

Date of despatch: Wednesday, 19 September 2018

To the Members of Slough Borough Council

Dear Councillor,

You are summoned to attend a Meeting of the Council of this Borough which will be held in The Curve – William Street, Slough, SL1 1XY on **Thursday, 27th September, 2018 at 7.00 pm**, when the business in the Agenda below is proposed to be transacted.

Yours faithfully



NIGEL PALLACE
Interim Chief Executive

PRAYERS

AGENDA

Apologies for Absence

PAGE

1. Declarations of Interest

All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.

The Mayor will ask Members to confirm that they do not have a declarable interest.

All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.

2. To approve as a correct record the Minutes of the Council held on 24th July 2018

1 - 6

3. To receive the Mayor's Communications. -

Public Questions

4. Questions from Electors under Procedure Rule 9. -

Recommendations of Cabinet and Committees

[Notification of Amendments required by 10 a.m. on Wednesday 26 September]

5. Recommendation of the Cabinet from its meeting held on 17th September 2018 7 - 16

- Low Emission Strategy

6. Recommendation of the Licensing Committee from its meeting held 10th September 2018 17 - 52

- Adoption of the provisions of Sections 50 to 61 of Part III of the Food Act 1984 and Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982

Officer Reports

7. Community Governance Review REPORT TO FOLLOW

Motions

8. To consider Motions submitted under procedure Rule 14. 53 - 54

Member Questions

9. To note Questions from Members under Procedure Rule 10 (as tabled). -

PART II

10. Exclusion of the Press and Public -

It is recommended that the press and public be excluded from the remainder of the meeting as the item to be considered contains exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

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MINUTES OF COUNCIL PROCEEDINGS

At a Meeting of the Council for the Borough of Slough held at The Curve - William Street, Slough, Berkshire, SL1 1XY on Tuesday, 24th July, 2018 at 7.00 pm

Present:- The Worshipful the Mayor (Councillor Sohal), in the chair; Councillors Ali, Anderson, B Bains, R Bains, Bedi, Brooker, Carter, Chaudhry, Cheema, Dar, Davis, Amarpreet Dhaliwal, Arvind Dhaliwal, M Holledge, N Holledge, Hussain, Kelly, Mann, Matloob, Minhas, Nazir, Pantelic, D Parmar, S Parmar, Plenty, Qaseem, Rana, Rasib, Sabah, Sadiq, A Sandhu, R Sandhu, Sarfraz, Shah, Sharif, Smith, Strutton, Swindlehurst, Usmani and Wright.

Apologies for Absence:- None.

16. Declarations of Interest

None declared.

17. To approve as a correct record the Minutes of the Council held on 17th May 2018 and 7th June 2018

Resolved – That the minutes of the Annual Council meeting held on 17th May 2017 and the Extraordinary meetings held on 7th June 2018 be approved as a correct record.

18. To receive the Mayor's Communications.

The Mayor informed the meeting that the Mayor's Reception, held on 2nd July, had been a very successful evening and thanked all those Members and Guests who had attended.

Members were informed that the Civic Service was scheduled to take place on Sunday, 7th October 2018 at St Mary's Church, Slough commencing at 11.00am and invitation details would be sent out in due course.

The Mayor also informed the Council of a number of key recent and forthcoming activities including several charitable endeavours for which he would be seeking the support of Members.

(Councillor Parmar joined the meeting)

19. Questions from Electors under Procedure Rule 9.

The Mayor advised that one question had been received from a resident, copies of which had been tabled. The elector was not in attendance at the meeting and a copy of the question and reply would be forwarded to the questioner.

20. Recommendations from the Slough Wellbeing Board from its meeting held on 9th May 2018

It was moved by Councillor Pantelic,
Seconded by Councillor Hussain,

“That the Slough Wellbeing Board’s Annual Report for 2017/18 be endorsed.”

The recommendation was put to the vote and carried unanimously.

Resolved – That the Slough Wellbeing Board’s Annual Report for 2017/18 be endorsed.

21. Recommendations of the Cabinet from its meeting held on 18th June 2018

It was moved by Councillor Mann,
Seconded by Councillor Hussain,

“That the Statutory Service Plans in relation to the Food Safety, Health & Safety and Trading Standards Services be endorsed.”

The recommendation was put to the vote and carried unanimously.

Resolved – That the Statutory Service Plans in relation to the Food Safety, Health & Safety and Trading Standards Services be endorsed.

22. Recommendation of the Audit and Corporate Governance Committee from its meeting held on 18th July 2018

It was moved by Councillor Amarpreet Dhaliwal,
Seconded by Councillor R Bains,

“That the revisions to the Council’s Constitution set out as tracked changes in Appendix A to the report be approved.”

The recommendation was put to the vote and carried unanimously.

Resolved – That the revisions to the Council’s Constitution set out as tracked changes in Appendix A to the report be approved.

23. Polling District Review

It was moved by Councillor Swindlehurst,
Seconded by Councillor Hussain,

“(a) That a Polling District Review be commenced with the timetable and Terms of Reference as set out in Appendix A.

(b) That the Member Working Group established for the Community Governance Review consider and make proposals on the Polling District Review.”

The recommendations were put to the vote and carried unanimously.

Resolved –

- (a) That a Polling District Review be commenced with the timetable and Terms of Reference as set out in Appendix A.
- (b) That the Member Working Group established for the Community Governance Review consider and make proposals on the Polling District Review.

24. To consider Motions submitted under procedure Rule 14.

A) Child Citizenship

It was moved by Councillor Sadiq,
Seconded by Councillor B Bains,

“This Council resolves to write to ask the Minister of Immigration to:

- Remove the prohibitive barrier to child citizenship that is the wholly unacceptable £1,102 administrative fee for children registering as British citizens by reducing the fee to its basic administrative cost of £372;
- Exempt looked after children from the fee in its entirety.”

It was moved by Councillor Kelly, as an amendment,
Seconded by Councillor Smith,

“This Council resolves to include child citizenship in its forward work programme for Education and Children’s Services Scrutiny Panel to assess the impact that it has on children in Slough and then write to ask the Minister of Immigration to:

- Remove the prohibitive barrier to child citizenship that is the wholly unacceptable £1,102 administrative fee for children registering as British citizens by reducing the fee to its basic administrative cost of £372;
- Exempt looked after children from the fee in its entirety.”

The amendment was put to the vote with 7 votes for, 33 against and 1 abstention. The amendment to the motion was lost.

A prior request having been made for the record of the voting:

There voted for the original motion:

Councillors Ali, Anderson, B Bains, R Bains, Bedi, Brooker, Carter, Chaudhry, Cheema, Dar, Davis, Amarpreet Dhaliwal, Arvind Dhaliwal, M Holledge, N Holledge, Hussain, Kelly, Mann, Matloob, Minhas, Nazir, Pantelic, D Parmar, S Parmar, Plenty, Qaseem, Rana, Rasib, Sabah, Sadiq, A Sandhu, R Sandhu, Sarfraz, Shah, Sharif, Strutton, Swindlehurst, Usmani and Wright 39

Council - 24.07.18

There voted against original motion:

None..... 0

There abstained from voting:

Councillors Smith and The Worshipful The Mayor, Councillor Sohal 2

The original motion was therefore carried.

Resolved – This Council resolves to write to ask the Minister of Immigration to:

- Remove the prohibitive barrier to child citizenship that is the wholly unacceptable £1,102 administrative fee for children registering as British citizens by reducing the fee to its basic administrative cost of £372;
- Exempt looked after children from the fee in its entirety.

B) First World War Centenary Celebrations

It was moved by Councillor Smith,
Seconded by Councillor Wright,

“This Council resolves to: -

Plan and, where necessary, fund appropriate centenary celebrations that mark the end of the First World War and the birth of modern industrial Slough, thereby:

- It will create a Committee, under a politically independent Chair, to coordinate and supplement the activities of Trust funds for the ongoing upkeep of Slough’s war memorials plus any other related commemorations being planned, or for which funds are being raised and/or allocated from Council budgets within the town for similar purposes.
- This Co-ordinating Committee should include a single representative from the Ruling Group, and the official Opposition Group of councillors plus a lead officer chosen by SBC’s SMT, as well as a representative from SEGRO, the British Legion, the Indian Ex-Serviceman’s Association, and any other military or medical charities, faiths or community and business groups in the town that it chooses to invite.”

It was moved by Councillor Swindlehurst, as an amendment,
Seconded by Councillor Hussain,

“This Council resolves to:-

~~Plan~~ and, where necessary, fund appropriate centenary celebrations that mark the end of the First World War and the birth of modern industrial Slough. ;
~~thereby:~~

- ~~It will create a Committee, under a politically independent Chair, to coordinate and supplement the activities of Trust funds for the ongoing upkeep of Slough's war memorials plus any other related commemorations being planned, or for which funds are being raised and/or allocated from Council budgets within the town for similar purposes.~~
- ~~This Co-ordinating Committee should include a single representative from the Ruling Group, and the official Opposition group of councillors plus the lead officer chosen by SBC's SMT, as well as a representative from SEGRO, the British Legion, the Indian Ex-Serviceman's Association, and any other military or medical charities, faiths or community groups in the town that it choses to invite."~~

The amendment was put to the vote with 38 votes for, 1 against and 1 abstention. The amendment to the motion was carried.

The amended motion was put to the vote and carried unanimously.

Resolved – This Council resolves to plan and, where necessary, fund appropriate centenary celebrations that mark the end of the First World War and the birth of modern industrial Slough.

25. To note Questions from Members under Procedure Rule 10 (as tabled).

Three Member questions had been received, copies of which and replies had been tabled at the meeting.

