

## SLOUGH BOROUGH COUNCIL

### LICENSING SUB-COMMITTEE – 13<sup>TH</sup> SEPTEMBER 2012

#### LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982 APPLICATION FOR A NEW STREET TRADING APPLICATION FOR KONDAL CATERING, COLNBROOK BY-PASS, COLNBROOK

### **1. The Application**

- 1.1. An application is being made by Mr I Kondal for a Street Trading Consent for 'Kondal Catering' on Gibtel Lodge car park, Colnbrook By-Pass, Colnbrook. A copy of the application is attached at **Appendix 'A'**.

Photographs of the unit and food hygiene 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 1600 hours and 2300 hours.

### **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 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 'Kondal Catering' is to be situated on Gibtel Lodge's car park on Colnbrook By-Pass, 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 and businesses within 100 yards of the proposed site. A total of three objections has been received and a copy of the objections is attached at **Appendix 'E'**

### **3. Objections**

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

A total of three individual objections have been received objecting to the granting of this application.

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

- Increase of air pollution
- Increase of litter
- Nuisance to residents

Although the objections received state concern for 'irate' residents, we have not received any objections from the residential consultation.

#### **4. 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**

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 of the 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.

**11. Background Papers**

1. The Local Government Miscellaneous Provisions Act 1982.

**Contacts for further information**

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