



## **NOTICE OF MEETING**

### **Licensing Panel**

**Wednesday 6 September 2017, 2.00 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Bracknell**

### **To: The Licensing Panel**

Councillors Brossard (Chairman), Ms Gaw and Mrs McKenzie

ALISON SANDERS  
Director of Resources

#### **EMERGENCY EVACUATION INSTRUCTIONS**

- 1 If you hear the alarm, leave the building immediately.
- 2 Follow the green signs.
- 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  
Telephone: 01344 352253  
Email: [lizzie.rich@bracknell-forest.gov.uk](mailto:lizzie.rich@bracknell-forest.gov.uk)  
Published: 29 August 2017



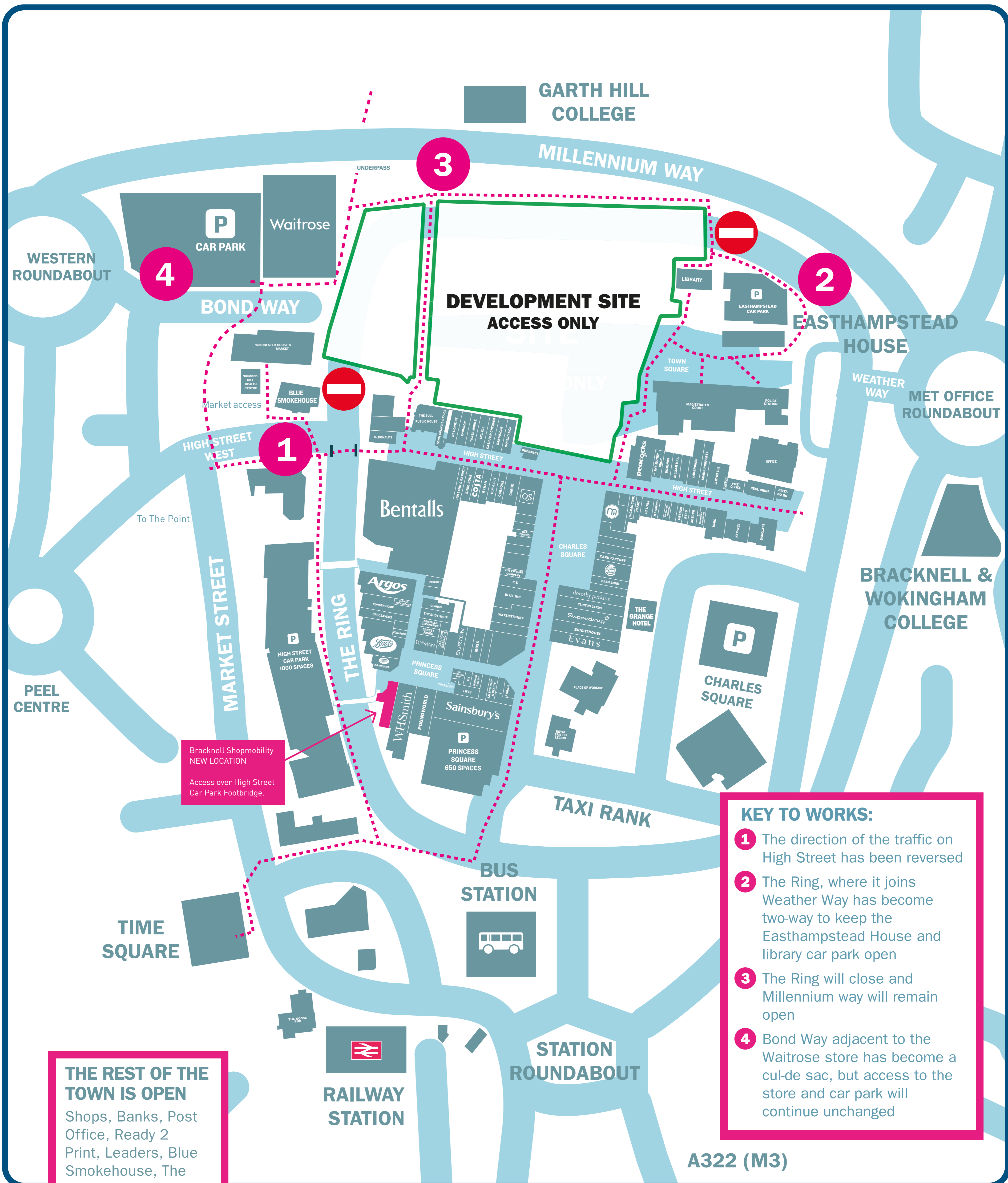
**Licensing Panel**  
**Wednesday 6 September 2017, 2.00 pm**  
**Council Chamber, Fourth Floor, Easthampstead House,**  
**Bracknell**

