

**LICENSING PANEL
11 OCTOBER 2018**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
HATICE ANIL BUNKER, T/A A&A PLUS, BULL LANE, BRACKNELL**

REVIEW OF 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**.
- 1.5 Section 7(10) of schedule 4 of the above Act authorises the Licensing Authority to revoke a consent at any time.

2 BACKGROUND

- 2.1 A street trading consent has been held by Hatice Anil Bunker for trading on Bull Lane, Bracknell, since 3 October 2017. The pitch is known as A&A Plus.
- 2.2 The consent was renewed in November 2017 and May 2018, with the current consent running to 1 November 2018. A copy of the current consent and conditions are attached at **Annex B**. A map showing the location of the trading site is attached at **Annex C**.
- 2.3 An application was made in January 2018 for a premises licence to authorise late night refreshment under the Licensing Act 2003 until midnight Sunday to Thursday, and until 1am Friday and Saturday. This application was refused by a panel of the Licensing & Safety Committee in February 2018 due to concerns over noise/public nuisance issues. A copy of the decision letter confirming that decision is attached at **Annex D**.

3 COMPLAINT RECEIVED

- 3.1 The licensing department has been in conversation with a local resident in relation to the trader since the consent was first granted in October 2017, with the resident alleging disturbance as a result of the activities of the trader known as A&A Plus. The complainant was advised to keep diary sheets detailing the disturbances so their nature could be identified.

- 3.2 Subsequently the resident attended a meeting at the Council offices on 5 July 2018 along with their local Ward Member, to discuss the trader and what steps could be taken to resolve the disturbances that have been alleged.
- 3.3 Thereafter a letter was received from the resident, detailing the disturbances and supplying diary sheets. A copy of this letter is attached at **Annex E**.
- 3.4 Diary sheets showing the nature, dates and times of disturbances are attached at **Annex F**. These diaries cover the period 13 May 2018 to 21 August 2018.
- 3.5 The evidence supplied has led officers to question the continued suitability of this site for street trading, and therefore this hearing has been arranged to determine whether the street trading consent shall be revoked.

4 CONSULTATION

- 4.1 Further to the receipt of the letter mentioned at section 3.3, a consultation was carried out, with the bodies mentioned at section 2.2 of the Council's policy. This consultation took place between 23 July 2018 and 20 August 2018.
- 4.2 One further representation was received during this period, also from a local resident. A copy of this representation is attached at **Annex G**.

5 SUPPORTING EVIDENCE

- 5.1 In addition to the diary sheets, the resident has recorded video evidence capturing examples of the issues they have encountered. Whilst the clips cannot be attached as annexes, they will be circulated to the panel and the consent holder in advance of the hearing.

6 COMMITTEE OPTIONS

- 6.1 Under paragraph 7(10) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the Council may revoke a consent at any time. Therefore, the Panel have total discretion on whether the consent shall be revoked, or not. Should the Panel determine not to revoke the consent, additional conditions may be imposed should the Panel deem them to be required to mitigate any issues that arise from the siting of the trader.
- 6.2 There is no statutory right of appeal against the Council's decision, whether that decision is to revoke, or not to revoke, the consent. 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

Contact for further information

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