

## **NOTICE OF MEETING**

### **Licensing Panel**

**Tuesday 16 January 2018, 2.00 pm**

**Room 1, Ground Floor, Cooper's Hill Community Centre, Crowthorne Road North, Bracknell, RG12 7QS**

### **To: Licensing Panel**

Councillor Leake (Chairman), Councillor Ms Gaw and Thompson

### **cc: Substitute Members of the Committee**

Councillors Allen, Mrs Angell, Dr Barnard, G Birch, Brossard, Brunel-Walker, Finch, Finnie, Mrs McKenzie, Ms Miller, Porter and Tullett

ALISON SANDERS  
Director of Resources

### **EMERGENCY EVACUATION INSTRUCTIONS**

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- 3 Use the stairs not the lifts.
- 4 Do not re-enter the building until told to do so.

If you require further information, please contact: Lizzie Rich  
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Email: [lizzie.rich@bracknell-forest.gov.uk](mailto:lizzie.rich@bracknell-forest.gov.uk)  
Published: 8 January 2018



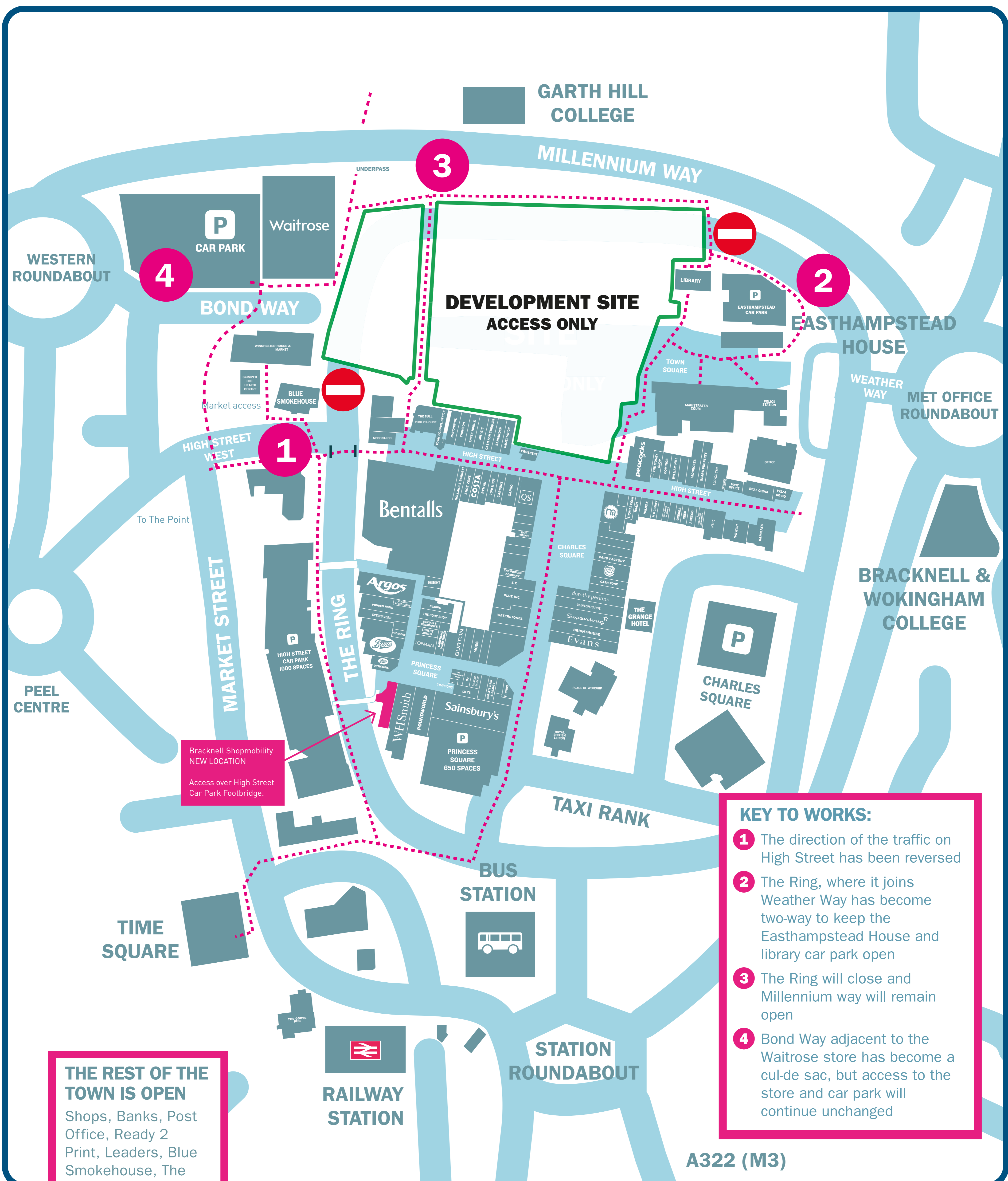
**Licensing Panel**  
**Tuesday 16 January 2018, 2.00 pm**  
**Room 1, Ground Floor, Cooper's Hill Community Centre,**  
**Crowthorne Road North, Bracknell, RG12 7AR**

Sound recording, photographing, filming and use of social media at meetings which are held in public are permitted. Those wishing to record proceedings at a meeting are however advised to contact the Democratic Services Officer named as the contact for further information on the front of this agenda as early as possible before the start of the meeting so that any special arrangements can be made.