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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| 1. <b>Maps</b>  | 3 - 8   |
| 2. <b>Declarations of Interest</b>  |         |
| <p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>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.</p> <p>Any Member with an affected Interest in a matter must disclose the interest to the meeting and must not participate in discussion of the matter or vote on the matter unless granted a dispensation by the Monitoring officer or by the Governance and Audit Committee. 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.</p> |         |
| 3. <b>The Procedure for Hearings at Licensing Panels</b>  | 9 - 14  |
| 4. <b>Application to Review Street Trading Consent for Star Kebabs</b>  | 15 – 17 |
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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:**

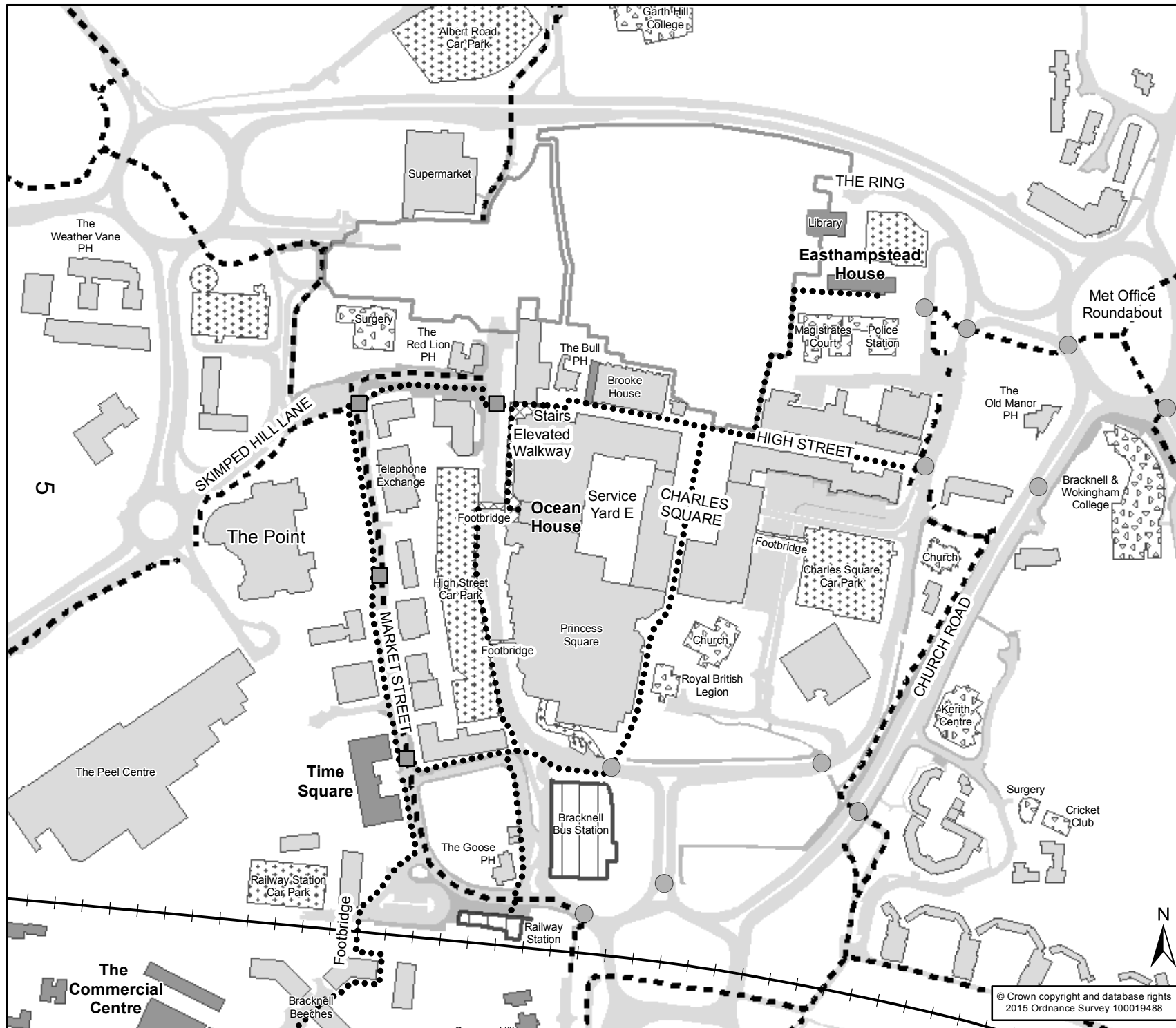
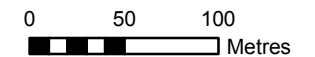
- ..... PEDESTRIAN NAVIGATION OF THE TOWN
- HOARDING LINE FOR DEVELOPMENT