26. Exclusion of the Press and Public

It was moved by Councillor Swindlehurst,
Seconded by Councillor Hussain,

"That the press and public be excluded from the remainder of the meeting as the item to be considered contains exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended)."

The recommendation was put to the vote and carried unanimously.

Resolved - That the press and public be excluded from the remainder of the meeting as the item to be considered contains exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

Council - 24.07.18

Below is a summary of the matters considered during Part II of the agenda.

27. Appointment of Chief Executive and Head of Paid Service, Returning Officer and Electoral Registration Officer

The Council unanimously agreed to appoint Josie Wragg as the Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer. Delegated authority was given to the relevant officer to finalise the terms and starting date.

Chair

(Note: The Meeting opened at 7.00 pm and closed at 8.07 pm)

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 27th September 2018

CONTACT OFFICER: Nick Pontone
(For all enquiries) (01753) 875120

WARD(S): All

PART I
FOR DECISION**RECOMMENDATION OF THE CABINET FROM ITS MEETING HELD ON 17TH SEPTEMBER 2018****LOW EMISSION STRATEGY****1 Purpose of Report**

To consider a recommendation from the Cabinet to approve the Slough Low Emission Strategy (LES), which forms part of the Slough Air Quality Action Plan. The LES lays out an integrated, year on year plan to improve air quality over the period until 2025 through a reduction in vehicle emissions by accelerating the uptake of cleaner fuels and technologies.

2 Recommendation(s)/Proposed Action

The Council is requested to resolve that the Low Emission Strategy be approved.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**3a. Slough Joint Wellbeing Strategy Priorities**

By tackling air pollution through a co-ordinated programme of vehicle emission improvement measures, the LES seeks to reduce the impact of air quality on the health of local residents in line with the Wellbeing Strategy. The LES supports three key priorities within the Slough Joint Wellbeing Strategy:

- protecting vulnerable children
- increasing life expectancy by focussing on inequalities
- improving mental health and wellbeing

3b Five Year Plan Outcomes

Transport has a major role to play in helping to address the challenges we face. Better transport, and the improved connectivity and accessibility which results, combined with the promotion of a shift to sustainable transport modes and vehicle emission reductions, outlined in the LES, can support many of the important Five-Year Plan Outcomes identified, in particular:

Outcome 2 – Our people will be healthier and manage their own care

In terms of longer terms priorities outlined within Outcome 2

- Work with our partners to improve the health and wellbeing of our residents

Outcome 3 – Slough will be an attractive place where people choose to live, work and stay.

In terms of longer terms priorities outlined within Outcome 3

- Improve air quality in the borough with innovative solutions
- Actively manage the impact of new developments and infrastructure so the town centre is a place where people can live, work, shop and enjoy.

As part of the Transport Strategy and Local Transport Plan, the LES can help to capitalise on opportunities brought about through increased inward investment.

4 Other Implications

(a) Financial

There are no direct financial implications of the proposed action to approve the Low Emission Strategy (LES). The LES does not include any commitments for increased SBC expenditure. Many of the LES measures are already being delivered as part of agreed, existing budgets and changes to policies.

However, as a Strategy to 2025, the LES has been designed as a platform for inward investment and aligns with Government funding programmes and other opportunities for funding. The LES includes an ambitious Low Emission Programme (draft), Appendix 3 that outlines potential, costed projects that can be taken forward, subject to available funding opportunities. Such opportunities may include OLEV (Office for Low Emission Vehicles) grants, DEFRA (Department for the Environment, Food and Rural Affairs) grants, DfT (Department for Transport) grants, LEP (Local Enterprise Partnership) funding, Section 106 contributions from major development schemes, HAL (Heathrow Airport Ltd) community funding, Capital borrowing and private sector investment. Further details of the Low Emission Programme (draft) can be found in section 5.10 of this report.

There are significant, indirect financial benefits from improving health outcomes for our residents as a result of improving air quality, particularly in relation to health and social care costs. It is possible to quantify some of these benefits.

(b) Risk Management

| Recommendation from section 2 above | Risks/Threats/ Opportunities | Current Controls | Using the Risk Management Matrix Score the risk | Future Controls |
|---|--|---|---|--|
| <p>The Cabinet is requested to recommend that the Low Emission Strategy is adopted and taken before Full Council for approval</p> | <p>a) Economical /Financial:</p> <p>The LES includes a draft Low Emission Programme that will seek opportunities for funding</p> | <p>Many SBC LES commitments are already being delivered within existing budgets and policy changes</p> <p>The LES includes a costed Low Emission Programme (draft) that can be delivered, subject to successful, future funding. This may include grants, capital growth bids, LEP funding, HAL Community Funding, private sector investment or developer off-set mitigation on major schemes</p> <p>All new bids for capital funding are subject to Council procedure</p> <p>SBC will horizon scan for all relevant funding opportunities, building on successes to date</p> | <p>4</p> | <p>The LES seeks to provide a platform for inward investment. The LES has been designed to maximise opportunities from funding schemes and private investment.</p> <p>Current controls for capital growth bids will be adhered to.</p> <p>SBC will pursue all relevant funding opportunities</p> <p>A detailed delivery plan will be submitted to Cabinet for approval in due course</p> |
| | <p>b) Political</p> | <p>The LES is a manifesto pledge that is being</p> | <p>3</p> | <p>Annual reporting to Council and full</p> |

| | | | | |
|--|----------------------|--|---|---|
| | | delivered | | review within 2 years of implementation |
| | c) Environment | <p>Changes in future climate systems may counter-act our efforts to improve air quality.</p> <p>The LES is based on what we can control and seeks the reduction in road transport emissions that form best practice nationally, both in terms of NO2 and PM and also CO2</p> | 4 | <p>LES implemented with continued reductions in the wider emissions of greenhouse gases</p> |
| | d) Legal /Regulatory | <p>The LES forms part of the Slough Air Quality Action Plan (AQAP) which is a requirement following the designation of AQMA</p> <p>SBC are reducing the liability that any EU fines could be passed on under the reserve powers of the Localism Act 2011</p> | 2 | <p>LES implemented and reviewed in association with AQAP 2019.</p> |

(c) Human Rights Act and Other Legal Implications

- i) There are no Human Rights Act implications as a result of this report.
- ii) There is a legal requirement to pursue, achieve and maintain air quality standards. The European Union Air Quality Directive 2008/50/EC13 sets out the obligations for Members States in terms of assessing ambient air quality and ensuring Limit Values (LV) for certain pollutants are not exceeded. The requirements of the Directive have been transposed into domestic law through the Environment Act 1995 and

subordinate regulations. While the Government has a duty to meet EU Limit Values, local authorities have a duty to pursue the achievement of National Air Quality Objectives.

- iii) The European Union has commenced infraction proceedings against the Government for failing to meet the EU Limit Value for Nitrogen Dioxide (NO₂). The reserve powers of the Localism Act 2011 allow the Government to pass on any EU fines imposed to any public organisation “whose act or omission” has contributed to the breach of any EU Limit Values.

(d) Equalities Impact Assessment

Government studies show that air pollution has an adverse effect on the health of the majority of the population. These studies also identify specific groups that are particularly susceptible to the impact of poor air quality, including pregnant mothers, children and the elderly, with deprived communities known to be disproportionately affected. The Low Emission Strategy focuses mainly on positive and proactive interventions designed to reduce air pollution. SBC and its partners are taking an “exemplar” role in changing travel patterns and incentivising initiatives that improve air quality and public health outcomes.

However, some elements of the strategy may have policy change or sanctions that could potentially adversely affect some groups. Specifically these are the Clean Air Zones (Charging) and changes to Taxi Licensing provisions. There are currently no charging Clean Air Zones at present and the council will conduct a thorough impact and feasibility studies before any are implemented. There are no plans to include passenger vehicles.

An Equalities Impact Assessment has been carried out and is attached to this report as Appendix 4.

5 Supporting Information

- 5.1 The Slough Summary Low Emission Strategy (final draft) and the Low Emission strategy Technical Report (final draft) are attached as Appendix 1 and 2, respectively. All final LES documents will be uploaded to the SBC LES webpage once approved.
- 5.2 Slough, like many urban areas in the UK, experiences elevated levels of air pollution, which have a measurable impact on the health of the local population. While there are several factors contributing to our local air quality, including heating and energy production and the cross-boundary transportation of pollution, the emissions from road transport vehicles are the most significant source at present.
- 5.3 Slough Borough Council (SBC) has designated 5 Air Quality Management Areas (AQMA) due to elevated levels of nitrogen dioxide (NO₂) which breach

the National Air Quality Objective (annual mean NO₂) and where there is relevant exposure to residents. The AQMAs are located around the M4, Tuns Lane, Bath Road, Town Centre/A4 and Brands Hill/A4 and cover nearly 2,000 residential properties. Slough has an extensive air quality monitoring network that has shown small improvements in air quality over a 5-year rolling period in most locations, while some areas have either remained stubbornly elevated or deteriorated slightly. Levels in Langley may require the designation of a new AQMA in the future.