**AGENDA**

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Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.	
Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.	
Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.	
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# BRACKNELL TOWN CENTRE OPEN AS USUAL DURING ROAD LAYOUT CHANGES



Bracknell Shopmobility  
NEW LOCATION  
Access over High Street  
Car Park Footbridge.

**THE REST OF THE TOWN IS OPEN**  
Shops, Banks, Post Office, Ready 2 Print, Leaders, Blue Smokehouse, The Grange Hotel and Library will all be open as usual for you to visit.

- KEY TO WORKS:**
- 1 The direction of the traffic on High Street has been reversed
  - 2 The Ring, where it joins Weather Way has become two-way to keep the Easthampstead House and library car park open
  - 3 The Ring will close and Millennium way will remain open
  - 4 Bond Way adjacent to the Waitrose store has become a cul-de-sac, but access to the store and car park will continue unchanged













**KEY:**

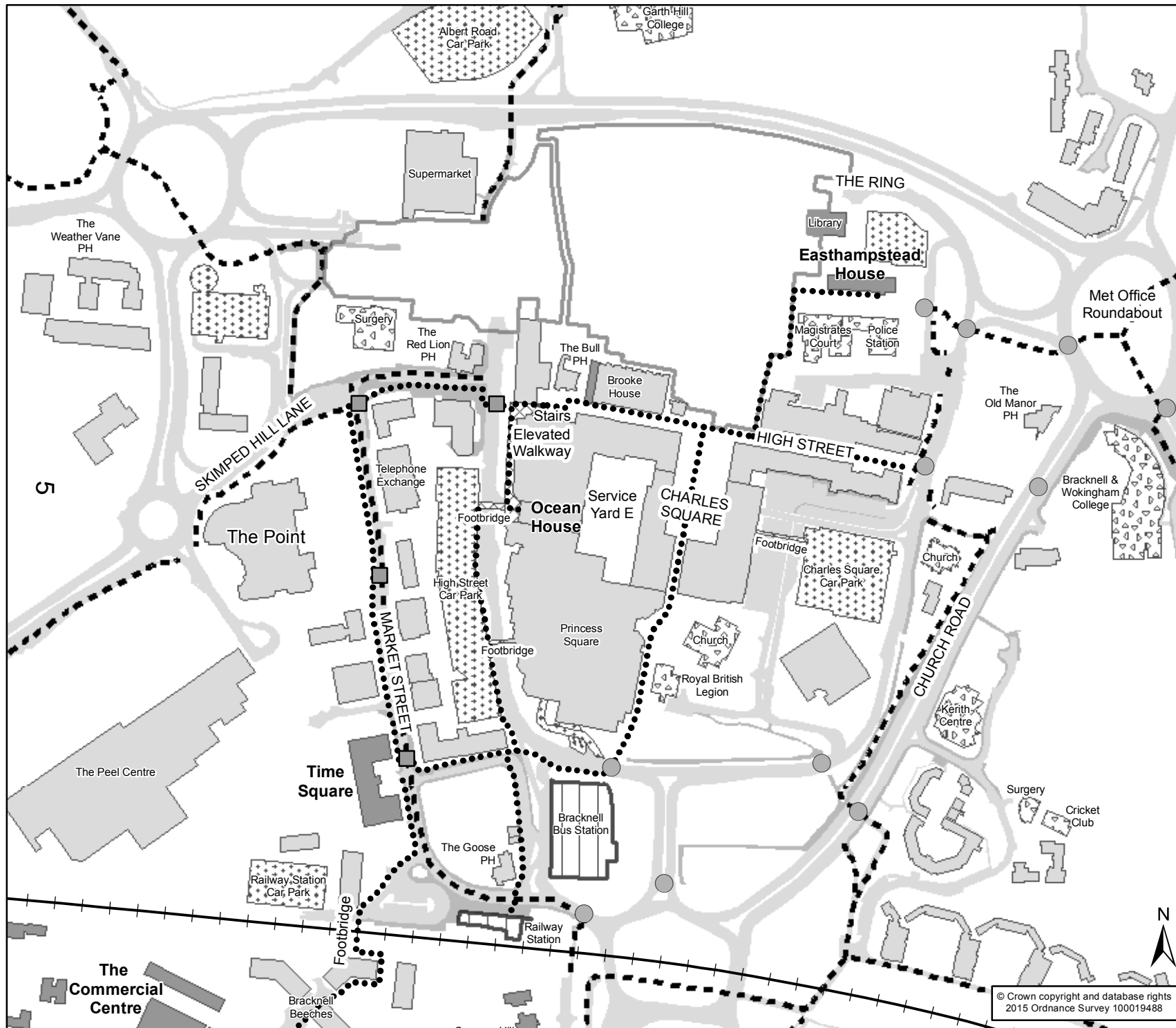
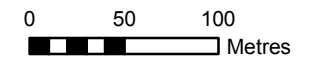
- ..... PEDESTRIAN NAVIGATION OF THE TOWN
- HOARDING LINE FOR DEVELOPMENT

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# Bracknell Town Centre Map

## Legend

-  Subway
-  Zebra Crossing
-  Walk Route
-  Footpath/Cycleway
-  Railway
-  Building
-  Car Parks
-  Council Buildings
-  Demolished
-  Elevated Walkway
-  Places of Interest
-  Public Transport





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2015 Ordnance Survey 100019488


