

**BRACKNELL FOREST COUNCIL
POLICY FOR DETERMINATION OF STREET TRADING CONSENTS**

1. Guiding Principle

- 1.1 Street Trading Consents are a means of enabling street trading to take place on or near a highway where it is appropriate to do so.
- 1.2 In determining appropriateness, officers are to have due regard to, in particular (but not at the exclusion of others), the following either individually or collectively:
- (i) the likely impact on the existing highway users either as a result of the use of the road by the trader or by the trader's customers
 - (ii) the location relative to any residents or businesses likely to be affected by the use of the site
 - (iii) the nature of the trade
 - (iv) the trading times
 - (v) appearance
 - (vi) impact upon street scene
- 1.3 Clearly there can be a location "suitable" for use at night but not during the day for example. Some traders are by their nature more likely to give rise to odours than others. Sites close to residential or office blocks are more likely to be sensitive sites because of the visual and potential nuisance impact.
- 1.4 In order to avoid any one trader developing a monopoly, the maximum number of Consents that a trader or business shall be able to use at any one time in the Borough of Bracknell Forest shall be three.

2. Officer Role

- 2.1 The role of the licensing officer is to make an initial assessment of the potential suitability of the site.
- 2.2 Only if officers are of the opinion as regards the potential suitability of the site, they should consult as follows (**NB see also the requirements for the Town Centre in section 4**).

(i) Highways Network Management	The likely impact upon the highway both in respect of the use and the customers.
(ii) Development Control	The considered view as regards the visual impact upon the street scene.
(iii) Environmental Health (Commercial and Environmental Protection)	The suitability of the vehicle/stall/trader and any likely environmental impacts on other nearby land users
(iv) Ward Members	An informal view as regards the likely impact of the proposed use upon the local community (not required for the Town Centre)
(v) Thames Valley Police	The likely impact upon the road network, and the local community.

- 2.3 Upon receipt of any representations/expiry of the deadline for responses, officers must make a reasoned decision as to the way forward.
- 2.4 In the event that following consultation the application is refused or deemed withdrawn by officers, a sum of 50% of the application fee is payable as a refund.

3. Trial Period and Appeals

- 3.1 The maximum period for a new site is one month. This enables the opportunity for review. Should the need arise during the trial, the Consent should be revoked and a pro-rata refund made to the Consent holder.
- 3.2 Where an officer is minded to refuse or revoke a Consent, it will be normal practice for the Consent holder/applicant to be advised and given the option for the matter to be determined by a Licensing Panel. Appeals shall be lodged within 14 days of notice otherwise the application shall be deemed withdrawn.
- 3.3 Where an appeal is lodged the appellant has a right to continue to trade as long as the appropriate fee has been paid for the trading period. This does not apply in respect of an application for a new Consent. If the application is refused by a Panel, no refund of the application fee is payable.
- 3.4 Where the need arises then the Council will consider seeking injunctions to stop unlawful trading.

4. Town Centre

- 4.1 The general presumption is **against** granting Consents within the Lexicon, Town Centre or on any of the adjoining road or public spaces (as per the attached plan).
- 4.2 Should an application be made it will need to be considered as above but in addition, the Town Centre Management Group must be consulted, regardless of land ownership.
- 4.3 The expectation in dealing with enquiries for street trading in the town centre is that the stall and the nature of trade gives added value to the total trading environment.

As revised and agreed by the Bracknell Forest Borough Council Licensing and Safety Committee
– Thursday 13th July 2017