- 5.4 While levels of particulate matter (PM) do not exceed EU Limit Values, the Joint Strategic Needs Assessment (JSNA) shows that levels of fine particulates (PM_{2.5}) in 2015 accounted for 19.1 premature deaths per 100,000 people in Slough compared with a rate of 11.7 for the South East. The health impacts of air pollution are becoming more apparent with evidence showing effects such as heart attacks, strokes, low birth weight babies and impaired lung and brain development. The World Health Organisation (WHO) categorises diesel exhaust fumes as carcinogenic.
- 5.5 The *SBC Five Year Plan* and *Wellbeing Strategy* commit us to improving health outcomes in the Borough and we have developed a *Low Emission Strategy (LES)* which will support the new *Transport Strategy* and *Local Transport Plan update* in targeting reductions in vehicle emissions by accelerating the uptake of cleaner vehicles and technologies, that are capable of improving air quality and health and also contribute to sustainable growth, as part of the transition to a low emission economy.
- 5.6 The LES provides an overarching, integrated programme, covering initiatives to be delivered by several key Council Departments, including Public Health, Transport Management, Environmental Quality, Environmental Services Fleet Management, Procurement, Taxi Licensing, Planning Policy & Development Control and the Press Office and also in partnership with key stakeholders. The Environmental Quality Team has managed the development of the LES, which forms part of the Slough Air Quality Action Plan, required under Part IV of the Environment Act 1995.
- 5.7 The LES development has been supported by Government funding and includes practical policies and measures that are in line with best practice and Government policies. The Government has published the 'UK plans for tackling roadside NO₂ concentrations' in 2017. The plans include a national *Clean Air Zone (CAZ) Framework*. The Government has recently published a draft *Clean Air Strategy*, looking at the wider implications of air pollution, including the reduction of particulate matter emissions from non-transport sources. The Clean Air Strategy will be taken into account in the production of the Slough Air Quality Action Plan in 2019.
- 5.8 The LES comprises sections outlining the reasons why we are taking action (*Evidence for Change*), the measures that we can take as a Council to reduce vehicle emissions and improve air quality and health (*Creating a Low Emission Future: Leading by Example*) and a *Clean Air Zone (CAZ) Framework for Slough* that we can deliver in partnership with key stakeholders to improve the

emissions of cars, vans, buses and freight vehicles, while encouraging the take-up of ultra-low emission vehicles (ULEV) through a *Slough Electric Vehicle Plan*.

5.9 The LES builds on significant activity in the Borough in demonstrating leadership in *Creating a Low Emission Future*;

- SBC has developed extensive cycling infrastructure in the Borough, including cycle hire facilities
- SBC has successfully introduced electric vehicle charge points across the Borough that continue to show a significant upward trend in use
- We have successfully installed EV charge points at Council Offices to allow our EV fleet, staff EVs and visitor EVs to use
- We have introduced electric pool cars and electric bikes as part of the Slough Fleet Challenge to reduce 'grey' vehicle emissions and costs
- Slough has the fourth largest number of plug-in vehicles registered per local authority in the UK with over 4,500 registrations
- SBC Environmental Services Fleet meets the latest European (Euro VI) Emission Standards with plans to look at alternative fuels to diesel as part of the next fleet replacement cycle (2024). The SBC appraisal of alternative fuels and technologies using whole life costs (WLC) has been published as best practice by the Local Government Association (LGA)
- SBC is reviewing van and light commercial vehicle operations and is procuring the cleanest (Euro 6/VI) vehicles while transitioning to ULEVs where feasible
- SBC has committed to the Clean Van Challenge, ensuring our light commercial vans will be zero emission capable by 2028
- SBC has introduced vehicle emission standards for taxi and private hire vehicles that will lead to the use of zero emission capable vehicles by 2025
- SBC was awarded £157,000 of OLEV funding to develop rapid charging facilities for taxi drivers
- SBC is implementing vehicle emission standards for relevant contracts in line with Social Value procurement
- SBC is seeking appropriate mitigation from new development schemes, in line with the LES

As part of the *Slough Clean Air Zone (CAZ) Framework* we will:

- raise awareness of vehicle emissions and their impact on air quality and health
- look at the feasibility of introducing CAZ in Slough which could potentially set emission standards for taxis, buses, coaches, lorries and vans in key areas
- develop an ultra-low emissions pathway for buses to 2025, in partnership with local bus operators
- promote the development of alternative refueling infrastructure for buses and freight vehicles
- provide co-ordination in supporting the uptake of ULEVs and developing charging infrastructure to support growth through the *Slough Electric Vehicle Plan*

5.10 The LES has been designed to provide a platform for inward investment over the period to 2025 and will seek to build on the successful grant funding and capital borrowing secured so far. The LES aligns with key Government Strategies, including the *Industrial Strategy: Road to Zero (2018)*, which outlines significant funding opportunities to increase the take up of ultra-low emission vehicles. A draft *Low Emission Programme* has been developed as part of the LES and can be found in Appendix 3. This programme will be updated on an annual basis. The draft *Low Emission Programme* has been designed to be flexible to maximise opportunities for funding going forward.

The *Low Emission Programme* is designed to achieve the following desired outcomes:

- attract private sector funding
- be cost-effective, and potentially raise revenues or introduce savings for the Council
- increase opportunities for residents, businesses and visitors to reduce their total cost of ownership of vehicles via the potential reductions in the whole life costs of ultra-low emission vehicles
- facilitate sustainable shift to ultra-low emission vehicles
- facilitate a shift away from the owned car usage model
- reduce harmful pollutants and improve air quality and health impacts

Delivery of the *Low Emission Programme* will depend on successfully securing funding. Funding opportunities may change over the coming years and the Programme will retain flexibility to adapt to the funding horizon. It is envisaged that funding for the Programme may include:

- OLEV (Office for Low Emission Vehicles) grants
- DEFRA (Department for the Environment, Food and Rural Affairs) grants
- DfT (Department for Transport) grants
- LEP (Local Enterprise Partnership) funding
- Section 106 contributions from major development schemes
- HAL (Heathrow Airport Ltd) community funding
- Capital borrowing
- private sector investment

Any future bids for capital growth funding will be subject to SBC controls, including a robust business case.

The draft *Low Emission Programme Infrastructure Maps*, which geographically show the provisional locations for key infrastructure for the seven sectors of the borough, can be found on the Council's LES webpage – http://www.slough.gov.uk/downloads/LES_Plan.pdf

The draft *Low Emission Programme* will be subject to further internal consultation prior to publication. Delivery of the Programme will be included in the final LES *Delivery Plan*

5.11 The Slough Low Emission Strategy has incorporated best practice techniques in evaluating and developing measures to reduce road transport vehicle

emissions. Government damage cost data, which puts a price on the social cost per tonne of emissions of key pollutants, has been used in evaluating the alternatives to diesel vehicles for the SBC refuse collection fleet and the whole life costs of alternatives to diesel taxis. While an increasing number of local authorities also use damage costs to assess the scale of off-set mitigation that is required on major development schemes, this approach is not included in the Slough Low Emission Strategy: Planning & Development Control Guidance.

SBC are to undertake a review of the Council approach to the Community Infrastructure Levy (CIL). Any consideration of the use of damage costs in the planning process will be subject to the CIL review.

- 5.12 *A Delivery & Communications Plan* will be developed detailing how we can communicate key messages through our Public Health team, set roles, responsibilities and timescales for delivery while monitoring implementation and updating the strategy when necessary. The final *Delivery & Communications Plan* will be submitted to the Cabinet for approval. The LES will be reviewed within 2 years of implementation.
- 5.13 The LES has been developed in consultation with all relevant Council Departments. SBC undertook extensive, public stakeholder consultation from 25th November 2017 to the 5th February 2018. The consultation exercise showed strong support for implementing the LES measures. A summary of the LES public consultation responses can be found on the SBC LES web page below:
http://www.slough.gov.uk/downloads/Summary_of_LES_Consultation_Responses.pdf

The consultation exercise has informed the development of the final LES.

6 **Comments of Other Committees**

The Cabinet considered the Low Emission Strategy at its meeting on 17th September 2018 and agreed to recommend it to Council for approval.

7 **Conclusion**

The Slough Low Emission Strategy demonstrates our commitment to implementing an integrated, best practice programme, in partnership with our key stakeholders, to reduce road transport vehicle emissions, improve air quality and health impacts and provide a platform for inward investment. It is recommended that Council adopt and approve the Strategy.

8 **Appendices**

The following Appendices are included in the separate Appendix Pack:

Appendix 1 - Summary Low Emission Strategy 2018 – 2025 (final draft)

Appendix 2 – Low Emission Strategy 2018 – 2025 Technical Report (final draft)

Appendix 3 – Low Emission Programme (draft)

(The draft Low Emission Programme Infrastructure Maps can be found on the SBC LES webpage - <http://www.slough.gov.uk/pests-pollution-and-food-hygiene/low-emission-strategy-2018-2025.aspx>)

Appendix 4 – Equalities Impact Assessment

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 27th September 2018

CONTACT OFFICER: Nick Pontone, Senior Democratic Services Officer
(For all Enquiries) (01753) 875120

WARD(S): All

PART I
FOR DECISION**RECOMMENDATION OF THE LICENSING COMMITTEE FROM ITS MEETING HELD ON 10TH SEPTEMBER 2018****ADOPTION OF THE PROVISIONS OF SECTIONS 50 TO 61 OF PART III OF THE FOOD ACT 1984 AND SECTION 37 OF PART XII OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982****1. Purpose of Report**

To consider a recommendation from the Licensing Committee from its meeting held on 10th September 2018 for the Council to formally adopt the relevant legislation pertaining to establishing and licensing markets (including temporary markets), and to note and comment on the draft Market Licensing Standard Terms and Conditions and Draft Market Policy.

2. Recommendation(s)/Proposed Action

The Council is requested to resolve;

- (a) That the provisions of Sections 50 to 61 of Part III of the Food Act 1984 and Section 37 of part XII of the Local Government (Miscellaneous Provisions) Act 1982 be adopted.
- (b) That the draft Market Licensing Standard Terms and Conditions be approved.
- (c) That the draft Markets Policy be approved.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

The Council recognises the importance of markets in the local economy and their contribution to the character of the area. Markets contribute to economic growth and regeneration by; creating jobs, promoting local produce, attracting tourists and adding vitality to the Town Centre.

