

Local Government (Miscellaneous Provisions) Act 1982

Application for: **Street Trading Consent Application**

Premises: **Grill King**

Applicant: **Muhammad Afzaal**

Reason for Referral: **Objections made by Thames Valley Police, Slough Borough Council Resilience and Enforcement team, businesses and residents.**

1. CURRENT POSITION

1.1 Application for the grant of Street Trading Consent;

Applicant: Muhammad Afzaal

Trading as: Grill King

Proposed business: Sale of food, wraps, burgers, donners and drinks

Site location: Cippenham Lane Service Road, opposite the Earl of Cornwall

1.2 A copy of the Street Trading Consent application and location map is attached at appendix A & B. The days and times applied for are;

Timings

Monday to Sunday: 13:00 – 02:00 hours

Seasonal variations:

All bank holidays

(Closed on Christmas Day): 12:00 – 03:00 hours

2. BACKGROUND INFORMATION

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

2.2 An individual wishing to offer goods or services for sale, from a fixed stall or location on the public highway must have street trading consent issued by the local authority.

3. REPRESENTATIONS RECEIVED

3.1 A 28 day consultation was carried out with residents and local businesses situated within a 100 metre radius of the proposed trading location. A copy of the

consultation letter is attached at appendix D. In addition, copies of the application were sent to the following for comment;

- Thames Valley Police
- Royal Berkshire Fire & Rescue Service
- Slough Borough Council - Planning
- Slough Borough Council - Highways
- Slough Borough Council – Parking
- Slough Borough Council – Food & Safety Team
- Slough Borough Council – Resilience and Enforcement

3.2 Six objections to the street trading consent application have been made by local residents, a local business, Thames Valley Police and Slough Borough Council's Resilience and Enforcement team. Full details of all the objections are attached at appendix E – J.

3.3 In addition, a petition objecting to the application has been received which lists 14 signatures. Attached at appendix K.

3.4 The objections can be summarised as follows;

- Concerns about people congregating and loitering in the area, causing additional noise and anti-social behaviour, particularly late at night.
- Concerns over cooking odour emitting from the trading unit.
- Thames Valley Police state that the proposed location is in a residential area and would adversely affect the quality of life of local residents. This view was also supported by the Resilience and Enforcement team.
- Thames Valley Police also raised concerns of the potential for crime and disorder at the location due to its proximity to the Earl of Cornwall public house.
- The number of mobile traders within the area selling similar food.
- Increased traffic flow in the area and parking issues.
- Increased littering.
- The proximity to a school.

4. RELEVANT GUIDANCE

4.1 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.

4.2 The Committee can only consider matters within the application that have been raised through representations.

4.3 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.

4.4 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.

Human Rights & Equality Act Duties

4.5 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 S. 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.

4.6 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.

4.7 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).

5. RELEVANT POLICY AND LEGISLATION CONSIDERATIONS

5.1 Schedule 4 (Part 7) of the Local Government (Miscellaneous provisions) Act 1982. (Street Trading Consents)

- (1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (3) A street trading consent shall not be granted —
 - (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.

- (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent —
- (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (6) The council may at any time vary the conditions of a street trading consent.
- (7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street—
- (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions—
- (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

6. DETERMINATION – OPTIONS AVAILABLE TO THE SUB-COMMITTEE

- 6.1 Following the hearing, having had regard to the representations made by all parties, the Licensing Sub-Committee are asked to determine the application for the grant of a new Street Trading Consent.
- 6.2 The Licensing Sub-Committee may:
1. Grant the application subject to Slough Borough Council's standard conditions.
 2. Grant the application subject to Slough Borough Council's standard conditions and any additional conditions or restrictions that the Committee consider to be reasonably necessary to;
 - maintain public safety
 - prevent public nuisance and anti-social behaviour
 - preserve the amenity of the specific locality.
 3. Refuse the application.

APPENDICES

Appendix 'A' – Copy of Street Trading Consent application

Appendix 'B' – Location map

Appendix 'C' – Photos of Grill King trading unit

Appendix 'D' – Copy of consultation letter

Appendix 'E' – Objection – Resident A

Appendix 'F' – Objection – Thames Valley Police

Appendix 'G' – Objection – Resident B

Appendix 'H' – Objection – Business A

Appendix 'I' – Objection – Resilience and Enforcement

Appendix 'J' – Objection – Resident C

Appendix 'K' – Petition

Background papers

- Section 3 and Schedule 4 of the Local Government Miscellaneous Provisions Act (1982).
- Minutes of 24th November 1987 of Slough Borough Council adopting powers under section 3 of the Local Government Miscellaneous Provisions Act (1982).
- Slough Borough Council Street Trading Consents Standard Terms & Conditions.
- Slough Borough Council Street Trading Consents Guidance.

Contact Officer

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