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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


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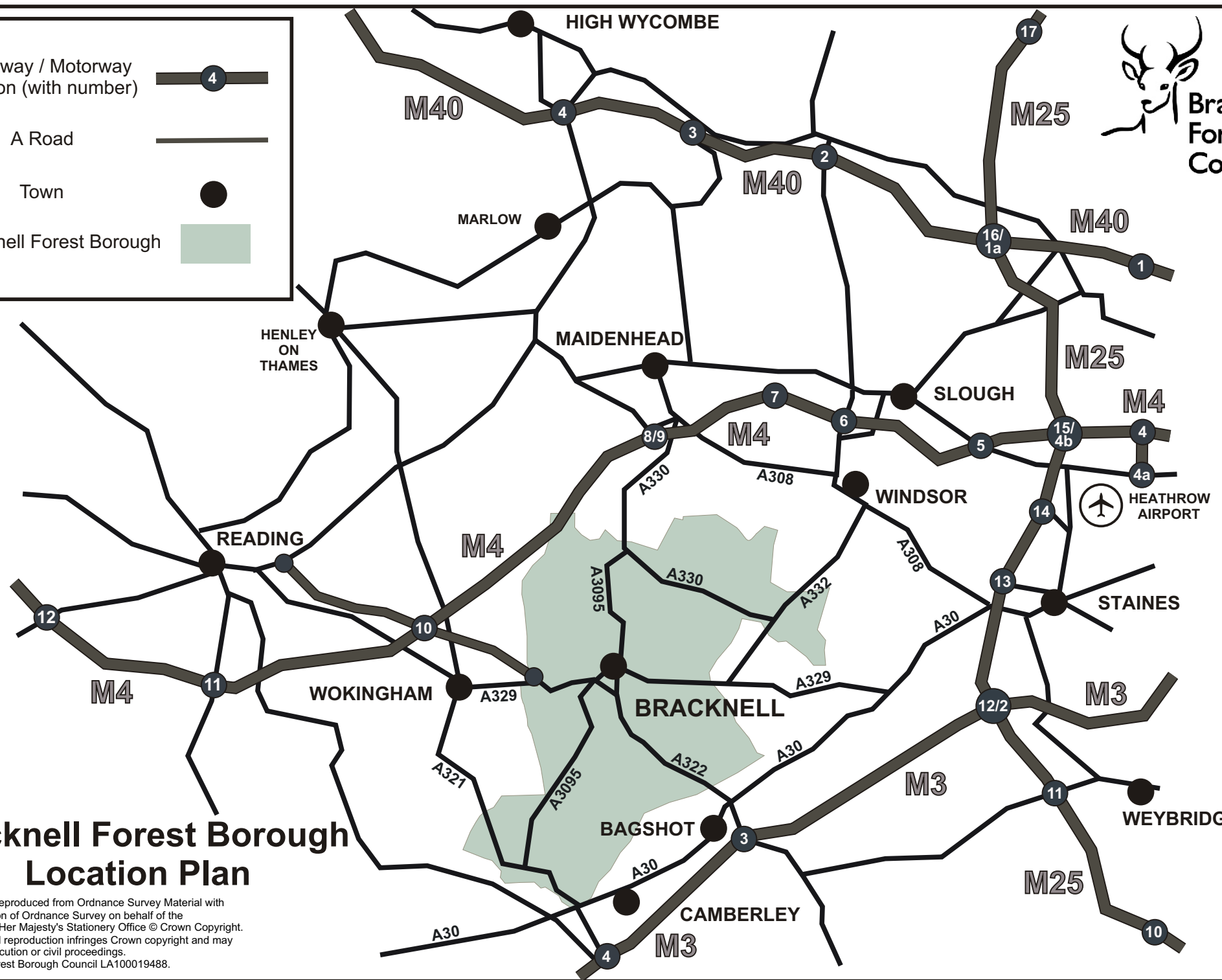
Motorway / Motorway Junction (with number) 