The report details that the Council does not currently have any provisions in place to establish, regulate, control or licence markets in Slough.

Street trading is governed by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which has been adopted by the Council and Specifically states that 'anything done in a market or fair' is not classed as street trading.

In order for the Council to establish markets and licence and regulate markets within the Borough it must first adopt the relevant legislation which is contained in Sections 50 to 61 of Part III of the Food Act 1984 which affords the power to establish and the right to licence and control the frequency of markets in the local authority area, together with Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 which provides for a person wanting to hold a 'temporary market' to give the local authority one months notice of his/her intention to do so, (unless the proceeds of the temporary market are applied solely or principally for charitable, sporting, social or political purposes, in which case not notice is required).

3a. **Slough Joint Wellbeing Strategy Priorities**

The adoption of the legislation allowing the Council to licence markets will contribute to the SJWS priorities of:

Priority:

1. Protecting vulnerable children
2. Increasing life expectancy by focusing on inequalities
3. Improving mental health and wellbeing

3b. **Five Year Plan Outcomes**

The proposals will contribute to the Five Year Plan with the specific outcomes of:

1. Slough will be an attractive place where people choose to live, work and stay.
2. Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

The proposals will also contribute to the recommendations within the Town Centre Strategy.

4. **Other Implications**

(a) Financial

There are no financial implications of proposed action.

(b) Risk Management

| Recommendation from section 2 above | Risks/Threats/ Opportunities | Current Controls | Using the Risk Management Matrix Score the risk | Future Controls |
|--|--|------------------|---|--|
| a. Resolve to adopt the provisions of Sections 50 to 61 of Part III of the Food Act 1984 and Section 37 of | The ability to licence, regulate and control markets in the High Street and other areas of the Borough | None | 3 | Approval of a Markets Policy following consultation. |

| | | | | |
|--|--|--|--|--|
| <p>the Local Government (Miscellaneous Provisions) Act 1982</p> <p>b. Adoption of the provisions of Sections 50 to 61 of Part III of the Food Act 1984 and Section 37 of the Local Government (Miscellaneous Provisions) Act 1982</p> <p>c. Comment on the draft Market Licensing Standard Terms and Conditions</p> <p>d. Make any amendments to and approve the Market Licensing Standard Terms and Conditions</p> <p>e. Approve the draft Markets Policy following public consultation</p> | | | | |
|--|--|--|--|--|

(c) Human Rights Act and Other Legal Implications

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

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.

(d) Equalities Impact Assessment

An Equality Impact Assessment has been completed which highlights that there are no adverse or negative impacts of opportunity for any equality group or for any other reason.

(e) Workforce

None.

5. Supporting Information

- 5.1 The Council recognises the importance of markets in the local economy and their contribution to the character of the area. Markets contribute to economic growth, and regeneration by; creating jobs, promoting local produce, attracting tourists and adding vitality to the Town Centre.
- 5.2 The Council does not currently have any provisions in place to establish, regulate, control or licence markets in Slough.
- 5.3 The definition of a temporary market in the 1982 Act is – ‘*A concourse of buyers and sellers and will comprise of not less than five stalls, stands, vehicles, (whether movable or not) or pitches from which articles are sold*’.
- 5.4 Street trading is governed by Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 which has been adopted by the Council and specifically states that ‘anything done in a market or fair’ is not classed as street trading.
- 5.5 In order for the Council to establish and hold markets within its area and the right to licence and control the frequency markets, it must first adopt the relevant legislation which is, the provisions of Sections 50 to 61 of Part III of the Food Act 1984. A copy of this legislation is attached at **Appendix A**.
- 5.6 With regards to ‘Temporary Markets’ the Council needs to adopt Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982 which requires any person intending to hold a temporary market to notify the Council in advance by giving it one months notice of its intention to do so, (unless the proceeds of the temporary market are applied solely or principally for charitable, sporting, social or political purposes, in which case notice is not required). A copy of this legislation is attached at **Appendix B**.
- 5.7 Section 37 of the 1982 Act also states that once the Council has resolved to adopt these provisions, within 14 days of the passing of the resolution which is publicly circulated by advertising in a local newspaper in their area, those provisions shall come into force in their district on the day specified in the resolution.
- 5.8 It is best practice that information is available to those affected to understand the requirements of the Council licensing markets. Therefore a draft ‘Markets Policy’ has been developed in conjunction with the Council’s Communications Team who will be responsible to this licensing regime. The ‘Markets Policy’ is attached at **Appendix C**.
- 5.9 The Committee are asked to approve the draft ‘Markets Policy’ which was subject to a public consultation between 30th July 2018 and 20th August 2018. Others consulted on the draft Markets policy were all members of Cabinet, ward members for Central Ward, the NABMA (The National Association of British Market Authorities), the NMTF (National Market Traders Association) and other UK Local Authority Market Operators. In addition, relevant Council Service areas responsible for licensing, economic regeneration, and town centres operations were also consulted.

5.10 Responses to the consultation have been very limited and only minor amendments have been made to the draft policy document which are shaded in grey.

5.11 The responsibility of the Council is to ensure that those individuals to whom permission to trade is granted are conducting their business in a proper and safe manner. In doing so, it is necessary for the Council to specify terms and conditions that must be complied with. These conditions reflect the need to protect the public and for the avoidance of nuisance. Again, in conjunction with the Communications Team, 'Market Licensing Standard Terms and Conditions' have been developed which are attached at **Appendix D**.

5.12 These terms and conditions are similar to those already in place for street trading and as approved by the Licensing Committee following consultation in 2016 and will therefore ensure a consistency for compliance in both licensing regimes. The Committee is asked to formally approve and adopt these terms and conditions.

6. Comments of Other Committees

This report was considered by the Licensing Committee on 10th September 2018 and it was agreed to recommend adoption of the relevant legislation and approval of the policy and terms and conditions to Council.

7. Conclusion

That the Council approve:

- a. The adoption of the provisions of Sections 50 to 61 of Part III of the Food Act 1984 and Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982 to Full Council
- b. The draft Market Licensing Standard Terms and Conditions.
- c. The draft Markets Policy.

8. Appendices Attached

'A' - Copy of provisions of Sections 50 to 61 of Part III of the Food Act 1984

'B' - Copy of Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982

'C' - Copy of Markets Policy

'D' - Copy of Market Licensing Standard Terms and Conditions.

9. Background Papers

None.

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[Home](#) [About Us](#) [Browse Legislation](#) [New Legislation](#) [Changes To Legislation](#)

[Search Legislation](#)

Title: Year: Number:
 Type:

[Search](#)

[Advanced Search](#)

Food Act 1984

1984 c. 30 Part III

[Table of Contents](#) [Content](#) [More Resources](#)

[Previous: Part](#)

[Next: Part](#)

[Plain View](#)

[Print Options](#)

Changes to legislation: There are currently no known outstanding effects for the Food Act 1984, Part III.

PART III MARKETS

Annotations:

Modifications etc. (not altering text)

- C1 Pt. III applied (30.1.2004) by [Hereford Markets Act 2003 \(c. iv\), ss. 1, 3\(2\)](#)
 C2 Pt. III applied (2.10.2004) by [Ipswich Market Act 2004 \(c. iii\), ss. 1, 6](#)

50 Establishment or acquisition.

(1) **[F1]** A local authority may—

(a) establish a market within **[F1]** their area;

(b) acquire by agreement (but not otherwise), either by purchase or on lease, the whole or any part of an existing market undertaking within **[F1]** their area, and any rights enjoyed by any person within **[F1]** their area in respect of a market and of tolls,

and, in either case, may provide—

(i) a market place with convenient approaches to it;

(ii) a market house and other buildings convenient for the holding of a market.

(2) A market shall not be established in pursuance of this section so as to interfere with any rights, powers or privileges enjoyed within **[F2]** the authority's area in respect of a market by any person, without that person's consent.

[F3](3) For the purposes of subsection (2), a local authority shall not be regarded as enjoying any rights, powers or privileges within another local authority's area by reason only of the fact that they maintain within their own area a market which has been established under paragraph (a) of subsection (1) or under the corresponding provision of any earlier enactment]

Annotations:

Amendments (Textual)

- F1** Words substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 2\(1\)](#)
F2 Words substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 2\(2\)](#)
F3 S. 50(3) substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 2\(3\)](#)

51 Power to sell to local authority.

- (1) The owner of a market undertaking, or of any rights in respect of a market and of tolls, whether established under, or enjoyed by virtue of, statutory powers or not, may sell or lease to a local authority the whole or any part of his market undertaking or rights, but subject to all attached liabilities.
- (2) A sale by a . . . **F4** company under this section must be authorised—
 - (a) if the company is a company within the meaning of the Companies Act [**F5** 1985], [**F6** by special resolution];
 - (b) if the company is not such a company, by a resolution passed by three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened for the purpose with notice of the business to be transacted.

Annotations: **Amendments (Textual)**

- F4** Word repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, 59(4), Sch. 2 para. 3, Sch. 5
- F5** Figure substituted by the Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, Sch. 2
- F6** Words in s. 51(2)(a) substituted (1.10.2007) by Companies Act 2006 (Commencement No.3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), art. 1(3)(a), Sch. 4 para. 37 (with art. 12)

52 Market days and hours.

A market authority may appoint the days on which, and the hours during which, markets are to be held.