Map Produced January 2015


G:\GIS\Environment\GIS\Projects\TownCentreMap\Jan2015B+W

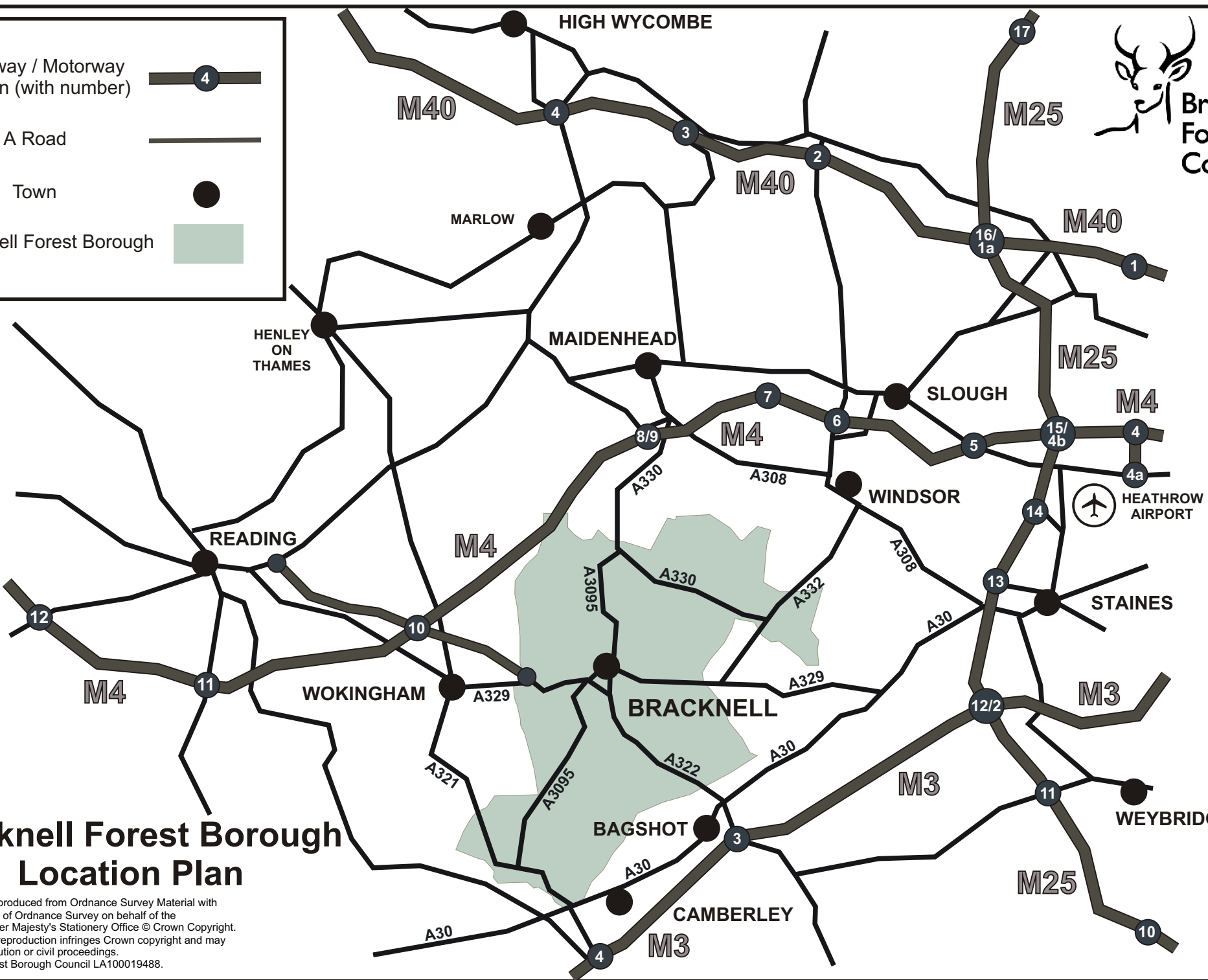
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Motorway / Motorway Junction (with number) 

A Road 

Town 

Bracknell Forest Borough 



# Bracknell Forest Borough Location Plan

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Bracknell Forest Borough Council LA100019488.

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## **INFORMATION AND THE PROCEDURE FOR HEARINGS OF THE LICENSING PANEL**

The following document provides information and outlines the procedure taken for hearings by the Licensing Panel, when considering applications.

### **1. REQUIREMENTS FOR THE HEARING**

- 1.1 The applicant will normally be required to attend the meeting in person. They will be entitled to be represented by a solicitor or counsel or by any other individual provided that the name of any such person is given to the Council's Licensing Manager 48 hours in advance of the hearing.
- 1.2 Written notification of the intended proceedings will be given to the applicant not less than ten clear working days before the meeting. This notification will give details of the procedure to be followed at the hearing and shall advise applicants of their right to be represented. Included with the written notification shall be the Agenda for the meeting.
- 1.3 Any documents to be produced at the hearing by the Director of Environment, Culture and Communities representative shall be sent so as to reach the applicant by no later than 48 hours before the hearing. A copy of these documents shall at the same time be given to Democratic Services to distribute to members of the Panel.
- 1.4 Any documents to be produced at the hearing by the applicant shall be sent to the Council's Licensing Manager by no later than 48 hours before the hearing. A copy of these documents shall at the same time be sent to Democratic Services to distribute to members of the Panel.
- 1.5 At the discretion of the Panel any or all of the requirements set out in paragraphs 1.3 to 1.4 above may be waived, provided that the Panel is satisfied that the interests of the applicant or any objector have not been prejudiced.
- 1.6 Financial costs incurred by either party in the hearing must be met in full by those parties and no awards for costs will be made to either party regardless of the outcome of the hearing.
- 1.7 The public will be allowed access, except if "Confidential Information" as defined by Section 100A of the Local Government Act 1972 is likely to be disclosed (in which case the public must be excluded) or, if "Exempt Information" falling within Schedule 12A of the Local Government Act 1972 is likely to be disclosed in which case the Panel may decide to exclude the public.