A Road 

Town 

Bracknell Forest Borough 

7



# 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:*

Licensing Team Leader  
Environment, Culture and Communities  
Bracknell Forest Council  
Time Square  
Market Street  
Bracknell  
Berkshire RG12 1JD  
Tel: 01344 352000  
e-mail: [charlie.fletcher@bracknell-forest.gov.uk](mailto:charlie.fletcher@bracknell-forest.gov.uk)

Democratic Services, Corporate Services  
Bracknell Forest Council  
Easthampstead House  
Town Square  
Bracknell  
Berkshire RG12 1AQ  
Tel: 01344 352253  
e-mail: [lizzie.rich@bracknell-forest.gov.uk](mailto:lizzie.rich@bracknell-forest.gov.uk)  
Fax: 01344 352253

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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 6 SEPTEMBER 2017

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### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 MR EDIP KOZLUCA, STAR KEBAB, MARKET STREET, BRACKNELL

#### APPLICATION TO RENEW 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 12/07/2017 an application was made by Mr Edip Kozluca to renew the Street Trading Consent for the van known as 'Star Kebab', trading from Market Street, Bracknell.
- 2.2. A copy of the application form is attached at **Annex B** and a map showing the trading location is attached at **Annex C**.
- 2.3. A copy of the most recent Consent issued is attached at **Annex D**.

#### 3 "MINDED TO REFUSE"

- 3.1. The Licensing Authority is "minded to refuse" to renew the Consent. This was confirmed to Mr Kozluca in a letter dated 19/07/2017. A copy of this letter is attached at **Annex E**.
- 3.2. Mr Kozluca has requested this matter to be determined by a Panel from the Licensing Committee. This request was confirmed in writing via an email from Mr Kozluca's agent on 27/07/2017.

#### 4 BACKGROUND

- 4.1. Market Street has undergone development in recent years, which has resulted in an increase in the number of retail outlets. Further retail and residential developments are presently under construction with more at the planning stage, which will likely lead to

increasing pressure upon the very limited parking provision which allows customers to access these retail options. By removing this street trading pitch, the intention is to restore the parking availability and thereby reduce the likelihood of unauthorised parking and the increased threat to road users and pedestrians associated with such actions.

- 4.2 A variation application was submitted in May 2014 to alter the permitted hours stated on the Street Trading Consent. This application was refused in a letter dated 20/05/2014. However, this letter also states that Mr Kozluca should consider finding another trading location as it could not be guaranteed the pitch on Market Street would remain available in the future. A copy of this letter is attached at **Annex F**.
- 4.3 Further to the application made on 13/10/2016 by Mr Kozluca to renew his Consent for the period 01/12/2016 to 31/05/2017, a letter dated 20/10/2016 was sent advising that it was intended to present a report to the Licensing and Safety Committee regarding the situation. The letter confirms to Mr Kozluca that the intention was for no further Street Trading Consents to be issued for the pitch beyond the period covered by the pending application, i.e. beyond 31/05/2017. A copy of this letter is attached at **Annex G**.
- 4.4 On 09/02/2017 Mr Kozluca applied for Planning Permission for a pitch located in the car park at the Peel Centre (reference: 17/00179/FUL). Permission was granted in a decision letter dated 06/04/2017 for the use of two parking spaces to provide siting for a kebab van. However, it is understood that Mr Kozluca was denied permission to trade from this location by the land owner. It is noted that Mr Kozluca was advised in a letter dated 06/12/2016 to seek permission from the land owner, a copy of this letter is attached at **Annex H**.
- 4.5 As a consequence of the later opening of the town centre regeneration, which was delayed from "Spring 2017" to 07/09/2017, it was agreed that the Mr Kozluca's Street Trader Consent could be renewed on a short term basis. Consents were therefore granted for the periods 01/06/2017 to 30/06/2017 and 01/07/2017 to 31/07/2017.