53 Charges.

- (1) A market authority may demand in respect of the market, . . . **F7**, such charges as they may from time to time determine.
- [F8]**(2) A market authority who provide—
 - (a) a weighing machine for weighing cattle, sheep or swine; or
 - (b) a cold air store or refrigerator for the storage and preservation of meat and other articles of food,
 may demand in respect of the weighing of such animals or, as the case may be, the use of the store or refrigerator such charges as they may from time to time determine.
- (3) The authority—
 - (a) shall keep exhibited in conspicuous places in the market place, and in any market house, tables stating in large and legibly printed characters the several charges payable under this Part; and
 - (b) shall keep so much of the tables as relates to charges payable . . . **F9** in respect of the weighing of animals, conspicuously exhibited at every weighing machine provided by them in connection with the market for the purpose.
- (4) A person who demands or accepts a charge greater than that for the time being authorised shall be liable to a fine not exceeding level 2 on the standard scale.
- (5) Nothing in this section applies in relation to rents charged by a market authority in respect of the letting of accommodation within their market for any period longer than one week.

Annotations: **Amendments (Textual)**

- F7** Words repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, 59(4), Sch. 2 para. 4, Sch. 5
- F8** S. 53(2) substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, Sch. 2 para. 4(2)
- F9** Words repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, 59(4), Sch. 2 para. 4(3), Sch. 5

54 Time for payment of charges.

- (1) Charges payable in respect of the market shall be paid from time to time on demand to an authorised market officer.
- [F10]**(2) Charges payable in respect of the weighing of cattle, sheep or swine shall be paid in advance to an authorised market officer by the person bringing the animals to be weighed.]
- (3) Charges payable in respect of animals brought to the market for sale shall be payable, and may be demanded by an authorised market officer—

- (a) as soon as the animals in respect of which they are payable are brought into the market place, and
- (b) before they are put into any pen, or tied up in the market place,

but further charges shall be payable and may be demanded in respect of any of the animals which are not removed within one hour after the close of the market.

Annotations: [7](#)

Amendments (Textual)

F10 S. 54(2) substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 5](#)

55 Recovery of charges.

If a person liable to pay any charge authorised under this Part does not pay it when lawfully demanded, the market authority may, by any authorised market officer, levy it by distress—

- (a) of all or any of the animals, poultry or other articles in respect of which the charge is payable, or
- (b) of any other animals, poultry or articles in the market belonging to, or in the charge of, the person liable,

and any such charge may also be recovered either summarily as a civil debt or in any court of competent jurisdiction.

56 Prohibited sales in market hours.

(1) A person (other than a pedlar holding a certificate under the **M1** Pedlars Act 1871) who on a market day and during market hours sells or exposes for sale any articles—

- (a) which are specified in a byelaw made by the market authority, and
- (b) which are commonly sold in the market,

and such sale or exposure for sale—

- (i) is in any place within the authority's [**F11** area], and
- (ii) is within such distance from the market as the authority may by byelaw declare,

is liable to a fine not exceeding level 2 on the standard scale.

This subsection does not apply to a sale or exposure for sale in a person's own dwelling place or shop, or in, or at the door of, any premises to a person resident in those premises.

(2) The market authority shall keep exhibited in conspicuous positions in the vicinity of the market notices stating the effect of any byelaw made under this section.

Annotations: [7](#)

Amendments (Textual)

F11 Word substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 6](#)

Marginal Citations

M1 1871 c. 96.

57 Weighing machines and scales.

(1) **F12**

(2) A market authority in whose market cattle, sheep or swine are sold shall, unless there is in force an order of the Minister declaring that the circumstances are such as to render compliance with this subsection unnecessary—

- (a) provide to that Minister's satisfaction one or more weighing machines adapted for weighing such animals; and
- (b) appoint officers to attend to the weighing of such animals.

A weighing machine provided under this subsection shall for the purposes of section 1 of the **M2** Markets and Fairs (Weighing of Cattle) Act 1926, be deemed to have been provided for the purpose of complying with the provisions of the principal Act referred to in that Act of 1926.

Annotations: [7](#)

Amendments (Textual)

F12 S. 57(1) repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, 59\(4\), Sch. 2 para. 7, Sch. 5](#)

Marginal Citations

M2 1926 c. 21.

[F1357A Provision of cold stores.

- (1) A market authority may provide a cold air store or refrigerator for the storage and preservation of meat and other articles of food.
- (2) Any proposal by a market authority to provide under this section a cold air store or refrigerator within the area of another local authority requires the consent of that other authority, which shall not be unreasonably withheld.
- (3) Any question whether or not such a consent is unreasonably withheld shall be referred to and determined by the Ministers.
- (4) Subsections (1) to (5) of section 250 of the **M3** Local Government Act 1972 (which relate to local inquiries) shall apply for the purposes of this section as if any reference in those subsections to that Act included a reference to this section.]

Annotations: ?

Amendments (Textual)

F13 S. 57A inserted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 8](#)

Marginal Citations

M3 1972 c.70(81:1).

58 **F14**

Annotations: ?

Amendments (Textual)

F14 S. 58 repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, 59\(4\), Sch. 2 para. 9, Sch. 5](#)

59 Information for market officer.

The person in charge of any vehicle in which, and any other person by whom, animals, poultry or other articles are brought for sale in the market shall give to any authorised market officer such information—

- (a) as to their number and kind, or
- (b) in the case of articles on which charges are made by reference to weight, as to their weight,

as that officer may require.

60 Market byelaws.

A local authority who maintain a market, whether or not they are a market authority within the meaning of this Act, may make byelaws—

- (a) for regulating the use of the market place, and the buildings, stalls, pens and standings in that market place;
- (b) for preventing nuisances or obstructions in the market place, or in the immediate approaches to it;
- (c) for regulating porters and carriers resorting to the market, and fixing the charges to be made for carrying articles from the market within the district.

[F15(d) after consulting the **[F16** fire and rescue authority] **F17** ..., for preventing the spread of fires in the market.]

Annotations: ?

Amendments (Textual)

F15 S. 60(d) inserted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 52, 54, Sch. 2 para. 10](#)

F16 Words in s. 60(d) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 56\(2\); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2](#)

F17 Words in s. 60(d) repealed (1.4.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\), art. 1\(3\), Sch. 2 para. 32\(2\), Sch. 4 \(with art. 49\)](#)

61 Interpretation of Part III, and exclusion of City of London.

In this Part, unless the context otherwise requires—

"authorised market officer" means an officer of a market authority specially authorised by them to collect charges in their market,

"charges" includes stallage or tolls,

[F18 [F19"fire and rescue authority" in relation to a market, means—

- (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the market, the enforcing authority within the meaning given by article 25 of that Order; or
- (b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the market is situated.]

"food" has the same meaning as in the Food Safety Act 1990;

"local authority" means a district council, a London borough council or a parish **[F20** council but, in relation to Wales, means a county council, county borough council] or community council;

"market authority" means a local authority who maintain a market which has been established or acquired under section 50(1) or under the corresponding provisions of any earlier enactment.]

F21

Annotations: [7](#)**Amendments (Textual)**

- F18** Definitions substituted for "market authority" by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, [Sch. 2 para. 11](#)
- F19** Definition in s. 61 substituted (1.4.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), [Sch. 2 para. 32\(3\)](#) (with art. 49)
- F20** Words in s. 61 inserted (1.4.1996) by [1994 c. 19, s. 22\(3\)](#), [Sch. 9 para. 14](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 3, [Sch. 1](#)
- F21** Words repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 52, 54, 59(4), [Sch. 2 para. 11](#), [Sch. 5](#)

[Previous: Part](#)

[Next: Part](#)

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[Back to top](#)
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This page is intentionally left blank

[Home](#) [About Us](#) [Browse Legislation](#) [New Legislation](#) [Changes To Legislation](#)

[Search Legislation](#)

Title: Year: Number:
 Type:

[Search](#)

[Advanced Search](#)

Local Government (Miscellaneous Provisions) Act 1982

1982 c. 30 Part XII Section 37

[Table of Contents](#) [Content](#) [More Resources](#)

[Previous: Provision](#)

[Next: Provision](#)

[Plain View](#)

[Print Options](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1982. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

37 Temporary markets.

- (1) The council of a district or a London borough may resolve that the following provisions of this section shall apply to their district or borough; and if a council so resolve and within 14 days of the passing of the resolution give notice of the resolution by advertising in a local newspaper circulating in their area, those provisions shall come into force in their district or borough on the day specified in the resolution.
- (2) Subject to subsection (3) below, any person intending to hold a temporary market in a district or London borough where the provisions of this section have come into force, and any occupier of land in such a district or borough who intends to permit the land to be used as the site of a temporary market or for purposes of that market, shall give the council of the district or the borough not less than one month before the date on which it is proposed to hold the market notice of his intention to hold it or to permit the land to be so used, as the case may be.
- (3) No notice is required under subsection (2) above if the proceeds of the temporary market are to be applied solely or principally for charitable, social, sporting or political purposes.
- (4) Any notice given under subsection (2) above shall state—
 - (a) the full name and address of the person intending to hold the market;
 - (b) the day or days on which it is proposed that the market shall be held and its proposed opening and closing times;
 - (c) the site on which it is proposed that it shall be held;
 - (d) the full name and address of the occupier of that site, if he is not the person intending to hold the market.
- (5) A person who without giving the notice required by subsection (2) above holds a temporary market or permits land occupied by him to be used as the site of a temporary market shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F1}level 4 on the standard scale].
- (6) In this section “temporary market” means a concourse of buyers and sellers of articles held otherwise than in a building or on a highway, and comprising not less than five stalls, stands, vehicles (whether movable or not) or pitches from which articles are sold, but does not include—
 - (a) a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order; or
 - (b) a sale by auction of farm livestock or deadstock.
- (7) A person holds a temporary market for the purposes of this section if—
 - (a)

he is entitled to payment for any space or pitch hired or let on the site of the market to persons wishing to trade in the market; or

(b) he is entitled, as a person promoting the market, or as the agent, licensee or assignee of a person promoting the market, to payment for goods sold or services rendered to persons attending the market.