### **2. ORDER OF THE HEARING**

- 2.1 Hearings shall be conducted as follows:
  - (a) The Chairman will open the proceedings by stating the nature of the matter which is to be considered and will welcome the parties, introduce them and confirm the roles of those present.
  - (b) The Chairman will ask the officers to confirm whether or not the formal requirements in respect of the matter to be considered have been complied with.
  - (c) The applicant will be asked if there is any reason for the case to be adjourned. An adjournment will only normally be granted if unforeseeable circumstances can be demonstrated which would be prejudicial to a fair hearing if it was heard at that time.

- (d) The Chairman shall first call upon the Director of Environment, Culture and Communities representative to put forward their case.
  - (e) If satisfied as to the formal requirements, the Panel will consider the merits of the application or proposed suspension/revocation and the report of the officer. The Panel may ask the Director of Environment, Culture and Communities representative for clarification of any points.
  - (f) The applicant shall have an opportunity to put questions to the Director of Environment, Culture and Communities representative.
  - (g) The Chairman will then invite (if any) interested parties who have made representations to speak. The Panel may ask interested parties questions and points of clarification.
  - (h) The Chairman will then invite the applicant or licence holder to make any representations.
  - (i) The Chairman, members of the Panel and the Director of Environment Culture and Communities representative may ask the applicant questions and points of clarification. Having heard the applicant's statement, any Responsible Authorities in attendance will be given the opportunity to respond.
  - (j) An opportunity shall be given to the Director of Environment, Culture and Communities representative and the applicant, in that order, to sum up their case (but not to add any new facts).
  - (k) The Panel members, the representative from Legal Services and Clerk to the Panel shall withdraw. Officers present do not take part in the decision making but will provide legal and procedural advice and record the decision.
  - (l) The members of the Panel consider their decision. The applicant or his/her representative (if any) and any officer present is asked to remain in attendance and if any further clarification or information is required from the applicant or licence holder or any officer, this will be sought by the clerk.
- 2.2 The decision of the Panel shall be notified to the applicant and her/his representative (if any) within two working days following the meeting. In most cases, a verbal decision will be given on the day of the hearing.

### **3. ROLES OF THOSE AT THE HEARING**

- 3.1 The Director of Environment Culture and Communities representative is present at the hearing to present the professional officer's case for refusal, suspension or revocation of licences. They are also present to challenge points put forward by the applicant.
- 3.2 Members of the Panel are present to consider and determine an application or to consider if a licence should be suspended or revoked. In doing so they will follow the above procedure.
- 3.3 The representative from Legal Services is present to provide legal and procedural advice to the members of the Panel and to assist in the clarification of any issues which might arise.
- 3.4 The representative from Democratic Services is present to provide procedural advice to members of the Panel and to record the decision.

*Address for Correspondence:*

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Bracknell Forest Council  
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## **HEARINGS – REPRESENTATIONS AND SUPPORTING INFORMATION**

1. Members of the Panel may ask any question of any party or other person appearing at the hearing.
2. In considering any representations or notice made by a party, the Panel may take into account documentary or other information produced by a party in support of their application, representations or Notice, (as applicable), either before the hearing or, with the consent of all the other parties at the hearing.

## **HEARINGS – CONSEQUENCES WHERE A PARTY DOES NOT ATTEND, OR IS NOT REPRESENTED AT A HEARING**

- (1) If a party has informed the Authority that he does not intend to attend, or be represented at, a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend, or be represented, at a hearing, the Authority may:
  - (a) where it considers it to be **necessary in the public interest**, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the party's absence.
- (3) Where the Authority holds the hearing in the absence of a party, the Authority shall consider at the hearing, the application, representations or Notice made by that party.
- (4) Where the Authority adjourns the hearing to a specified date, it must, forthwith, notify the parties of the date, time and place to which the hearing has been adjourned

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## LICENSING PANEL 16 JANUARY 2018

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### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 HATICE ANIL BUNKER, B & B PLUS, CROWTHORNE ROAD NORTH, BRACKNELL APPLICATION FOR NEW STREET TRADING CONSENT

#### 1 SUPPLEMENTARY REPORT

- 1.1. Further to the previous meeting of the Licensing Committee Panel on 29/11/2017 and the subsequent decision letter dated 30/11/2017, a visit was paid to the proposed trading site on 06/12/2017.
- 1.2 As per the decision letter, a location was to be agreed that was obscured as much as possible from the A3095 Bagshot Road.
- 1.3 A licensing officer met with the applicant and Wayne Scott, Traffic Manager at Crowthorne Road North. The trading vehicle from the applicant's other business was brought to the site as it is representative of the vehicle proposed to be used at the new location.
- 1.4 The vehicle was positioned at the point on Crowthorne Road North furthest from the A3095 Bagshot Road and with the trading hatch facing away from the main road. This location is shown attached at **Annex A** in the position where the blue car is parked and at **Annex B** marked with a red box.
- 1.5 The proposed location was viewed from various points along the A3095 by the licensing officer and Wayne Scott. It was agreed that the location did not meet the requirements laid out in the decision letter in that it was clearly visible from the road.
- 1.6 It is the view of the licensing officer and of Wayne Scott, that no location on Crowthorne Road North meets the panel's requirements for it to be obscured from view from the A3095 Bagshot Road.
- 1.7 Photos taken from various locations are shown at **Annexes C to H**. These locations are marked on the plan at **Annex B** as follows:
  - Annex C – location 1
  - Annex D – location 2
  - Annex E – location 3
  - Annex F – location 4
  - Annex G – location 5
  - Annex H – location 6
- 1.8 For the information of the panel, **Annex I** shows the details of the parking restrictions in the area.

