Council will consider applications in respect of commercial markets having regard to the following requirements:

- a) No market will be authorised to take place within the Borough unless it can be demonstrated that the new market will not undermine the existing markets and not prejudice the overall market offer.
- b) In respect of any consent the operator must have adequate insurances, comply with trading standards guidelines, health and safety requirements and any other statutory provisions laid down by the Council, including the Market Licensing Standard Terms and Conditions.
- c) A fee will be charged for any application to the Council, The fee will be based on the size and number of traders engaged in the market event. P l e a s e refer to Section 9 in respect of fees.
- d) The goods to be sold on the market will be approved by the Council.
- e) A licensing agreement will be entered into between the operator and the Council and such licensing agreement must be concluded before the market takes place.
- f) All authorised markets will be subject to the Slough Borough Council Market Licensing Standard Terms and Conditions.
- g) The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.

**ii) Markets With A Strong Charitable/Community Element**

Some markets are organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event. The Council will consider applications in respect of such market events having regard to the following requirements:

- a) The markets must be operated on a non-profit making basis to assist a charity/community, and the operator shall supply relevant information to the Council evidencing the same if requested. While it is acknowledged that some traders will be selling goods for their own purposes, the Council will look for the event to have a strong charitable element in the way the event is organised.
- b) In respect of any consent the operator must have adequate insurances, comply with trading standards guidelines, health and safety requirements and any other statutory provisions laid down by the Council.
- c) A licensing agreement will be entered into between the operator and the Council and such licensing agreement must be concluded before the market takes place.
- d) All authorised markets will be subject to the Slough Borough Council Market Licensing Standard Terms and Conditions.
- e) The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.

- f) The operator must hold adequate proof that the charity they represent is registered with the Charity Commission, and also provide written permission from the charity organisation to raise funds on their behalf.

## 7. HOW TO APPLY

The application form to hold a market in respect of both, commercial markets and charity/community-based markets can be requested from the Markets Manager at:

The Events and Commercial Manager  
2<sup>nd</sup> Floor West  
St Martins Place  
Bath Road  
Slough  
SL1 3UF

Or via the Councils website at: <https://www.slough.gov.uk/business/licences-and-permits/street-trading-consents.aspx>

The application process will consider such matters as (but not limited to):

- Has an adequate Event Management Plan been completed with the inclusion of any relevant Risk Assessments?
- Has the operator held other events within the borough, if so how many and at what frequency?
- Has proof of any insurances/licences been provided? Including adequate Public and Employers Liability cover?
- Where applicable and if not in the High Street, has permission been granted by the venue/land owner?

The Council will aim to deal with applications for a markets licence within a period of twenty eight days from receipt of all the necessary and required information.

Please note the separate requirement for notice under s37 Local Government (Miscellaneous Provisions) Act 1982; at paragraph 11 below. An operator of a market event is therefore urged to return the application as early as possible to ensure that the Council has adequate time to consider the relevant matters in an appropriate way. In considering the application the Council will require sufficient information to deal with all the issues set out in the criteria listed above, the Market Licensing Standard terms and conditions and also covered on the application form. Failure to provide such information is likely to lead to a delay in the Council coming to a decision.

If the Council refuses an application it will set out the reasons for its decision. If the applicant wishes to appeal the decision then any appeal must be submitted within fourteen days of the Council's written decision, refer to section 8 in respect of the appeals procedure.

## 8. APPEALS PROCEDURE

An applicant can appeal in writing against refusal, with supporting reasons, to the Communications Manager. If the appeal is not resolved at this stage, the applicant will be referred to the Council's Corporate Complaints Procedure.

## 9. FEES

A reasonable administrative fee will be charged for applications. The fee takes into consideration the time and cost to the Council of considering the application. The Fee Scale can be obtained upon request at:

The Events and Commercial Manager  
2<sup>nd</sup> Floor West  
St Martins Place  
Bath Road  
Slough  
SL1 3UF

Or via the Council's website at: <https://www.slough.gov.uk/business/licences-and-permits/street-trading-consents.aspx>

## 10. OTHER APPROVALS

It is important to emphasise that any approval given by the Council in respect of its market policy, does not remove the requirement for other relevant approvals to be obtained. In particular the operator of a market should ensure that where the market is being held on private land, the approval of the landowner is obtained.

Planning permission might also be required and any market operator should consult with the Council's Planning Department to ascertain whether any planning considerations are relevant.

