

**LICENSING PANEL
29 NOVEMBER 2017**

**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

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