#### 2 COMMITTEE OPTIONS

- 2.1 The options available to the Panel remain as per Section 4 of the 29/11/2017 report.
- 2.2 A consent can be granted if the Panel determine that there is a suitable location. If the Panel are of the opinion that there is no suitable location on Crowthorne Road North, the consent should be refused.

- 2.3 There is no statutory right of appeal against the Council's decision to refuse to grant a consent. However, any decision could be the subject of a judicial review which would result in legal fees to defend the review and further costs which we would seek to recover if the review was unsuccessful. In the event of a successful review the Council may also have to pay the other party's costs

Background Papers

Local Government (Miscellaneous Provisions) Act 1982

Bracknell Forest Borough Council Street Trading Consent Standard Conditions

Contact for further information

Mr Charlie Fletcher

01344 352000

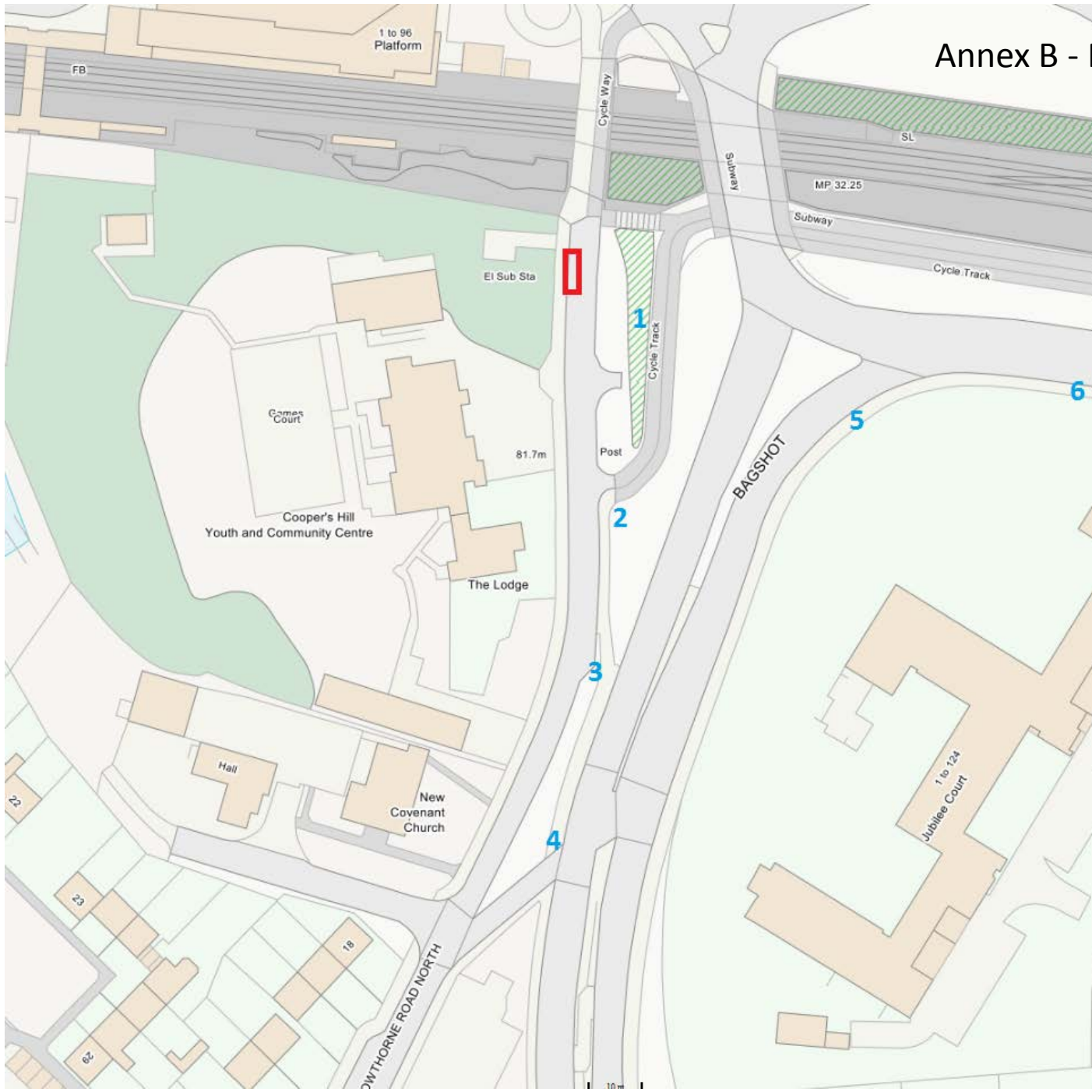
charlie.fletcher@bracknell-forest.gov.uk



# Annex A - location



# Annex B - Plan



Annex C – Photo 1



Annex D – Photo 2



20

Annex E – Photo 3



Annex F – Photo 4



Annex G – Photo 5



23

Annex H – Photo 6







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**LICENSING PANEL  
29 NOVEMBER 2017**