Attention is also drawn to the provisions of the Licensing Act 2003, specifically where the sales of alcohol are to take place the stall/unit must have obtained either a Premises Licence or Temporary Event Notice for the period of the sale of alcohol.

During the hours that alcohol sales are permitted, a holder of a Personal Licence within the meaning of section 3 of the Licensing Act 2003 must be present at the point of sale.

A market licence does not constitute approval under any other statutory regime or remove the need for planning permission for the event.

## 11. SECTION 37 OF PART XII OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Slough Borough Council has approved the adoption of Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982.

Section 37 of the 1982 Act deals with temporary markets and any operator of a temporary market, (together with where applicable the occupier of land on which the market is to be held), is required to give to the Council not less than one month's notice of the holding of the market.

Any notice given by the operator and the occupier of the land shall state:

- i) The full name and address of the person intending to hold the market.
- ii) The day or days on which it is proposed that the market will be held and its proposed opening and closing times.
- iii) The site on which it is proposed that the market will be held.
- iv) The full name and address of the occupier of the land if he is not the person intending to hold the market. A market licence application will also need to be completed.

It is important to emphasise that the requirements of Section 37 of the 1982 Act are quite separate to the licensing of events under the Council's Markets Policy set out in Section 5. The operator and the occupier of the land should ensure that a notice is given to the Council under the requirements of Section 37 as soon as proposals for a temporary market are under consideration. This will enable the Council to give preliminary consideration to a proposal and indicate its likely view on a subsequent application for a markets licence.

Failure to give a notice under Section 37 is a criminal offence and attracts liability on conviction to a fine in the Magistrates' Court

## **12. ENFORCEMENT**

The Council will monitor the application of its markets policy and any market event which is established will be subject to the Council's requirements.

No events or activities promoting a particular religion or political party are to take place in the High Street, Slough Town Square, Mackenzie Square or any of the council's parks or open spaces.

Any market which is not approved by the Council under Section 5 of its markets policy will be asked to close immediately and to apply for a market licence. Failure to do so will result in any future application being refused.

In addition, any market operator acting in contravention of any market license granted by the Council will run the risk of the license being terminated by the Council.

On such terms as the Council determines and, in such circumstances, the Council reserves the right to refuse any future applications for market licenses submitted by the operator concerned, or any persons or organisation associated with the operator.

## **13. PARTNERSHIPS**

Slough Borough Council works with partners to extend its offer of specialist markets and events. Partnership operators will have to demonstrate a sound knowledge in their chosen field, and be able to source and organise an exciting and varied array of traders. Examples of specialist market/events could include:

- Cultural
- Records / Vinyl / Music
- Art and Design
- Antiques
- Craft
- Horticultural
- Fashion



This document can be made available on audio tape, braille or in large print, and is also available on the website where it can easily be viewed in large print.

## Markets Policy

If you would like assistance with the translation of the information in this document, please ask an English speaking person to request this by calling 01753 875664.

यदि आप इस दस्तावेज में दी गई जानकारी के अनुवाद किए जाने की सहायता चाहते हैं तो कृपया किसी अंग्रेजी भाषी व्यक्ति से यह अनुरोध करने के लिए 01753 875664 पर बात करके कहें.

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਵਿਚਲੀ ਜਾਣਕਾਰੀ ਦਾ ਅਨੁਵਾਦ ਕਰਨ ਲਈ ਸਹਾਇਤਾ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਕਿਸੇ ਅੰਗਰੇਜ਼ੀ ਬੋਲਣ ਵਾਲੇ ਵਿਅਕਤੀ ਨੂੰ 01753 875664 ਉੱਤੇ ਕਾਲ ਕਰਕੇ ਇਸ ਬਾਰੇ ਬੇਨਤੀ ਕਰਨ ਲਈ ਕਹੋ।

Aby uzyskać pomoc odnośnie tłumaczenia instrukcji zawartych w niniejszym dokumencie, należy zwrócić się do osoby mówiącej po angielsku, aby zadzwoniła w tej sprawie pod numer 01753 875664.

Haddii aad doonayso caawinaad ah in lagu turjibaano warbixinta dukumeentigaan ku qoran, fadlan weydiiso in qof ku hadla Inriis uu ku Waco 01753 875664 si uu kugu codsado.

اگر آپ کو اس دستاویز میں دی گئی معلومات کے ترجمے کے سلسلے میں مدد چاہئے تو، براہ کرم ایک انگریزی بولنے والے شخص سے 01753 875664 پر کال کر کے اس کی درخواست کرنے کے لئے کہیں۔