(8) This section does not apply to a market held on any land in accordance with planning permission granted on an application made under ^{F2}Part III of the Town and Country Planning Act 1990].

Annotations: 

Amendments (Textual)

F1 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

F2 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 56(2)

[Previous: Provision](#)

[Next: Provision](#)

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[Back to top](#)
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SLOUGH BOROUGH COUNCIL MARKETS POLICY

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| Related Documents | |
|---|-----------------|
| Document Title | Location |
| Food Act 1984 | Statute |
| Local Government (Miscellaneous provisions) Act 1982 | Statute |
| | |

If you have any further questions about this Policy or for further information, including applications forms please contact:

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CONTENTS

| Section | |
|---------|--|
| 1. | Introduction |
| 2. | Markets |
| 3. | Legislative powers held by the Council |
| 4. | What is a Market Event |
| 5. | Market Operator |
| 6. | Licensing of Markets under the Council's Markets Policy |
| 7. | How to apply |
| 8. | Appeals procedure |
| 9. | Fees |
| 10. | Other Approvals |
| 11. | Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 |
| 12. | Enforcement |
| 13. | Partnerships |
| | |

1. INTRODUCTION

The Council recognises the importance of markets in the local economy and their contribution to the character of the area. Markets serve an important function to the community service and contribute in a number of ways to the local communities they serve.

Markets contribute to economic growth and regeneration by; creating jobs, promoting local produce and attracting tourists.

The Council's markets are described in more detail in Section 2 of this policy and they represent an important investment by the Council in delivering economic growth and regeneration creating jobs, promoting local produce, attracting tourists and Town Centre vitality.

The Council is keen to maintain regular markets in the Town Centre. This markets policy sets out the basis upon which markets are held and the process by which applications for new markets will be considered.

The Council recognises that there are many different types of market activities and this policy *adopted by the Council* is intended to cater for each type of market. In particular, this policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Section 5 of the markets policy deals with the different types of market and the Council's approach in considering applications in respect of such markets.

In producing this policy the Council has taken the opportunity of consulting publicly and with the following organisations: NABMA (The National Association of British Market Authorities), the NMTF (National Market Traders Association) and other UK Local Authority Market Operators. In addition, the Council has consulted internally with Cabinet Members, Ward members for Central ward and the relevant Council Service areas responsible for licensing, economic regeneration, and town centres operations.

The policy will be kept under review.

2. MARKETS

Council operates markets principally in the High Street. However, the Council can also run any number of ad-hoc markets at locations across the Borough and establish new markets if it chooses to do so.

3. LEGISLATIVE POWERS HELD BY THE COUNCIL

The Council has adopted the provisions Sections 50 to 61 of Part III of the Food Act 1984, to hold markets within its area and the right to licence and control the frequency of markets within its borough. In addition the Council has adopted Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982 that requires any person intending to hold a temporary market to notify the Council in advance, so that if appropriate the Council can take steps to remove the permitted development rights to hold such a market and require the operator to apply for planning permission to do so.

This right has been exercisable for many years and this policy takes into account relevant UK and European legislation.

4. WHAT IS A MARKET EVENT?

The Council's markets policy is intended to cover, principally markets in the High Street and where necessary all market events held within the borough. In order that potential market operators are fully aware of the Council's definition of a market the following guidelines are provided:

- a) The legal definition of a market is a "concourse of buyers and sellers" (this means that the public are entitled to attend market events to buy and sell).
- b) A temporary market will comprise not less than five stalls, stands, vehicles, whether moveable or not or pitches from which articles are sold.
- c) There will be an operator of the market who will be responsible for the organisation and delivery of the event.
- d) The term "market event" includes car boot sales, antique and craft markets, general markets, farmers' markets, continental style markets and charity markets.
- e) A market may sometimes be held as an integral part of a special event and where this arises the market element will fall within the Council's markets policy.

The Council's markets policy differentiates between markets of a commercial nature and community-based markets which have a strong charitable element.

This markets policy does not cover street trading activities. This activity is regulated by the Council's Licensing Team under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

5. MARKET OPERATOR

A Market Operator is defined as person, body or organisation to whom a market licence is granted by the Council.

6. LICENSING OF MARKETS UNDER THE COUNCIL'S MARKETS POLICY

The Council's consent to a market event must be given before the market takes place. Markets will only be licensed once an application for a markets licence has been approved. Any market that takes place without such a licence is in breach of the Council's markets policy and will be subject to enforcement action as described in Section 12.

The Council will consider applications in respect of the following categories of market events:

- i) Commercial markets including continental style markets
- ii) Markets with a strong charitable/community element

The criteria set out in Section 4 will be relevant in respect of both categories of market event.

i) Commercial markets

A commercial market is one which is operated for profit and where the traders are engaged in

a business activity of selling goods for their own purposes.

The Council will consider applications in respect of commercial markets having regard to the following requirements:

- a) No market will be authorised to take place within the Borough unless it can be demonstrated that the new market will not undermine the existing markets and not prejudice the overall market offer.
- b) In respect of any consent the operator must have adequate insurances, comply with trading standards guidelines, health and safety requirements and any other statutory provisions laid down by the Council, including the Market Licensing Standard Terms and Conditions.
- c) A fee will be charged for any application to the Council, The fee will be based on the size and number of traders engaged in the market event. Please refer to Section 9 in respect of fees.
- d) The goods to be sold on the market will be approved by the Council.
- e) A licensing agreement will be entered into between the operator and the Council and such licensing agreement must be concluded before the market takes place.
- f) All authorised markets will be subject to the Slough Borough Council Market Licensing Standard Terms and Conditions.
- g) The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.
- h) The Council reserves the right to refuse an application where the proposed date of the market conflicts with any other street festivals, parades or commemorative activities within the Borough.

ii) **Markets With A Strong Charitable/Community Element**

Some markets are organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event. The Council will consider applications in respect of such market events having regard to the following requirements:

- a) The markets must be operated on a non-profit making basis to assist a charity/community, and the operator shall supply relevant information to the Council evidencing the same if requested. While it is acknowledged that some traders will be selling goods for their own purposes, the Council will look for the event to have a strong charitable element in the way the event is organised.
- b) In respect of any consent the operator must have adequate insurances, comply with trading standards guidelines, health and safety requirements and any other statutory provisions laid down by the Council.
- c) A licensing agreement will be entered into between the operator and the Council and such licensing agreement must be concluded before the market takes place.
- d) All authorised markets will be subject to the Slough Borough Council Market Licensing Standard Terms and Conditions.

e) The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.

f) The operator must hold adequate proof that the charity they represent is registered with the Charity Commission, and also provide written permission from the charity organisation to raise funds on their behalf.

7. HOW TO APPLY

The application form to hold a market in respect of both, commercial markets and charity/community-based markets can be requested from the Markets Manager at:

The Events and Commercial Manager
2nd Floor West
St Martins Place
Bath Road
Slough
SL1 3UF

Or via the Councils website at: ??????????????????????

The application process will consider such matters as (but not limited to):

- Has an adequate Event Management Plan been completed with the inclusion of any relevant Risk Assessments?
- Has the operator held other events within the borough, if so how many and at what frequency?
- Has proof of any insurances/licences been provided? Including adequate Public and Employers Liability cover?
- Where applicable and if not in the High Street, has permission been granted by the venue/land owner?

The Council will aim to deal with applications for a markets licence within a period of twenty eight days from receipt of all the necessary and required information.

Please note the separate requirement for notice under s37 Local Government (Miscellaneous Provisions) Act 1982; at paragraph 11 below. An operator of a market event is therefore urged to return the application as early as possible to ensure that the Council has adequate time to consider the relevant matters in an appropriate way. In considering the application the Council will require sufficient information to deal with all the issues set out in the criteria listed above, the Market Licensing Standard terms and conditions and also covered on the application form. Failure to provide such information is likely to lead to a delay in the Council coming to a decision.

If the Council refuses an application it will set out the reasons for its decision. If the applicant wishes to appeal the decision then any appeal must be submitted within fourteen days of the Council's written decision, refer to section 8 in respect of the appeals procedure.

8. APPEALS PROCEDURE

An applicant can appeal in writing against refusal, with supporting reasons, to the Communications Manager. If the appeal is not resolved at this stage, the applicant will be referred to the Council's Corporate Complaints Procedure.

9. FEES

A reasonable administrative fee will be charged for applications. The fee takes into consideration the time and cost to the Council of considering the application. The Fee Scale can be obtained upon request at:

The Events and Commercial Manager
2nd Floor West
St Martins Place
Bath Road
Slough
SL1 3UF

Or via the Council's website at: <http://www.slough.gov.uk>

10. OTHER APPROVALS

It is important to emphasise that any approval given by the Council in respect of its market policy, does not remove the requirement for other relevant approvals to be obtained. In particular the operator of a market should ensure that where the market is being held on private land, the approval of the landowner is obtained.

Planning permission might also be required and any market operator should consult with the Council's Planning Department to ascertain whether any planning considerations are relevant.

Attention is also drawn to the provisions of the Licensing Act 2003, specifically where the sales of alcohol are to take place the stall/unit must have obtained either a Premises Licence or Temporary Event Notice for the period of the sale of alcohol.

During the hours that alcohol sales are permitted, a holder of a Personal Licence within the meaning of section 3 of the Licensing Act 2003 must be present at the point of sale.

A market licence does not constitute approval under any other statutory regime or remove the need for planning permission for the event.

11. SECTION 37 OF PART XII OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Slough Borough Council has approved the adoption of Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982.