## **5 SUPPORTING INFORMATION**

- 5.1 At the time of writing this report, a total of 17 letters/emails of support for Mr Kozluca have been received. These are attached at **Annex I**.
- 5.2 Several of the letters raise matters that are not in question, for example the quality of the food provided or the cleanliness of the trade vehicle. One letter refers to the fact that the decision is based on an 'over subscription' of food vendors on Market Street and 'snobbery on the perception of a street vendor'. Neither of these are factors that impact on the decision. The letters contradict each other on the issue of parking, with some acknowledging that parking is an issue on Market Street, where others state that they have never witnessed a problem.
- 5.3 There is also a petition in support of Mr Kozluca. The petition, available at [www.change.org](http://www.change.org), is titled "*After 28yrs Edip who runs the local Kebab van deserves a spot in the new lexicon!*" with wording as follows:

*Edip has run the kebab van on market street for 28yrs. He is now being told that there will not be a place for him in the new town.*



*It's completely out of order as he has nowhere else to go which means no business and no home as he provides for his wife and kids. This is beyond out of order as he's nowhere near the lexicon. Either let him stay or find him a new spot!*

At the time of writing, the petition contains 357 signatures.

## **6 COMMITTEE OPTIONS**

- 6.1 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 need not specify any grounds for refusal. Therefore, the matter to grant or refuse an application for a Consent is at the total discretion of the Council.
- 6.2 The options available to the Committee have to be considered in light of the Council's Policy at **Annex A**.
- 6.3 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

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## 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.