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**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
HATICE ANIL BUNKER, B & B PLUS, CROWTHORNE ROAD NORTH, BRACKNELL  
APPLICATION FOR NEW STREET TRADING CONSENT**

**1 LEGAL**

- 1.1. Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 contains provisions enabling local authorities to control street trading by designating streets as licence streets, consent streets or prohibited streets.
- 1.2 Street trading is only permitted on licence or consent streets if the Council has given permission by way of a licence or consent. Permission cannot be given to trade in prohibited streets. Street trading is not controlled in streets that have not been designated by the Council.
- 1.3 The Council has designated all streets and any land within 150 metres of the highway within the Borough as consent streets.
- 1.4 The Council's policy for determination of street trading consent applications is attached at **Annex A**.

**2 APPLICATION DETAILS**

- 2.1 On 21/09/2017 an application was made by Mrs Hatice Anil Bunker for a new street trading consent for a van to be known as 'B & B Plus', trading from Crowthorne Road North, Bracknell.
- 2.2 The applicant proposes to sell kebabs, burgers, chips and cold drinks between the hours of 16:30 and 23:00, seven days a week.
- 2.3 A copy of the application form is attached at **Annex B** and a map showing the proposed trading location is attached at **Annex C**.

**3 CONSULTATION**

- 3.1 A consultation was carried out in line with section 2.2 of the Council's policy, for the period 21/09/2017 to 18/10/2017.
- 3.2 During this consultation period, three representations were received in relation to the application, from the Council's Highways Team and from the two ward Councillors covering the area, in this instance Wildridings and Central. These representations are attached at **Annexes D to F**.
- 3.3 These objections raise concerns over the lack of parking for existing users of the road should a consent be granted, the risk of customers parking on the A3095, and the potential for increased vehicular traffic potentially impacting on local residents.

#### **4 COMMITTEE OPTIONS**

- 4.1 Under paragraph 7(2) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 the Council may grant a consent if they think fit. The Council is not under any duty to grant a consent and therefore the decision to grant or refuse an application for a consent is at the total discretion of the Council.
- 4.2 The options available to the Committee have to be considered in light of the Council's Policy at **Annex A**.
- 4.3 If granted, conditions would be attached to the consent. The standard conditions are attached at **Annex G**. If deciding to grant a consent, the panel can attach further conditions if they believe them to be reasonably necessary.
- 4.3 There is no statutory right of appeal against the Council's decision to refuse to grant a consent. However, any decision could be the subject of a judicial review which would result in legal fees to defend the review and further costs which we would seek to recover if the review was unsuccessful. In the event of a successful review the Council may also have to pay the other party's costs

#### Background Papers

Local Government (Miscellaneous Provisions) Act 1982

Bracknell Forest Borough Council Street Trading Consent Standard Conditions

#### Contact for further information

Mr Charlie Fletcher

01344 352000

charlie.fletcher@bracknell-forest.gov.uk



Mrs H A Bunker  
Address redacted

30 November 2017

Dear Mrs Bunker,

**Licensing Panel Decision: Application for Street Trading Consent**

Following the hearing of your application for a Street Trading Consent on 29 November 2017, I write to formally advise you of the Panel's decision.

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

- the Licensing Officer;
- the Traffic Manager;
- Ward Councillors for Wildridings and Central (Councillors Skinner and Mrs Hamilton);
- the Applicant,

together with reference to 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 to grant a Street Trading Consent to you on Crowthorne Road North for B&B Plus. This decision was given with the proviso that the Licensing Officer, in consultation with the Traffic Manager, agrees a suitable location for the unit within the Crowthorne Road North area which is obscured as much as possible from the A3095 Bagshot Road. This was intended to prevent dangerous driving and illegal stopping on the clearway Bagshot Road by those who may see the van and missed the turning. The Panel were very cautious about going against the concerns of the Traffic Manager as he raised apparent points about road safety that may arise from the granting of the Consent and the situation of the van within the sight line of the Bagshot Road.

If an appropriate site, which is obscured from drivers on the Bagshot Road, cannot be agreed within 7 days of the date of this letter, the consent will lapse and the matter will be returned to the same Licensing Panel for further consideration. The Licensing Officer will notify me of the outcome, and I will communicate this to the panel. The panel are not delegating the decision to the Licensing Officer, but rather asking the Licensing Officer to meet with you and the Traffic Manager at the site and see if a pitch can be found which will prevent people making dangerous manoeuvre in their cars from the Bagshot Road. The Licensing Officer is acting under clear directions from the panel. If it can, the consent will be issued but if it can't, the matter will return to the panel. It would be advisable if Mrs Bunker's van currently used at another site could be used as the model for determining the site allocation of the van as during the panel hearing Mrs Bunker indicated it would be a similar van to the one she currently uses that will be used at this pitch.

**Reasons**

The Panel found no evidence in the written and oral submissions from the Licensing Officer, Traffic Manager and Ward Councillors to suggest that the principle of street trading on Crowthorne Road North was contested. There was also no reason to suggest that the hours of operation should be altered from the proposed 16:00 to 23:00, seven days a week.