Section 37 of the 1982 Act deals with temporary markets and any operator of a temporary market, (together with where applicable the occupier of land on which the market is to be held), is required to give to the Council not less than one month's notice of the holding of the market.

Any notice given by the operator and the occupier of the land shall state:

- i) The full name and address of the person intending to hold the market.
- ii) The day or days on which it is proposed that the market will be held and its proposed opening and closing times.
- iii) The site on which it is proposed that the market will be held.
- iv) The full name and address of the occupier of the land if he is not the person intending to hold the market.

A market licence application will also need to be completed.

It is important to emphasise that the requirements of Section 37 of the 1982 Act are quite separate to the licensing of events under the Council's Markets Policy set out in Section 5. The operator and the occupier of the land should ensure that a notice is given to the Council under the requirements of Section 37 as soon as proposals for a temporary market are under consideration. This will enable the Council to give preliminary consideration to a proposal and indicate its likely view on a subsequent application for a markets licence.

Failure to give a notice under Section 37 is a criminal offence and attracts liability on conviction to a fine in the Magistrates' Court

12. ENFORCEMENT

The Council will monitor the application of its markets policy and any market event which is established will be subject to the Council's requirements.

No events or activities promoting a particular religion or political party are to take place in the High Street, Slough Town Square, Mackenzie Square or any of the council's parks or open spaces.

Any market which is not approved by the Council under Section 5 of its markets policy will be asked to close immediately and to apply for a market licence. Failure to do so will result in any future application being refused.

In addition, any market operator acting in contravention of any market license granted by the Council will run the risk of the license being terminated by the Council.

On such terms as the Council determines and, in such circumstances, the Council reserves the right to refuse any future applications for market licenses submitted by the operator concerned, or any persons or organisation associated with the operator.

13. PARTNERSHIPS

Slough Borough Council works with partners to extend its offer of specialist markets and events. Partnership operators will have to demonstrate a sound knowledge in their chosen field, and be able to source and organise an exciting and varied array of traders. Examples of specialist market/events could include:

Cultural
Records / Vinyl / Music
Art and Design
Antiques
Craft

Horticultural
Fashion

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MARKET LICENSING STANDARD TERMS AND CONDITIONS
Section 50 of Part III of the Food Act 1984
Section 37 of Part XII of the Local Government (Miscellaneous Provisions)
Act 1982

Where market events are to be held in Slough the below conditions shall be adhered to before, during and after any market event taking place.

In addition, the following information must be supplied to Slough Borough Council at least 28 days prior to the market event taking place:

- A Plan showing the proposed layout of the market (where agreed in advance)
- Proposed times and dates that the market(s) will take place.

Market Operators and Traders

- Full Name address and date of birth of each trader (and national insurance numbers where known)
- Type of trading to take place
- Full address of any premises where items and in particular any food stuffs are to be stored or prepared.

This information will be required for:

- A) The Slough Borough Council Food and Safety Team should any hygiene issues arise.
- B) Thames Valley Police and Slough Borough Council Trading Standards where it is suspected that illegal goods may or are being sold.

1. General

- 1.1 Slough Borough Council issues market licenses for markets to be held principally in the High Street. The Council can also run any number of ad-hoc markets at locations across the Borough and establish new markets if it chooses to do so.

- 1.2 The Council may at any time vary the conditions of licensing markets.
- 1.3 In addition, when dealing with an application the Council can attach any specific conditions that are considered necessary because of the type of trading. These extra conditions will be attached where the Council considers it necessary to:
- Maintain public safety.
 - Prevent nuisance and anti-social behaviour.
 - Preserve the amenity of the specific locality.
- 1.4 Should a market licence be granted, the operator and traders will be required to comply with the following terms and conditions which are attached to the licence and if breached, the licence may be revoked.

2. Day & Times

- 2.1 Trading shall not be carried out on any street, place or site on any days or at any time other than those specified in the licence and trading shall take place only from the specified unit.

3. Use of Site

- 3.1 The operator/trader shall not at any time cause or permit any goods, articles, structures or produce to be stored or displayed at the sides of the unit/stall, around the unit/stall, or in the gangway between any two units/stalls.

4. Commodities

- 4.1 No class or classes of articles, commodities or things may be sold or exposed or offered for sale other than those specified in the consent.
- 4.2 The market operator and or trader must notify the Council in writing of any changes to items being sold or offered for sale. This must be approved by the Communications Manager at least 2 weeks prior to the items being offered for sale.
- 4.3 All commodities must comply with current Consumer Protection legislation. Further information is available at www.slough.gov.uk/business/trading-standards/business-advice.aspx or telephone 01753 875255.
- 4.4 The minimum standard to which all goods should comply is that they are safe, genuine, and as described. All goods must be accurately priced and any surcharges, of any kind, should be as bold, concise and compelling as the headline price itself. Description of services must be accurate and

transparent. The use of harassment, duress, coercion or undue influence in the sale of any goods or services will result in the immediate revocation of the licence.

5. Trader's Vehicles

- 5.1 An operator/ trader shall not leave any vehicle in the street in which trading takes place, apart from in approved parking spaces, except for the purpose of loading and unloading goods. This condition shall not apply when waiting restrictions are in force.
- 5.2 The operator/trader shall not enter the site of trading other than during the times specified and setting up and dismantling the trading operation.

6. Offensive Material

- 6.1 The operator/trader shall not offer for sale or display any articles or goods or anything whatsoever which are indecent or are likely to be offensive or which in any way promotes or relates to the use of drugs. The operator/trader must immediately withdraw from sale any such article or goods if required to do so by an authorised officer of the Council.
- 6.2 No events or activities promoting a particular religion or political party are to take place in the High Street, Slough Town Square, Mackenzie Square or any of the Council's parks or open spaces.

7. Type & Size of Unit / Stall

- 7.1 The unit/stall used must be of a size specified in the application and of a design approved by Slough Borough Council. It will be of a temporary nature and easily removed. Its use must not cause damage to the street or endanger persons using the street.
- 7.2 The trader or operator shall notify the Communication Team in writing of any changes to the size or design of the unit/stall, and must be approved by the Communications Manager before the unit can be used for trading.
- 7.3 The operator/trader shall not park the unit or place the stall on any part of a footway other than that detailed in the market plan.
- 7.4 All tow bars will be removed or collapsed so as not to represent a hazard.
- 7.5 Generators with an output of 3.3KW and above are not permitted except with the express permission of Slough Borough Council.

7.6 A legible notice which will be provided by the Council shall be prominently displayed by a trader in or on the unit/stall to clearly show the trader or operator's name and such other details as may be prescribed by the Council.

8. Operator/Trader

8.1 The operator/trader shall ensure that they have a valid certificate for a minimum **£10 Million** public liability insurance cover.

8.2 The operator shall provide full details of all traders detailed in the Application form.

8.3 The market operator must in conjunction with the Council arrange access to toilet facilities for the traders and any nominated assistants during trading hours. This must include a written arrangement with other businesses if there are no public toilets nearby.

8.4 In an emergency or when requested by a police constable or authorised officer of the Council, the unit/stall shall be temporarily removed for such period as necessary.

9. Conduct

9.1 The operator/trader shall be on all occasions when carrying on the business of trading strictly sober and conduct him or herself in a proper, civil and decorous manner.

9.2 The operator/trader shall ensure the business is not conducted in such a way to cause nuisance, annoyance or danger to persons using the street or otherwise and that the public are treated fairly and with courtesy.

9.3 The operator/trader shall not directly or indirectly hawk, tout or solicit custom for or advertise by way of flyer, public address system or otherwise without written approval from the Council.

9.4 Operators or traders must not cause or allow to be caused any damage to the street surface, street furniture, lighting and landscaping within the permitted area. Traders will be responsible for the cost for repairing any such damage and repairs are only to be carried out by the Council's term maintenance contractors, (for advice and information please contact Highways by email Highways@slough.gov.uk or telephone 01753 475111).

9.5 Operators or traders must not cause or allow to be caused any obstruction to any routes that provide access to emergency service vehicles and/or

personnel, fire hydrants, manholes or other street furniture etc. resulting from your business. All routes must be kept clear and visible at all times.

10. Trailer / Unit / Stall

- 10.1 Any unit/stall which emits fumes shall comply with the requirements of Slough Borough Council and not present a statutory nuisance to persons using the street or occupying premises in the street.
- 10.2 The unit/stall used for trading shall be kept in a clean, and, and if applicable, roadworthy condition.
- 10.3 All fire exits must be kept clear and visible at all times.
- 10.4 Any property, building or structure near to and around any site on which trading is carried out shall not be defaced or interfered with.
- 10.5 From time to time, the Statutory Undertakers may wish to undertake works in the execution of their duties, upon or within the vicinity of the trading site, at which time an alternative location **may be** considered by the Communications Team in the interim period.
- 10.6 The operator/trader shall be responsible for complying with any Acts of Parliament, Regulations or bye-laws which affect the occupation and use of the site.
- 10.7 No unreasonable noise shall be made which may cause annoyance to persons using the street or occupying premises in the street in which trading is carried out. If it is intended to use electrical and/or gas equipment you must produce evidence of annual safety inspections of the equipment in use. These inspections should be carried out by a competent person (a Gas Safe Registered operator for gas and LPG equipment and a qualified person for electrical equipment (e.g. – an NICEIC registered contractor)).
- 10.8 The operator/trader shall be in attendance during the period when trading is taking place, except when he/she is actively engaged elsewhere on trading business concerning the licence
- 10.9 Units/stalls should not be left unattended at any time, except in emergency situations.

11. Equality

- 11.1 The operator/trader shall ensure that disabled persons, persons with restricted mobility and wheelchair users can be adequately served. This

may involve but not limited to such customers being served from outside the unit/stall.

