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LICENSING PANEL

11 JULY 2018

SUPPLEMENTARY PAPERS

TO: ALL MEMBERS OF THE LICENSING PANEL

The following papers have been added to the agenda for the above meeting.

These were not available for publication with the rest of the agenda.

Alison Sanders
Director of Resources

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LICENSING PANEL

APPLICATION FOR NEW STREET TRADING CONSENT WILDMOOR HEATH CAR PARK

Agenda Item 4

Background

We received a copy of the notification of the meeting of the Licensing Panel on 11 July 2018 on 30th June together with the full Agenda papers. This is the first time we have seen this documentation and had not been consulted before the decision was taken to allow the Application to proceed.

We feel there has been a lack of transparency in the Application process which is contrary to the intention of the Consultation and Mediation process. (Sections 3 and 4 refer) Our reasons for this are given in the sequence of events set out below. We also wish to clarify and comment on some of the specific statements in Section 5.

We would ask the Panel to reflect on this in their deliberation.

3. Consultation

We first heard about a possible Application in a passing comment made by a Ranger at the beginning of March. We immediately contacted the Licensing Department to clarify what was happening and to discuss this possibility. Checks were made and we were advised that no Application had been received. We were also re-assured we would be advised immediately should an Application be received.

At this time we were dealing with a hypothetical situation. Nevertheless we decided to send a short letter outlining some concerns and objection to the Council's Licensing Department and copied the Parks and Countryside Department. We believed that they would be more than sufficient grounds to prevent an Application being made and proceeding. This letter is now referred to Annex E in paragraph 3.2.

We received no further written or verbal communication on the subject until the Licensing Department notified us of the Application by e mail dated 31st May. Until we read Agenda 4 paragraph 3.1, we were completely unaware that there had been any consultation process during the period of 1st May and 22nd May 2018. We have still been not been given any information about what consultation has taken place.

As the residents most directly affected, we feel it not unreasonable to expect to have been notified in a timely manner before the Application was processed and the consultation period began. We feel that we should have been consulted in discussions leading up to the Ranger's decision to allow the Application to proceed.

4. Mediation

Once we received the Licence Application notification, we contacted the Licensing Officer requesting a meeting with the Ranger and himself on Site. He also asked the Applicant to attend which we welcomed. It was a useful meeting and it meant for the first time we had some information about what happening and the opportunity to discuss our concerns.

At the meeting we repeated previous requests for a copy of the Licence Application but were told that it could not be provided on the grounds of confidentiality. (A redacted copy blocking out personal data would have been fine). We were therefore subsequently disappointed to discover in the documentation sent out in the Notice of Meeting that the Application was dated 6th April.

We also discussed and agreed with the Ranger further measures to improve security and to reduce anti-social behaviour. We have since tried to contact him to progress this but have had no response which is disappointing given the excellent co-operation we have shared with several Rangers over the years. We continue to hope that we can work successfully together in the future on resolving these issues.

5. Further Objections

Paragraph 5.1. Consultation Period

We welcome that the Officer included the comments contained in Annexes G to L in the report “in the interests of fairness and transparency.” However it also states that the objector’s comments were received after the “consultation period.” This was because they too were unaware of the License Application until after this period had expired. We believe that greater transparency would have prompted more objections.

Paragraph 5.2. Anti-social behaviour

The Application states that in the opinion of the Council’s Parks & Countryside team having an authorised presence in the car park would reduce anti-social behaviour in the car park. However, **we are in no doubt that the proposed solution of trading in the car park will make things worse.** We believe that each location needs to be carefully considered very carefully on its own merits when ranges of options are being considered. A solution that may work well in one location may be wholly inappropriate in another.

We live in a very isolated location and are very concerned about the likely impacts on our personal safety, prevention of crime and disorder and not just anti-social behaviour. We would also welcome a site visit by Panel members. Our concerns were detailed in our objection letter, but have not been mentioned in the document. We discussed them with the Ranger on 6th June who appeared to have softened his views on whether or not trading in the car park was the right solution.

The car park is generally quiet at night with only one or two cars at any time and there is also very little passing traffic. To be a sustainable business, **the van would have to draw in large numbers of customers to the car park every evening.** It would also become a meeting place and could lead to an increase the likelihood of anti-social behaviour and disorder well beyond the trading hours.

Paragraph 5.3. Urbanisation

The van is mobile and therefore not strictly a permanent fixture. However, **siting the vehicle for extended periods every day of the year means it is a permanent fixture in all but name.**

Paragraph 5.4. Impact on SSI/SPA

We believe the siting of the vehicle at the location is contrary to BFC's own plans to preserve the "green gap". We understand this may be on the agenda for discussion at a full Council meeting later in the day.

BBOWT have raised no objection on the basis the presence of the van would not have "significant effects" on native wildlife. However, they also recognise that they have to take a necessarily narrow perspective and that there may be other valid concerns which may warrant objection. They also draw the Council's attention to the proximity of the street trading location to the Thames Basin Heaths Protection Area and its responsibility to comply with Regulations and EU Directives.

Paragraph 5.5. Use of alternative sites

We would ask the Panel that they require the Applicant to justify his choice of location from all the other options available to him. We believe that this is the fundamental requirement in this case given the serious implications it would have for us as residents and the location as "one of the most valuable and protected areas in Bracknell Forest for supporting and conserving biodiversity". We believe this is certainly not an optional extra. We would again urge the Applicant to investigate alternative locations.

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