

Slough Borough Council

Report To:	Licensing Sub-Committee
Date:	22 nd September 2025
Subject:	Street Trading Grant Application - FitMunch, Matalan Car Park, 217a Bath Road, SL1 4AA
Chief Officer:	Tessa Lindfield, Director Public Health and Protection
Contact Officer:	Melanie Sagar, Principal Licensing Officer
Ward(s):	Cippenham Village
Exempt:	NO - Part 1
Appendices:	Appendix A – Street Trading Consent grant application form Appendix B – Proposed trading site plan Appendix C1/C2 – Trading unit photos Appendix D – Consultation radius map Appendix E – Copy of consultation letter Appendix F1-5 – Consultation responses

1. Summary and Recommendations

1.1 This report is for the Licensing Sub-Committee to determine a street trading consent grant application made under Schedule 4 the Local government (Miscellaneous Provisions) Act 1982 following objections received within the proscribed 28-day consultation period.

Recommendations:

1.2 The Sub-Committee may:

- 1.2.1 Grant the application subject to the Slough Borough Council Standard Terms and Conditions.
- 1.2.2 Grant the Application subject to the Slough Borough Council Standard Terms and Conditions, and any specific or extra conditions, or restrictions that the Committee consider reasonably necessary to:
 - Maintain public safety.
 - Prevent nuisance and anti-social behaviour.
 - Preserve the amenity of the specific locality.
- 1.2.3 Refuse the Application.

Reason: The Licensing Team cannot disregard or overturn a decision made by the Licensing Sub Committee, and determination of a street trading consent following receipt of objections is a function delegated to the Licensing Sub-Committee.

2. Report

Introductory paragraph

- 2.1 As quasi-judicial body the Sub-Committee is required to consider this matter on its merits and must act reasonably and rationally. The Sub-Committee can only consider relevant factors and must ignore irrelevant factors. The decision must be based on evidence, which logically shows 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 Sub-Committee must give fair consideration to the contentions of all persons entitled to make representation to them.
- 2.2 The Sub-Committee can only consider matters within the report and valid representations.
- 2.3 Members should note that the Sub-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.
- 2.4 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 issues. In addition, as a quasi-judicial body, Members are required to avoid both actual bias and the appearance of bias.

Options considered

- 2.5 Consideration has been given to how the decision sought will help the Council meets its vision and corporate priorities, however the nature of the grant application is outside the scope of these priorities.

Background

- 2.6 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 may limit the number of consents issued and may attach appropriate conditions to consents.
- 2.7 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.
- 2.8 Mr Wael Berhan applied for an annual Street Trading Consent on 10 June 2025 as summarised below and attached at **Appendix A**. Mr Berhan has subsequently confirmed he wishes to apply for monthly consents if the application is granted.

APPLICATION SUMMARY

Applicant Wael Berhan

Name of business Fitmunch

Proposed business	Sale of fast food, sandwiches etc, fizzy drinks
Site location	Matalan Car Park, 217a Bath Road, SL1 4AA
Hours of operation	Monday - Friday 09:00 to 20:00 Saturday 09:00 to 19:00 Sunday 11:00 to 17:00
Consent duration	Monthly
Trading vehicle	orange food trailer (H2.8m/W3m/L2m)
Site history	A street trading consent has never been issued for the proposed trading location in Matalan car park, however a different street trading consent is currently in force for a business located directly outside Matalan car park, on Bath Road

2.9 The site for which the applicant seeks the consent is located on the map attached at **Appendix B**

2.10 Photographs of the proposed trading unit are attached at **Appendix C 1 and APPENDIX C 2**.

2.11 Copies of all applications were sent to the following for comment:

- Thames Valley Police
- Royal Berkshire Fire and Rescue Service
- Ward Members
- Slough Borough Council – Planning
- Slough Borough Council – Highways
- Slough Borough Council – Transport
- Slough Borough Council – Trading Standards
- Slough Borough Council – Parking and Development
- Slough Borough Council – Food and Safety Team
- Slough Borough Council – Neighbourhood Enforcement Team
- Owners or occupiers of any property within 100 meters of the proposed site. A map showing the 100-metre consultation radius is attached at **APPENDIX D**

2.12 An example copy of the Council's consultation letter to local residents and businesses is attached at **APPENDIX E**.

2.13 Following the consultation exercise, the Council has received 2 objections, 2 no objections and 1 enquiry/comment to the application. Copies of the 5 responses are attached at **APPENDIX F**.

2.14 In summary the objections raise the following matters:

2.14.1 The granting of this application would result in increased littering and loitering.

2.14.2 Safety concerns from congestion due to additional traffic and lack of parking in the area.

2.14.3 the area becoming further unsightly and problematic.

2.15 A response has been received from Thames Valley Police and Slough Borough Council Food and Safety Team with no objections to the application.

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 There are no financial implications to the Council.

3.2 Legal implications

3.2.1 Section 7 Schedule 4 (Part 4) 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.

In addition, in determining the application the Council must have regard to:

1. The nature of the business e.g., product sold.
2. The appearance and suitability of the trading unit.
3. The impact the trading may have on the local area.

3.3 Risk management implications

3.3.1 Consideration has given to risk management implications however the nature of the decision is outside the scope of these priorities.

3.4 Environmental implications

3.4.1 Consideration has given to environmental implications however the nature of the decision is outside the scope of these priorities.

3.5 Equality implications

3.5.1 The Sub-Committee should be aware of and consider any implications that may arise from the Human Rights Act 1998 and section 149 Equality Act 2010. The legislation makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.

3.5.2 When determining the case and considering imposition of conditions the Sub-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 decision would be appropriate.

3.5.3 The Sub-Committee is specifically referred to the following Convention rights:

- (i) Article 6 (the right to a fair trial),
- (ii) Article 8 (the right to respect for private and family life)
- (iii) Article 1 of the First Protocol (the protection of property)

4. Background Papers

- [The Local Government \(Miscellaneous Provisions\) Act 1982](#)

Sloughs Statement of Licensing Policy 2024-2029