12. Food Hygiene

- 12.1 Where the trading is for the sale of food from a stationary unit/stall. The unit/stall must be suitable for the purpose. Management of the unit/stall must comply with all requirements of the relevant food safety laws in particular The Food Safety Act 1990, EC regulation 852/2004 and the Food Safety and Hygiene (England) Regulations 2013.
- 12.2 All food traders shall give details of the local authority with whom they have registered their food business, having regard to the EC regulation 852/2004. (Further information is available at www.slough.gov.uk/business/environmental-health/food-hygiene-and-safety.aspx or telephone 01753 875255.)
- 12.3 If food is prepared, served or sold, the trader must have in place a Food Safety Management System (FSMS) that is kept under constant review. A copy of the FSMS must be produced where necessary to any authorised office of the Council.
- 12.4 If there are any significant changes to the menu or equipment used then the FSMS must be reviewed and resubmitted to the council for agreement when renewing the licence.
- 12.5 All persons handling unwrapped high risk food must have a food safety training certificate. The certificate must be accredited by the Qualifications and Curriculum Development Agency (QCDA) to the Level 2 Award. This certificate must also be produced for examination when requested by any authorised officer of the Council, Police Officer or Police Community Support Officer. This training must be renewed at intervals every three years.
- 12.6 The level 2 award food safety training certificate must be displayed conspicuously, and in such a position that it can be easily read by customers.
- 12.7 Any trader failing to achieve a 3 star rating or above following a food hygiene inspection by Slough Borough Council Food and Safety Team shall make the necessary changes to their business and apply for a rating rescore within **3 months**.
- 12.8 Continued failure to achieve a 3 star rating or above will result in the trading being refused.

- 12.9 Anybody suffering from food poisoning, diarrhoea or more than one bout of vomiting must not work in any food handling area until they have been completely well for at least 48 hours.
- 12.10 Any open cuts, spots or boils must be covered with a clean, waterproof dressing to avoid contaminating food.
- 12.11 The operator/trader will be responsible for the removal of waste at the end of each trading day. The operator/trader will be responsible for the cost of removal of any waste not removed at the end of each trading day.

13. Age Restrictions

- 13.1 Where the sales of alcohol are to take place the stall/unit must have in place a Premises Licence or Temporary Event Notice for the period of the sales or alcohol.
- 13.2 During the hours that alcohol sales are permitted, a holder of a Personal Licence within the meaning of section 3 Licensing Act 2003 must be present at the point of sale.
- 13.3 The operator/trader shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises;
- 13.4 In conjunction with the 'Challenge 25, proof of age scheme', the operator/trader must have a written refusals register, detailing each occasion where a challenge occurs. The log should include the date and time of the challenge and a brief description of the person challenged. The person refusing the sale shall also sign against the record of the refusal. This register is to be made available to any authorised officer of the Council, Police Officers and Police Community Support Officers on request.
- 13.5 For all other age restricted products, all persons who appear under the age of 18 shall be required to provide proof of their age, before a sale is commenced. This proof of age shall include a passport, a photo card driving licence or PASS hologram Card. No other proof of age shall be accepted.
- 13.6 Where proof of age is requested for the purposes of condition 13.4, a record in the same format as outlined at condition 13.3 above must be made.
- 13.7 There shall be no sale of alcoholic drinks in glass containers.

- 13.8 Alcohol shall only be sold in its original and sealed pre-packed container.
- 13.9 There shall be no facilities or containers for customers to decant alcohol into other containers.
- 13.10 The operator/trader shall not engage in inappropriate discounting of alcohol or irresponsible alcohol promotions.

14. Liquefied Gas

- 14.1 The operator/trader shall ensure that they comply with the requirements of the Council's guidance document on the safe use, handling, storage and transportation of Liquefied Petroleum Gas used in mobile catering units or similar units.
- 14.2 The operator/trader shall ensure that they comply with the legal requirements and guidance on the safe use, handling, storage and transportation of liquefied petroleum gas (LPG). Further information can be found at www.ncass.org.uk/mobile-catering-home/content/get-legal/law-pages/gas-safety

15. Generators

- 15.1 The operator/trader must not use mobile generators without written permission from the Council. Where permission is granted, the generators must be positioned so that they do not present (i) a danger to the public, (ii) a fire or similar hazard to the unit, goods displayed thereon or adjoining premises and (ii) do not give rise to a nuisance by reasons of noise, vibration, smoke or smell.
- 15.2 Combustible materials must not be stored in the vicinity of a generator and there must be suitable first aid and fire fighting appliance(s) available. Fuel must not be stored in the vicinity of a generator.
- 15.3 Generators must not be filled up during trading hours. The operator/trader must ensure the generator is filled up before trading commences.
- 15.4 The operator/trader shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.
- 15.5 Adequate precautions shall be taken by the trader to prevent the risk of an outbreak of fire at the unit/stall. Where a power source or heating appliance is present, for example a generator or bottled gas container, a suitable fire extinguisher shall be provided, kept by the unit exit and easily

accessible in an emergency situation. In addition, a fire blanket shall be provided in units selling hot food.

- 15.6 Where applicable, the operator/trader shall provide the Council with a fire risk assessment detailing the precautions to be taken in the event of a fire.
- 15.7 Where an electrical generator or a connection is made to a permanent electricity supply the operator/trader must ensure that the electrical installation is safe. A safety certificate from a competent person or body, such as an NICEIC or ECA approved electrician, must be provided annually.
- 15.8 At no time should electric cables be draped across roadway, public footpaths or any other area to which the public have access. If electrical cables are placed on the highway they must be concealed and not cause a trip hazard.

16. Refuse & Waste

- 16.1 The operator/trader shall keep the site clean and tidy and free from litter at all times and provide adequate facilities for the hygienic storage of refuse in the form of dedicated containers that cannot be used for any other purposes. The operator/trader must ensure that the containers do not become overfilled and at the end of each trading day and/or as often as may be necessary during the trading day, properly dispose of all refuse including cooking oils etc. in an authorised manner. All refuse containers must be clearly marked.
- 16.2 The operator/trader must not allow any silage water from washing of food equipment or hand washing to discharge into the ground the consent holder, must satisfy the Council that it has been disposed of appropriately.
- 16.3 No water, oils or waste material shall be discharged on to the highway or any adjacent property or into the drains.**
- 16.4 Where it is identified that waste has been illegally discharged, the operator/trader will be liable for the cost of removal or clearance of the waste, and the market licence for that stall/unit may be revoked with immediate effect
- 16.5 The operator/trader shall comply with all requirements of the Environmental Protection Act 1990 with respect to Duty of Care.
- 16.6 The operator/trader shall collect and similarly dispose of all wrappings and litter within a 5 meter radius of the site (and beyond where it is the result of the trader's activities from the site) at the end of each trading day and as

often as may be necessary during each trading day to keep and leave the street in a clean and tidy condition.

16.7 The operator/trader shall take all reasonable steps to prevent the deposit of anything whatsoever on the highway which would cause damage to the highway. This shall include localised street washing in the event of; spillage of vegetables, cooking oil, oil from vehicles, ice cream or similar materials. Drip trays should also be placed under any part of the trading unit or equipment used as part of the trading unit to prevent spillage and/or staining on the highway.

16.8 The operator/trader shall comply with any reasonable directions given by the Council from time to time regarding the handling, storage and removal of refuse.

17. Revocation and Refusal of a Market Licence

17.1 In the event of any breach or non-compliance with these Terms and Conditions the Council may immediately revoke the market licence without notice and/or refuse to grant further licenses to the individuals concerned.

18. Convictions

19.1 The operator/trader shall inform the Council prior to the market licence application being granted if any person is held on the Disclosure and Barring Service (DBS) Barred list and of any criminal convictions or cautions for any offence of indecency, drugs or theft. The Council has the discretion to refuse to grant a market licence to any Operator or Trader held on the DBS Barred list or with such convictions.

GENERAL CONDITIONS DECLARATION

I (*insert name*).....

of (*insert address*).....

.....

having applied for the grant of a market licence issued by Slough Borough Council (Licensing Authority) acknowledge receipt of a copy of the current MARKET LICENSING STANDARD TERMS AND CONDITIONS and agree to abide by all the attached conditions.

Signed:.....

Print Name:.....

Date:.....

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SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 27th September, 2018

CONTACT OFFICER: Shabana Kauser
(For all enquiries) Senior Democratic Services Officer
 (01753) 787503

WARD(S): All

PART I
FOR DECISION

MOTIONS SUBMITTED TO COUNCIL UNDER PROCEDURE RULE 14

The following motions have been received in accordance with Council Procedure Rule 14:-

A) People's Vote

(Moved by Councillor Swindlehurst, seconded by Councillor Mann)

“While respecting the decision of the electorate to leave the EU, this Council is concerned that the Government has subsequently failed to properly advance the interests of the UK in its discussions about Britain’s departure. This Council calls upon the Government to offer the British people a vote on the terms of the final arrangements it arrives at for exiting the EU, and resolves that the Leader of the Council write to the Prime Minister and the Minister for Exiting the European Union asking that the Government authorise a People’s Vote that will ensure Slough residents have the opportunity to;

- Take back control of how we exit the EU
- Vote against a deal that will harm them economically
- Vote against a deal that will make Slough poorer and encourage international business to leave the town
- Vote against a deal that harms Slough resident’s future job prospects
- Vote against arrangements that harms Slough’s economy, prosperity, regeneration and the availability of a skilled workforce.”

B) Local Planning Policies

(Moved by Councillor Strutton, seconded by Councillor Wright)

“This Council resolves to urgently update Slough Borough Council’s local planning policies to reflect local needs and deliver quality family homes within the Borough.”

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