

SLOUGH BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

APPLICATION FOR A NEW STREET TRADING APPLICATION FOR 'ZORBAS KEBABS', LOCATED IN THE SERVICE ROAD OFF LONDON ROAD / DRAKE AVENUE, SLOUGH

1. The Application

- 1.1. An application is being made by Mr Ahmad Al Amin for a Street Trading Consent for 'Zorbass Kebabs' in two parking bays which are located in the service road of London Road / Drake Avenue (Opposite Castle View Grocers).

A copy of the application is attached at **Appendix A**, a location map is attached at **Appendix B** and photographs of the site are attached at **Appendix C, D, E**.

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

Monday to Thursday: **17:00pm - 01:00am**

Friday to Saturday: **17:00pm – 03:00am**

Sunday: **17:00pm – 01:00am**

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 19th 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 'Zorbass Kebabs' is to be situated in two parking bays which are located in the service road of London Road / Drake Avenue (Opposite Castle View Grocers) – Site plan is attached at **Appendix B**
- 2.4 The Licensing Office has consulted with all of the relevant responsible authorities, businesses and residential properties within 100 metres of the proposed site.

3. Objections

As detailed in point 2.4 above the responsible authorities, businesses and residential properties within 100 metres of the proposed site have been consulted on the new application.

A total of 9 individual objections have been received from local residents objecting to the granting of this application. All of the written objections are attached to the report (**Appendix F**). 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 anti-social behaviour
- Increase in litter
- Parking issues

In addition an objection has been received from an Environmental Health Officer which is also attached at **Appendix G** stating that there is significant potential for noise disturbance from;

- Running car engines
- Music systems in cars
- Slamming of car doors
- People congregating and talking

Slough Borough Council's Highways department have also objected to the application (attached at **Appendix H**) which can be summarised as follows;

- Obstruction of 2 parking bays which are designated for public use
- The area is classified as a residential area and therefore such activity is highly undesirable and unsuitable
- Noise and littering issues

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 street trading 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 I** 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 - Site plan

Appendix C – Photograph of site

Appendix D – Photograph of site

Appendix E – Photograph of site

Appendix F – Individual objections

Appendix G – Environmental Health objection

Appendix H - Highways objection

Appendix I – Street trading consent – Standard Conditions

Colour copies of the trading site will be made available at the hearing and have been circulated to the Sub-Committee Members prior to the hearing.

11. Background Papers

1. The Local Government Miscellaneous Provisions Act 1982.

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