

SLOUGH BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE – 11 APRIL 2012 LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

APPLICATION FOR A NEW STREET TRADING APPLICATION FOR CHRIS' ANTHIMUMS', HIGH STREET, SLOUGH

1. The Application

The application is being made by Mr Christopher Michael Sims for Street Trading Consent for Chris 'anthimums' on Slough High Street.

The application is for Street Trading Consent at the specified pitch between the hours of 08.45am and 17.30pm Monday to Saturday.

A copy of the application form is attached at **Appendix 'A'**.

A copy of the map of the location is attached at **Appendix 'B'**.

A copy of Slough Borough Council Street Trading standard conditions is attached at **Appendix 'C'**.

A copy of Slough Borough Council Street Trading guidance is attached at **Appendix 'D'**.

2. Background

Slough High Street is limited to five trading sites, and earlier this year; the consent holder for The Flower Stall did not renew their Street Trading Consent therefore the site is now vacant. The vacant site is situated next to "Richards Fruit & Veg" stall which is indicated on the map at **Appendix 'B'**.

As this is a prime location for a Street Trading Consent it is felt necessary for Members to make a decision as to whether the type of trading detailed in the application is suitable.

The current Street Trading Consent holders located on Slough High Street have been consulted with and no representations have been made.

The current occupied sites and what they are selling is as follows (the numbers correspond with the map at **Appendix 'B'**):

1. Richard's Fruit & Veg – Fruit and vegetables
2. Hugh's Spuds – Jacket potatoes
3. Vella's Burger Van – Burgers and ice cream

4. Cedar Kebabs – Kebabs
5. Current Vacant Pitch

3. **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.

4. **Grounds for Refusal**

4.1 Section 7 sub-paragraph (2) of the LGMP Act 1982 details – Subject to sub-paragraph (3) (*Mandatory grounds for refusal*) the Council may grant a Consent if they think fit.

4.2 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.

5. **Appeals**

5.1 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.

6. **Standard Conditions**

6.1 The Council has already approved a set on Standard Conditions which are attached at **Appendix C** and which will apply to and will be imposed on any Street Trading Consent that is granted.

6.2 The Council may also attach such other conditions they consider reasonably necessary.

7. **Options Available**

The Sub-Committee may;

1. Grant the application with standard conditions
2. Grant the application with standard conditions and any other conditions members feel necessary which are reasonable and proportionate.
3. Refuse the application.

8. 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 own merits.

9. Appendices

- A. Application
- B. Map of location
- C. Slough Borough Council Street Trading Consent standard conditions
- D. Slough Borough Council Street Trading Consent guidance

10. Background Papers

1. The Local Government Miscellaneous Provisions Act 1982.

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