

## SLOUGH BOROUGH COUNCIL

### REPORT TO LICENSING SUB-COMMITTEE – 24<sup>TH</sup> JANUARY 2012

#### LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982 APPLICATION FOR A NEW STREET TRADING APPLICATION FOR TRADERS DINER, PETERSFIELD AVENUE, SLOUGH

### **1. The Application**

- 1.1. An application is being made by Mr Josiah Kimani for a Street Trading Consent for 'Traders Diner' on Petersfield Avenue, Slough. A copy of the application is attached at **Appendix 'A'**.

Photographs of the trading unit and food hygiene and safety certificate have been included with the application and are attached at **Appendix 'B'**.

- 1.2. The application is for Street Trading Consent at the specified pitch between the hours of;

Monday to Sunday 9.00am and 22.00pm.

### **2. Background**

- 2.1 In February 2011 the Licensing Committee recommended changes to the Council's Street Trading Protocol and Guidance. This would make all streets in Slough, Consent Streets, allowing anyone to apply for a Street Trading Consent and have it granted subject to consultation with local residents and in line with the Council's Policy.
- 2.2 On 19<sup>th</sup> April 2011, a meeting of the Full Council approved the recommendation of the Licensing Committee and made all streets within the Borough Consent Streets.
- 2.3 In addition a Street Trading Consent is also required where the trading takes place on any private land to which the public has access without payment.
- 2.4 'Traders Diner' is to be situated on Brookland's Business Park car park on Petersfield Avenue, which is private property. A copy of the site plan is attached at **Appendix 'C'**
- 2.5 The Licensing Office has consulted with all of the relevant responsible authorities, businesses and residential properties within a 100 yards of the proposed site. A total of 10 objections has been received and a copy of all the objections is attached at **Appendix 'E'**

### **3. Objections**

As detailed in Point 2.5 above the responsible authorities, businesses and residential properties within 100 yards of the proposed site have been consulted on the new application.

A total of ten individual objections and a petition containing 18 signatures have been received objecting to the granting of this application.

All of the written objections and petition are attached to the report. The stated grounds for objecting to the application can be summarised as follows:

Increase in noise pollution  
Increased disturbance to local residents  
Pollution including smells and odours  
Increase in the parking problems which already exist  
Increase in non residents and vehicles to the area causing traffic problems  
Increase in anti-social behaviour  
Impact on local businesses in the area

In addition a response has been received from the Council's Food and safety Officer which is also attached at **Appendix 'E'**

### **Human Rights Act 1998**

Article 6 of the Human Rights Act 1998 applies:

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

### **5. Grounds for Refusal**

- 5.1 Section 7 sub-paragraph (2) of the Act details – Subject to sub-paragraph (3) (*Mandatory grounds for refusal*) the Council may grant a Consent if they think fit.
- 5.2 In essence the Council is not under any duty to grant a Street Trading Consent and need not specify statutory grounds for refusal. Therefore the matter to grant or refuse an application for a Street Trading Consent is at the total discretion of the Council.

### **6. Appeals**

- 6.1 There is no right of appeal against the Council's decision to refuse to grant or renew a Consent or against the revocation or variation of a Consent.

### **7. Standard Conditions**

- 7.1 The Council has already approved a set on Standard Conditions which are attached at **Appendix 'F'** and which will apply to and will be imposed on any Street Trading Consent that is granted.
- 7.2 The Council may also attach such other conditions they consider reasonably necessary.

## **8. Options Available**

The Sub Committee may:

1. Grant the application as it stands in which case it will be subject to the Council approved Standard Conditions.
2. Grant the application with any variation deemed reasonably necessary subject to the Council approved Standard Conditions and any other specific conditions or restrictions the Committee deem reasonable and necessary.
3. Refuse the application.

**(Options 1 and 2 above will be subject to the full application procedure being completed)**

## **9. The Sub-Committee must have regard to:**

- The Local Government Miscellaneous Provisions Act 1982
- Slough Borough Council Street Trading Consent Policy
- Slough Borough Council Street Trading Consent Standard Conditions.
- The nature of the business e.g. product sold
- The appearance and suitability of the trading unit.
- Any other condition the Members may feel necessary
- The overriding principle is that each application will be determined on its merits.

## **10. Appendices**

**Appendix A** – Application Form

**Appendix B** - Photographs trading unit and food hygiene certificate

**Appendix C** – Plan of Site

**Appendix D** – Copy of Consultation letter sent to residents/businesses

**Appendix E** – Copy of all the objections made

**Appendix F** - Slough Borough Council Street Trading Consent  
Standard Conditions

**Appendix G** – Slough Borough Council Street Trading Consent  
Guidance

Photographs of the trading unit have been included with the application. Colour copies will be made available at the hearing and have been circulated to the Sub-Committee prior to the hearing.

## **11. Background Papers**

The Local Government Miscellaneous Provisions Act 1982.

## **Contacts for further information**

Tara O’Keefe, Assistant Licensing Officer, 01753 875883, [tara.o'keefe@slough.gov.uk](mailto:tara.o'keefe@slough.gov.uk)  
Mick Sims, Licensing Manager, 01753 477387, [michael.sims@slough.gov.uk](mailto:michael.sims@slough.gov.uk)