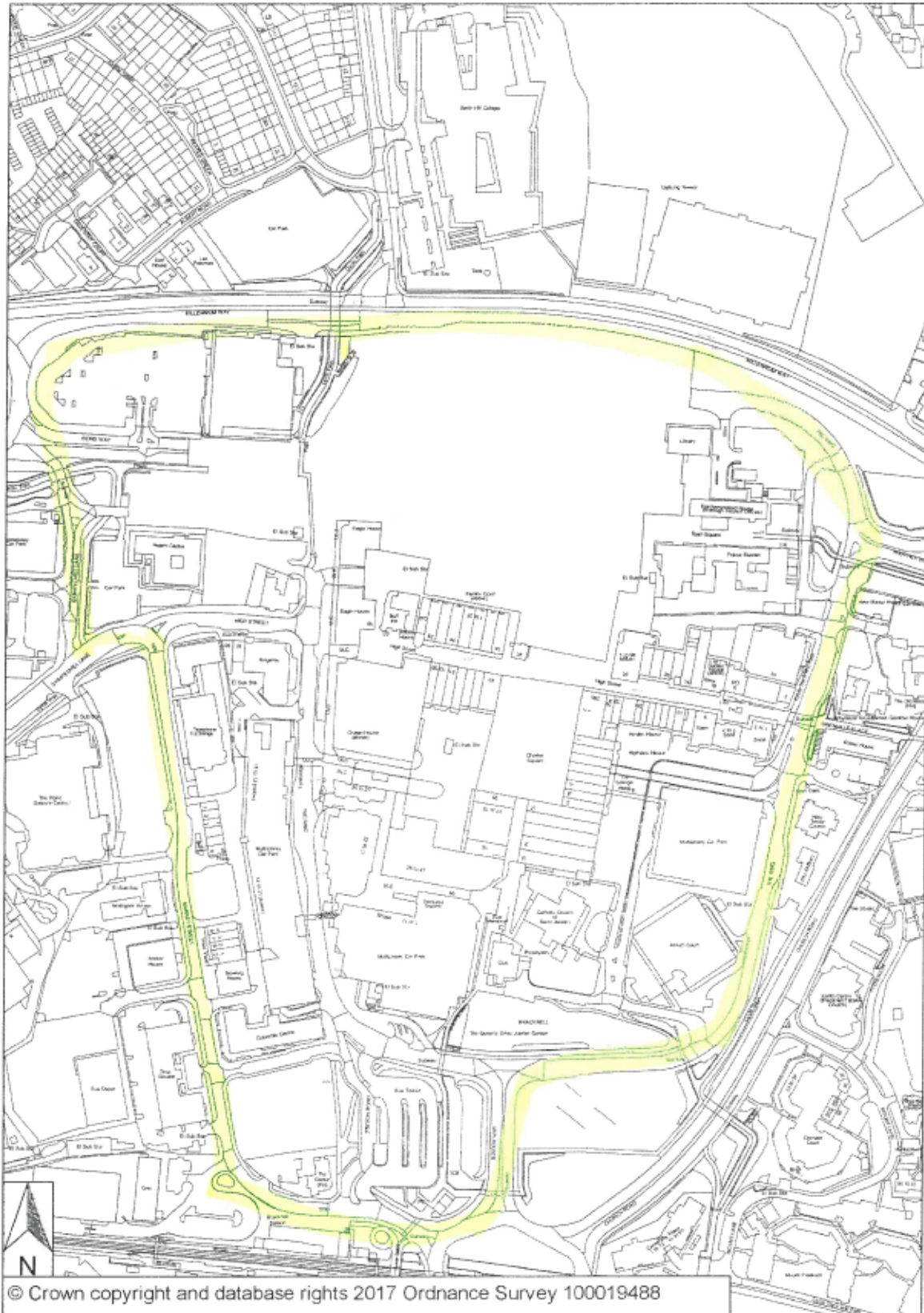
### **3. Trial Period and Appeals**

- 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 13<sup>th</sup> July 2017



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# APPLICATION TO RENEW STREET TRADING CONSENT

Local Government (Miscellaneous Provisions) Act 1982



|                        |               |
|------------------------|---------------|
| Trading Site           | MARKET STREET |
| Business Name          | STAR ICEBAIS  |
| Current Licence Number | LN/ 200200352 |

|                       |                           |                                    |
|-----------------------|---------------------------|------------------------------------|
| Surname               | KOZLUCA                   | Mr/Mrs/Miss (delete as applicable) |
| First names (in full) | EDIP                      |                                    |
| Date of birth         | National Insurance Number |                                    |
| Full home address     |                           |                                    |
| Telephone number      |                           |                                    |
| Email address         |                           |                                    |

|  |            |
|--|------------|
| Where will the vehicle/<br>stall/goods be kept overnight?  | SCOUT FARM |
| Have you or do you intend to change the vehicle or stall from which you are trading?               | Yes/ No    |
| If YES to the above please provide full details of the new vehicle (including registration number) |            |
| Have you or do you intend to change the days and times during which you trade?                     | Yes/ No    |
| If YES to the above please provide proposed new trading times below, otherwise leave blank         |            |

| Proposed New Trading Times |            |          |
|----------------------------|------------|----------|
| Day of week                | Start time | End time |
| Monday                     |            |          |
| Tuesday                    |            |          |
| Wednesday                  |            |          |
| Thursday                   |            |          |
| Friday                     |            |          |
| Saturday                   |            |          |
| Sunday                     |            |          |

**GUIDANCE NOTES**

Failure to submit a complete application for renewal before the expiry of your street trading consent will mean that you will be unable to trade once your consent has expired. **It is an offence to trade without a consent and if you are caught trading without a consent you may face prosecution, which on summary conviction may lead to a fine of up to £1000 (level 3).** You will **NOT** be able to trade until a new consent has been issued. Also, if you allow your street trading consent to lapse, the trading site may be offered to a new applicant.

**Fees for 2017-2018**

| Period of Consent  | £        |
|--|----------|
| One Week   | 128.00   |
| One Month  | 344.00   |
| Three Months   | 809.00   |
| ✓ Six Months   | 1,323.00 |
| Six Months maximum 2 days trading in a week including Friday, Saturday or Sunday | 748.00   |
| Six Months maximum 2 days trading in a week Monday to Thursday only              | 498.00   |
| <b>Ice Cream Van</b>   |          |
| One Month (covers one van only)  | 172.00   |
| Six Months (covers one van only)   | 662.00   |

**If the application is withdrawn before determination, up to 50% of the fee may be refundable. If the application is determined fees will only be refunded in exceptional circumstances.**

Payment can be made in the following ways:

- By cash or cheque (made payable to Bracknell Forest Borough Council) at Time Square, Market Street, Bracknell, RG12 1JD. Please allow 28 days for the cheque to clear.
- By credit or debit card at Time Square or over the phone on 01344 352000.

**Please tick to confirm you have enclosed the following with your application:**

|                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | A cheque for payment of the fee, or receipt confirmation that the fee has been paid |
| <input checked="" type="checkbox"/> | Current Public Liability Insurance  |

The completed form, fees and any enclosures should be handed into the Customer Service Centre at Time Square, Market Street, Bracknell, RG12 1JD.

