

**LICENSING PANEL
6 SEPTEMBER 2017
2.00 - 4.10 PM**



Present:

Councillors Brossard (Chairman), Ms Gaw and Mrs McKenzie

Also Present:

Hannah Stevenson, Clerk

Simon Bull, Legal Advisor

Charlie Fletcher, Licensing Officer

Steve Loudon, Chief Officer: Environment & Public Protection

Edip Kozluca, Applicant

John Payne, Applicant's agent

7. Declarations of Interest

There were no declarations of interest.

8. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted.

9. Application to Review Street Trading Consent for Star Kebabs

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer and the Chief Officer: Environment & Public Protection who outlined the issues;
- the Applicant,

together with reference to the appropriate Street Trading Consent objectives, the Council's own Policy for Determination of Street Trading Consents. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

After careful consideration of all the information presented, the Panel came to the decision that the application to renew street trading consent for Star Kebab be granted for six months starting from the 1 August 2017 to the 31 January 2018. A further application would then need to be submitted to apply for street trading consent past 31 January 2018. The Panel agreed that the fee for the renewal of the street trading consent would remain at £1323.00 as the application had been submitted on the 12 July 2017, prior to the revision of the fees and policy for determination of street trading consents, which had been agreed by Bracknell Forest Councils Licensing and Safety Committee on the 13 July 2017.

Reasons

The reasons for the decision are that the Panel found no evidence in the written and oral submissions from the Licensing Officer and the Chief Officer: Environment & Public Protection to suggest that if Star Kebab continued to trade in its current location, that this would have an adverse effect on the parking provision in Market Street and the Town Centre. The Panel felt that by renewing Star Kebab street trading consent for six months this would allow for the impact of the parking in the town centre, following the opening of the Lexicon on the 7 September 2017, to be monitored as parking issues were currently unknown after 5pm and were based on assumptions with no evidence being provided to back this up.

Panel Members noted that the Licensing Authority had notified you three years ago of the significant changes that were occurring to the residential, retail and food provision within the Town Centre due to the regeneration and opening of the Lexicon. Due to these changes the Licensing Authority had advised you that a new location would need to be sought for Star Kebab and a planning permission application would need to be applied for. By renewing your Street Trading Consent until the 31 January 2018 this would allow more time for a new site to be sought for Star Kebab by yourself. However, if in the interim no legitimate parking issues arise, then you can make a fresh application for the current pitch and it will be decided on the facts and in accordance with policy that prevail at that time .

The Panel Members also noted and recognised the many letters of support that Star Kebab had received from members of the public and felt that this was testament to the high standard of service and quality that Star Kebab provided and felt that this was an asset to Bracknell Town Centre.

The Panel's decision is binding upon you and the Licensing Authority.

CHAIRMAN