The Panel agreed that as Crowthorne Road North was accessible by a turning off Bagshot Road, it was possible that a street trader unit which was visible from the main road may lead to dangerous driving in order to access it. The panel has set out above what it wishes done to make the pitch safe. It was also noted that a street trading unit visible from the main road may encourage drivers to illegally stop on Bagshot Road, which was a clearly designated clearway. For this reason, the Panel were satisfied to allow street trading on Crowthorne Road North if the unit was not visible and attracting trade from the A3095 Bagshot Road. This could be by locating the unit further down the road than originally proposed, or by situating on the other side of the road. It was hoped that this would go some way to alleviate the concerns of the Traffic Manager and Ward Councillors.

The Panel did not feel that any comparison could be drawn to any other street trader unit or premises licence, as each case was unique to the location and must be determined on its own facts and merit. They accepted the advice of the legal advisor that evidence of people driving and parking recklessly in one area could just as easily be reproduced in another area where Mrs Bunkers van would be situated as the evidence was based on human nature so in terms of cogency must be treated as little more than a generalisation that could act both for and against the applicant's case. The key issue in this case resolved around the Traffic Manager's concerns in his last bullet point on page 25 of the Licensing Panel papers concerning the action of cars on the Bagshot Road. The Panel were satisfied that the applicant had been treated fairly and without discrimination by the Council.

The Panel's decision is binding upon you 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.

If you have any questions, please do not hesitate to contact me.

Yours sincerely

**Lizzie Rich**  
**Democratic Services Officer**  
**For Head of Democratic and Registration Services**  
**01344 352253**  
**Email: [lizzie.rich@bracknell-forest.gov.uk](mailto:lizzie.rich@bracknell-forest.gov.uk)**

cc: Wayne Scott, Traffic Manager, Bracknell Forest Council  
Charlie Fletcher, Licensing Officer, Bracknell Forest Council  
Councillor Skinner, Wildridings and Central  
Councillor Mrs Hamilton, Wildridings and Central

Councillor Leake (Chairman)  
Councillor Ms Gaw  
Councillor Thompson

B&B plus Kebab application and objections.

There was an objection from Traffic Manager regarding cars stopping at Bagshot road and buy food from the kebab van. This will danger the traffic and people driving on that road.

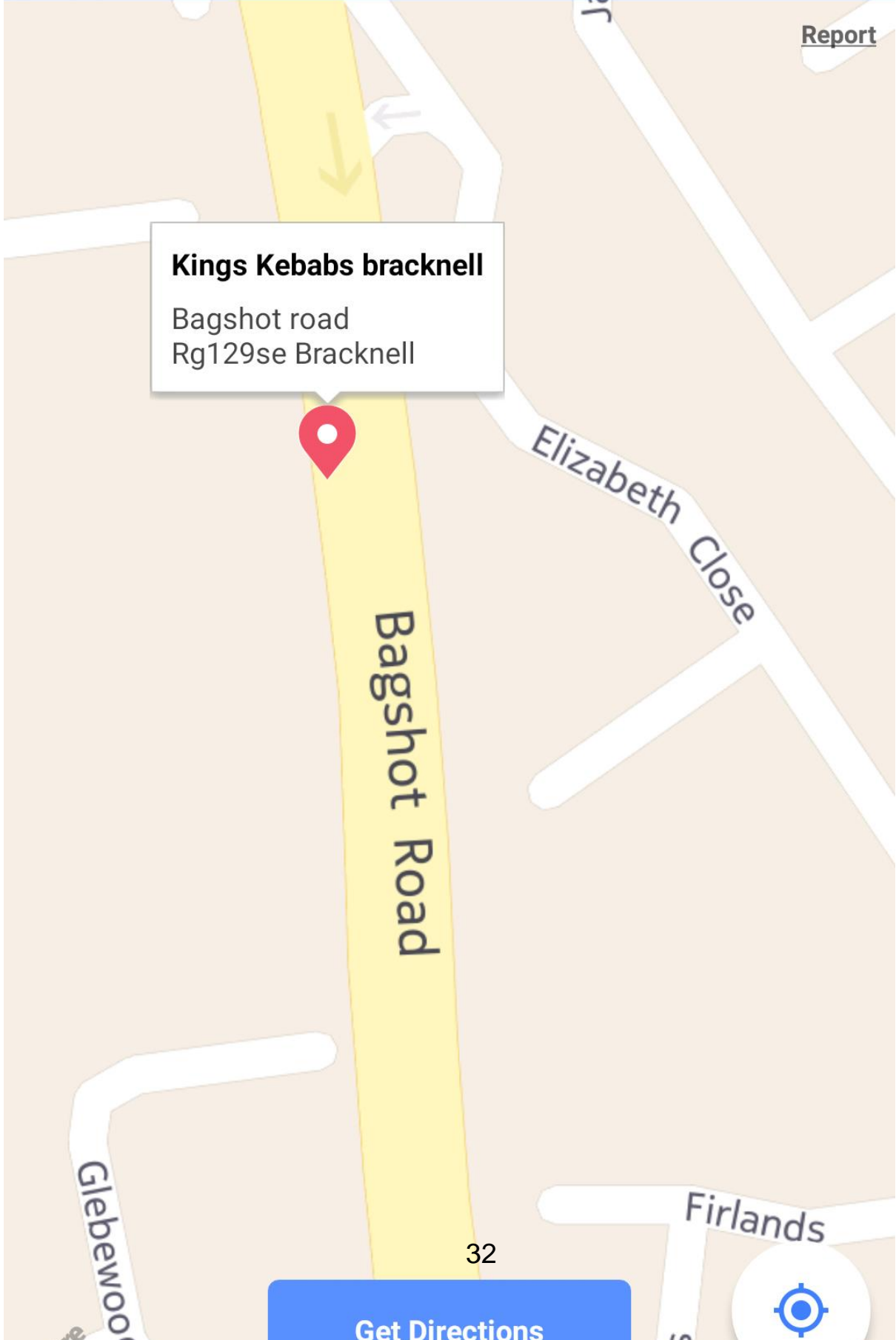
This is completely hypothesis and this is not a valid objection .I am going to proof you this below.

