

**LICENSING PANEL
16 JANUARY 2018
1.45 - 2.17 PM**



Present:

Councillor Ian Leake (Chair)
Councillor Ms Moira Gaw
Councillor Clifton Thompson

In Attendance:

Simon Bull, Legal Advisor
Lizzie Rich, Clerk
Charlie Fletcher, Bracknell Forest Council
Mrs Hatice Anil Bunker, Applicant

13. Declarations of Interest

There were no declarations of interest.

14. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panel was noted.

15. Application for new street trading consent for Mrs Hatice Anil Bunker, B&B Plus (reconvened from 29 November 2017)

Following the initial hearing of application for a Street Trading Consent on 16 January 2018, the Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer;
- the Applicant,

together with reference to the Council's own Policy for Determination of Street Trading Consents. The Panel also took into account the concerns of the Traffic Manager and ward Councillors for Wildridings and Central which had been discussed at the initial Panel meeting. 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 to grant a Street Trading Consent to Mrs Bunker on Crowthorne Road North for B&B Plus, at the location shown in the photograph in Annex A in the agenda papers (referred to as location A). The street trading consent will always be subject to the parking restrictions imposed. If the permitted parking times are varied, Mrs Bunker's ability to trade may be curtailed or eradicated at this pitch. This is a matter that the licensing panel who consider street trading consents have no control over. This area (the area where you may trade from) equates to the strip of parking bays to the North of the entrance to Cooper's Hill Youth Centre, at the furthest end of Crowthorne Road North immediately before the road ends. The road is effectively a

cul de sac which is sealed off just beyond the bays. The Panel estimates from the site visit and the situation of the cars parked in the bays at the point of the visit, including a car in the spot you may occupy, that the designated bay would accommodate 3 vehicles of normal size up to the size of a transit van. The Panel asked the applicant to ensure at all times that the way she parked would not unnecessarily limit the number of parking spaces below three, if possible. The Panel asked Mrs Bunker to reconfigure her parking during the trading period to allow for a maximum occupancy of three, whenever possible.

The Panel undertook a visit to the site and assessed all possible locations, and were in agreement that the location shown at Annex A at the far end of Crowthorne Road North would not pose a risk to traffic on Bagshot Road, as there were no sharp turnings and traffic would be slowing as it approached the roundabout. The lit opening of the van would then be facing away from the Bagshot Road. Although they were mindful of the Traffic Manager's concerns regarding dangerous driving and illegal stopping which were discussed at the meeting on 29 November 2017, the Panel were in agreement that the agreed location would mitigate against disruption, disturbance and distraction to drivers on the Bagshot Road and therefore found no reason for this application to be refused.

Reasons

The Panel found no evidence in the written and oral submissions from the Licensing Officer, to suggest that the principle of street trading on Crowthorne Road North was contested. As previously confirmed, the Panel agreed that the hours of operation need not be altered from the proposed 16:30 to 23:00, seven days a week.

Panel Members agreed that by allowing street trading across the row of bays at location A rather than a single pitch, this would minimise the risk of parking disagreements, subject to the commentary above on this particular issue. For this reason, the Panel asked Mrs Bunker to be mindful in her use of the bays, to allow maximum use for other drivers wishing to park here. In allowing more flexibility around these bays, the Panel hoped to minimise the risk of the Police or Licensing Officers being called to the area.

This street trading consent applies to the specified bays while parking restrictions permit (currently restricted to 2 hours, Monday – Saturday 8am – 6pm, Sunday 10am – 4pm).

The Panel wished to remind the applicant that there had been no comparison drawn between other street trading unit or premises licence, and explained that each case was unique to the location and must be determined on its own facts and merit. The traffic management issues may vary considerably between one pitch and another.

The Panel's decision is binding upon the applicant and the Licensing Authority. There is no onward appeal against the decision of the panel. The only route of challenge is a judicial review on public law grounds.