

Contains Confidential or Exempt Information	NO
Report Title	Application for a Street Trading Consent: Anjum's, The service road o/s 220 Farnham Road.
Responsible Officer(s)	Michael Sims – Licensing Manager, Regulatory Services
Author(s)	Tola Idowu –Licensing Officer, Regulatory Services
Purpose of Report	Regulatory/Determination of Application for a Street Trading Consent

1. RECOMMENDATIONS

- 1.1 That Licensing Sub Committee is asked to determine a new application for a Street Trading made by Mr Sabastine Anjum.
- 1.2 The Sub Committee may:
- (a) Grant the Application subject to the Slough Borough Council Standard Terms and Conditions.
 - (b) Grant the Application subject to the Slough Borough Council Standard Terms and Conditions, and any specific or extra conditions, or restrictions that the Committee consider reasonably necessary to:
 - Maintain public safety.
 - Prevent nuisance and anti-social behaviour.
 - Preserve the amenity of the specific locality.
 - (b) Refuse the Application.

2. PRINCIPLES OF DECISION MAKING

2.1 Context

- 2.1.1 As a quasi-judicial body the Committee is required to consider the application on its merits and must act reasonably and rationally. The Committee can only take into account relevant factors and must ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of the relevant facts, or the likelihood or the unlikelihood of some future event, the occurrence of which would be relevant. The Committee must give fair consideration to the contentions of all persons entitled to make representation to them.
- 2.1.2 The Committee can only consider matters within the application that have been raised through representations.
- 2.1.3 Members should note that the Committee is meeting on this occasion solely to perform the role of licensing authority. As such Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the Council's related policies and guidance.

2.1.4 Members will be aware of the Council's Code of Conduct which requires them to declare interests. The Code applies to members when considering licensing applications. In addition as a quasi-judicial body, members are required to avoid both actual bias and the appearance of bias.

2.2 Human Rights & Equality Act Duties

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

2.2.2 When determining the application and considering imposition of conditions the Committee must be satisfied that any decision which interferes with the rights of the applicant or of others only does so insofar as it is necessary to protect the rights of others and that no alternative decisions would be appropriate.

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

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

3. RELEVANT POLICY AND LEGISLATION CONSIDERATIONS

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

- (1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (3) A street trading consent shall not be granted—
 - (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent—
 - (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (6) The council may at any time vary the conditions of a street trading consent.

- (7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street—
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions—
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

- 3.2** In addition, in determining the application the Council must have regard to;
- 1. The nature of the business e.g. product sold.
 - 2. The appearance and suitability of the trading unit.
 - 3. The impact the trading may have on the local area.

4. APPLICATION SUMMARY

4.1 Application for: Street Trading Consent.

4.2 Applicant: Mr Sabastine Anjum

4.3 Name of Business: Anjum's

4.4 Proposed business: Sale of fast food, grilled chicken, chips, drinks

4.5 Site location: The service road on Farnham Road outside 220 Farnham Road, Slough SL1 4XE

4.6 Hours of operation: Monday to Sunday: 19:00 – 23:00

4.7 Consent duration: Annual

4.8 Operating history: The Applicant is not trading at present.

4.9 Trading vehicle: Iveco Daily.SF04PWE

4.10 Site history A Street Trading Consent for the site has previously been granted and an individual had been trading from 2006 until October 2015.

A new consent was granted in 2016 with specific

conditions of:

1. A limit on the hours of trade which can be undertaken (hours of operation Monday to Saturday from 19:00 hrs to 23:00 hrs and on Sunday from 17:00 hrs, to 23:00 hrs.
2. A bin must be placed on the site and a litter pick of a 25 metre radius of the site and a litter pick undertaken on a daily basis.
3. Removal of all rubbish daily.
4. A prohibition on leaving vehicles at the site overnight.

However the trader never traded and the consent was revoked.

- 4.11 Objections A total of 4 objections from local residents have been received to the application .

5. Background

- 5.1 On 24 November 1987, Slough Borough Council adopted street trading powers under section 3 and Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982. The Council has designated all streets in their Borough as consent streets. Street trading is only allowed in consent streets with the consent of the Council. The Council may limit the number of consents issued and may attach appropriate conditions to consents.
- 5.2 An individual wishing to offer goods or services for sale, from a fixed stall or location on the public highway, must have Street Trading Consent issued by the local authority.
- 5.3 Mr Sabastine Anjum has submitted an application for a Street Trading Consent as detailed in Section 3 and attached at **Appendix A**
- 5.4 The site is located on the map at **Appendix B** and photographs of the site for which the applicant seeks the consent are attached at **Appendix C**.

6. Consultation

- 6.1 Copies of all applications are sent to the following for comment:
- (a) Thames Valley Police
 - (b) Royal Berkshire Fire and Rescue Service
 - (c) Ward Members
 - (d) Slough Borough Council – Planning
 - (e) Slough Borough Council – Highways
 - (f) Slough Borough Council – Transport
 - (g) Slough Borough Council – Trading Standards
 - (h) Slough Borough Council – Parking and Development
 - (i) Slough Borough Council – Food and Safety Team
 - (j) Slough Borough Council – Neighbourhood Enforcement Team

- (k) Owners or occupiers of any property within 100 meters of the proposed site. This consultation was by way of sending a copy of the Notice of Application to the relevant property owners
- 6.2 A copy of the Council's consultation letter to local residents and businesses is attached at **Appendix D**. Following the consultation exercise, the Council has received 4 objections to the application. Copies of the objections are attached at **Appendix E**.
- 6.3 In summary the objections raise the following matters:
 - (a) The granting of this application would result in noise and anti-social activities.
 - (b) Increase in litter in the form of food waste and drinks cans and bottles.
 - (c) Loss of view to current shop holders if the Consent is granted.
- 6.4 Responses have been received from Planning and the Police with no objections to the application.

7. Conditions

- 7.1 The Council has a schedule of Standard Terms & Conditions which apply to any Street Trading Consent.
- 7.2 The Council may also attach any specific or extra conditions, or restrictions that the Committee consider reasonably necessary as referred to at Point 1.2 (b).

8. Appendices

Appendix A – Application forms

Appendix B – Map of the site B

Appendix C – Photos of the site C

Appendix D – Notice of Application letter

Appendix E – Objections

9. Background Information

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

Minute 24 November 1987 of Slough Borough Council adopting powers under Section 3 of the Local Government Miscellaneous Provisions Act 1982

Slough Borough Council Street Trading Consents Standard Terms & Conditions

Slough Borough Council Street Trading Consent Guidance