

Contains Confidential or Exempt Information	NO
Report Title	Application for a Street Trading Consent: Alternative Perfumes, High Street Slough
Responsible Officer(s)	Michael Sims – Licensing Manager, Customer & Community Services
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Purpose of Report	Regulatory/Determination of Application for Street Trading Consent

1. Recommendations

- 1.1 That Licensing Sub Committee determine the Application.
- 1.2 The Sub Committee may:
 - (a) Grant the Application subject to Conditions, variations, or restrictions which the Council thinks reasonably necessary; or
 - (b) Refuse the Application.

2. Principles for making decisions

2.1 Context

- 2.1.1 As a quasi-judicial body the Committee is required to consider the application on its merits and must act reasonably and rationally. The Committee can only take into account relevant factors and must ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show 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 Committee must give fair consideration to the contentions of all persons entitled to make representation to them.
- 2.1.2 The Committee can only consider matters within the application that have been raised through representations.
- 2.1.3 Members should note that the 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.
- 2.1.4 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

applications. In addition as a quasi-judicial body, members are required to avoid both actual bias and the appearance of bias.

2.2 Human Rights & Equality Act Duties

2.2.1 In determining the application the Committee should be aware of and take into account any implications that may arise from the Human Rights Act 1998 and Sc 149 Equality Act 2010. The Act makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.

2.2.2 When determining the application and considering imposition of conditions the 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 decisions would be appropriate.

2.2.3 The Committee is specifically referred to the following Convention rights:

- (a) Article 6 (the right to a fair trial);
- (b) Article 8 (the right to respect for private and family life); and
- (c) Article 1 of the First Protocol (the protection of property).

3. Application Summary

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| 3.1 | Application for: | Street Trading Consent |
| 3.2 | Applicant: | Mr Richard Daley |
| 3.3 | Name of Business: | Alternative Perfumes |
| 3.4 | Proposed business: | Sale of costume jewellery, perfume, cosmetics, sunglasses, and hair accessories |
| 3.5 | Location of Application Site: | Slough High Street |
| 3.6 | Hours of operation: | Monday to Friday 08:00am to 18:30pm |
| 3.5 | Duration of consent applied for: | Annual |
| 3.6 | Operating History: | The Applicant is not trading at present. |

4. Background

4.1 On 24 November 1987, Slough Borough Council adopted street trading powers under section 3 and Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982. The Council has designated all streets in their Borough as consent streets. Street trading is only allowed in consent streets with the consent of the Council. The Council limits the number of consents issued and attaches appropriate conditions to consents.

- 4.2 If an Applicant wishes to offer goods for sale from a fixed stall or location on the public highway, they must have Street Trading Consent from the Council.
- 4.3 Slough High Street is limited to five Street Trading pitches there is currently two vacancies following the non renewal of consent.
- 4.4 The vacant site is located at number 5 on the map at Appendix B and photographs of the vacant pitch for which the Application seeks consent are attached at Appendix C.
- 4.5 The High Street is a prime location for a Street Trading Consent. The Council's process for determination of applications requires objected applications to be determined by a Licensing Sub Committee.
- 4.6 The current sites on the High Street are identified on Appendix B with the corresponding number:
1. Richard's Fruit & Veg – Fruit and vegetables
 2. Hugh's Spuds – Jacket potatoes
 3. Burger Van – Burgers and ice cream
 4. Vacant Pitch
 5. Vacant Pitch – proposed location for current application

5. Policy Considerations

- 5.1 Slough Borough Council Street Trading Consent Policy.
- 5.2 Slough Borough Council Street Trading Consent Standard Conditions.
- 5.3 The nature of the business e.g. product sold.
- 5.4 The appearance and suitability of the trading unit.

6. Consultation

- 6.1 Copies of all applications are sent to the following for comment:
- (a) Thames Valley Police
 - (b) Royal Berkshire Fire and Rescue Service
 - (c) Ward Members
 - (d) Slough Borough Council – Planning
 - (e) Slough Borough Council – Highways
 - (f) Slough Borough Council – Transport
 - (g) Slough Borough Council – Trading Standards
 - (h) Slough Borough Council – Parking and Development
 - (i) Slough Borough Council – Food and Safety Team
 - (j) Slough Borough Council – Neighbourhood Enforcement Team
 - (k) The owner or occupiers of any property within 100 meters of the proposed site. This consultation will be by way of sending a copy of the Notice of Application to the relevant property owners
- 6.2 A copy of the Council's letter is attached at Appendix D. Following the consultation exercise, the Council has received one objection. A copy of the objection is attached at Appendix E.

6.3 In summary the objection raises the following matters:

- (a) The granting of this application would set a precedent for others;
- (b) Economic viability of other local businesses selling similar products and whether the Council should protect those businesses; and
- (c) Loss of view to current shop holders if the Consent is granted.

7. Conditions

7.1 The Council has a set of Standard Conditions which can be imposed on any Street Trading Consent.

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

7.3 The Council may at any time vary the conditions of a street trading consent.

7.4 The Council may revoke a Consent at any time.

7.5 The holder of a Consent may at any time surrender his Consent to the Council and it shall then cease to be valid.

8. Appendices

Appendix A – Application form

Appendix B – Plan of the pitches

Appendix C – Photographs of the pitch

Appendix D – Copy of the consultation letter

Appendix E – Copy of the objection made

9. Background Information

Section 3 and Schedule 4 of the Local Government Miscellaneous Provisions Act 1982

Minute 24 November 1987 of Slough Borough Council adopting powers under

Section 3 of the Local Government Miscellaneous Provisions Act 1982

Slough Borough Council Street Trading Consent Standard Conditions

Slough Borough Council Street Trading Consent Guidance