Kings grill parks on Bagshot road and having a street trade nearly 30 years. Their business address as follows :Kings Kebabs Bracknell Bagshot road RG12 9SE Bracknell.



⏻ 📧 📧 📧 📧 ⌚ H+ 75% 🔋 8:27 PM

← Kings Kebabs bracknell



**Kings Kebabs bracknell**  
Bagshot road  
Rg129se Bracknell

Get Directions



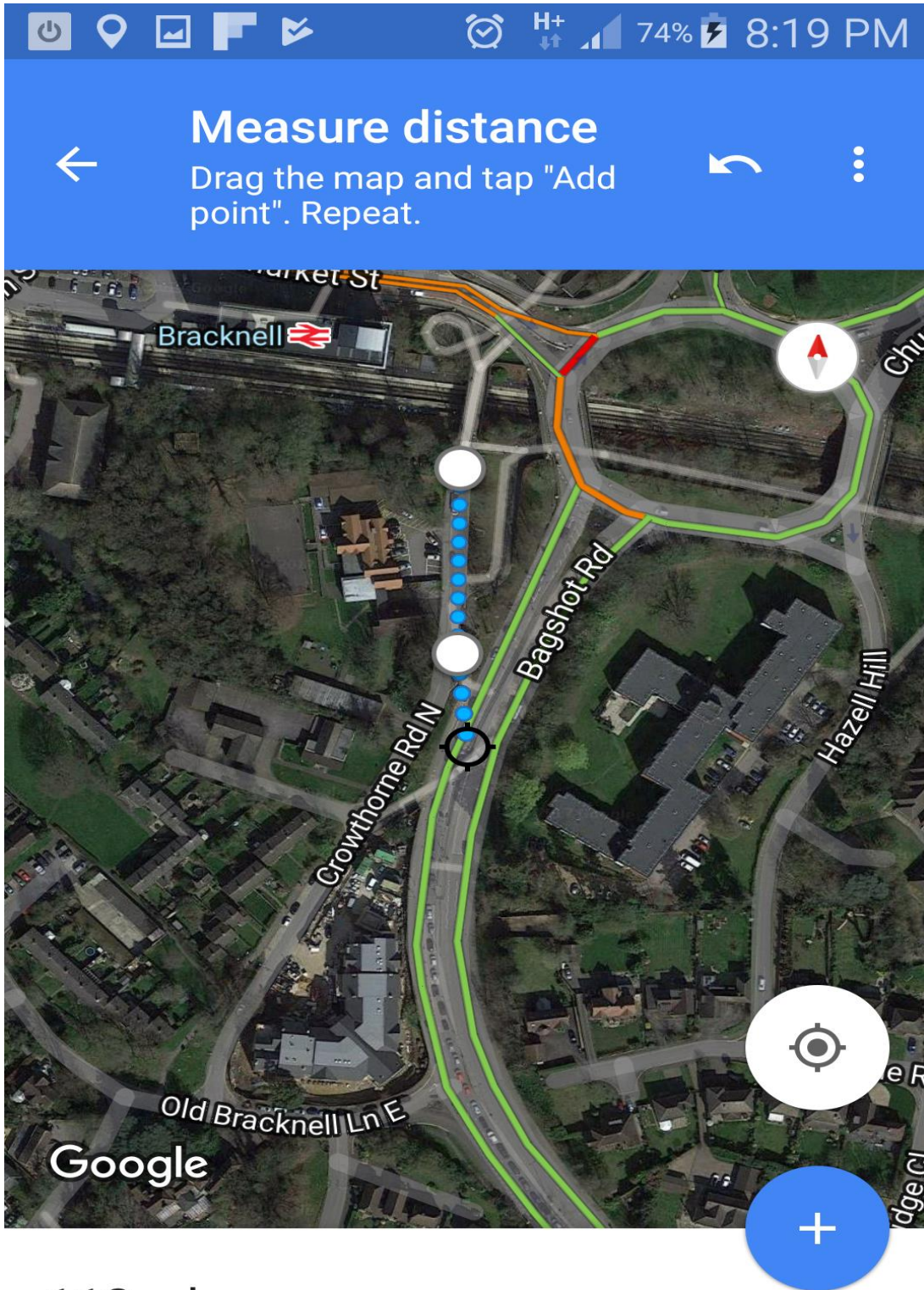
There were no cars stopping on this road to buy the food from this street trader even they miss the entrance to this road.



If there was such an stopping this dual carriage way it would be obvious disturbance to traffic. Therefore if this is not happening last 30 years why people should stop on the same Bagshot road to buy food from B&B plus kebab which located far away(112 yards away )from Bagshot road. There is also two set of fences which is 43 yards away from the pitch. There is a deep hill downwards and upwards parallel to the pitch towards Bagshot road. Therefore it is impossible for the people to stop at Bagshot Road to buy food in lively traffic. It is completely hypothetical and there is no ground for this objection. I greatly believe that B&B Plus Kebab pitch will not encourage any stopping over A3095 whether the van is seen by drivers or not.

43 yd

Add point



112 yd

Add point

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