An applicant commits an offence if they knowingly or recklessly make a false statement or omit any relevant information and any licence issued may be revoked. Information provided on application forms will be disclosed to other agencies such as the Police where there is a legal requirement to do so, for example in relation to the investigation of a suspected offence. This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing and administering public funds for these purposes. For further information, see [www.bracknell-forest.gov.uk/nationalfraudinitiative](http://www.bracknell-forest.gov.uk/nationalfraudinitiative) or contact Internal Audit on 01344 352322.

**Declaration:**

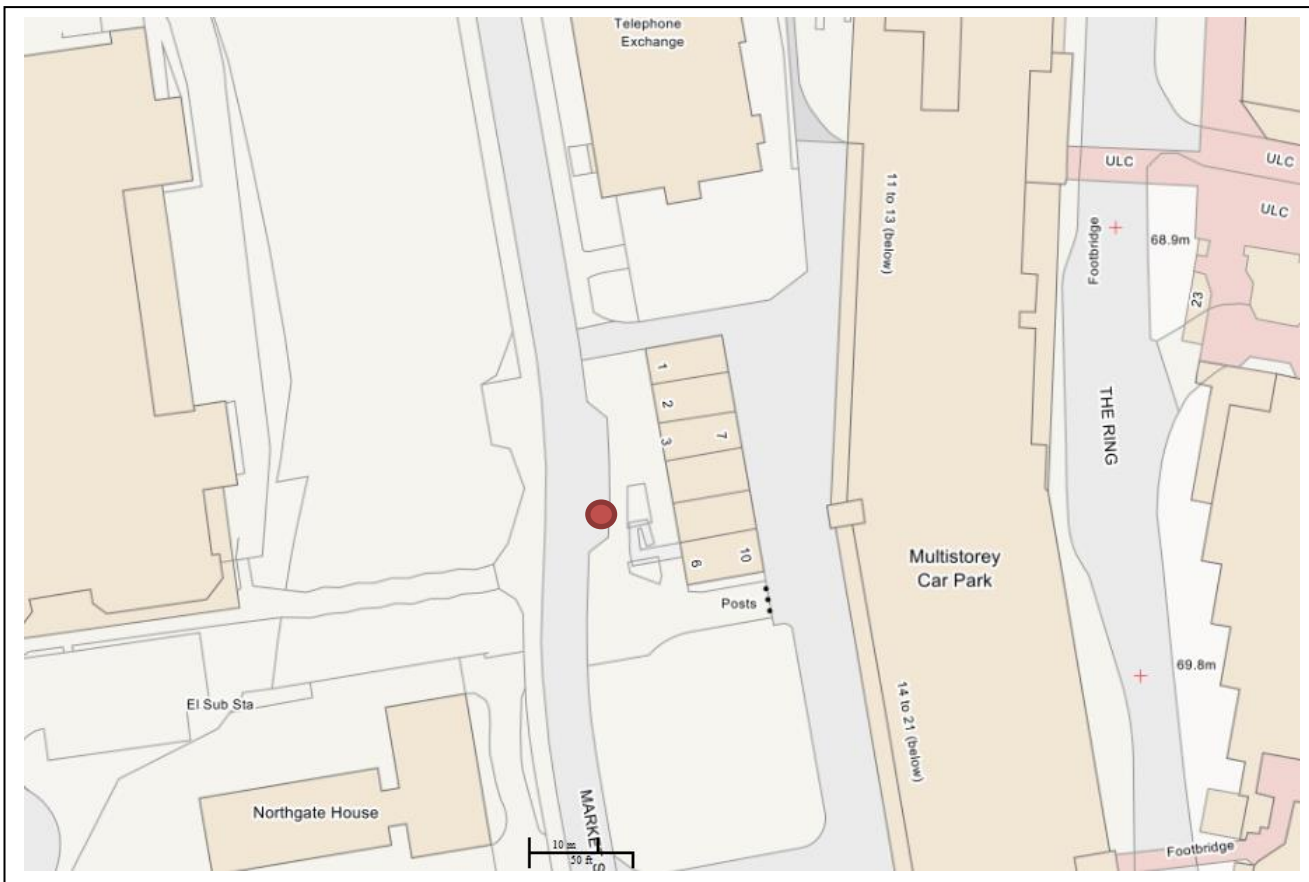
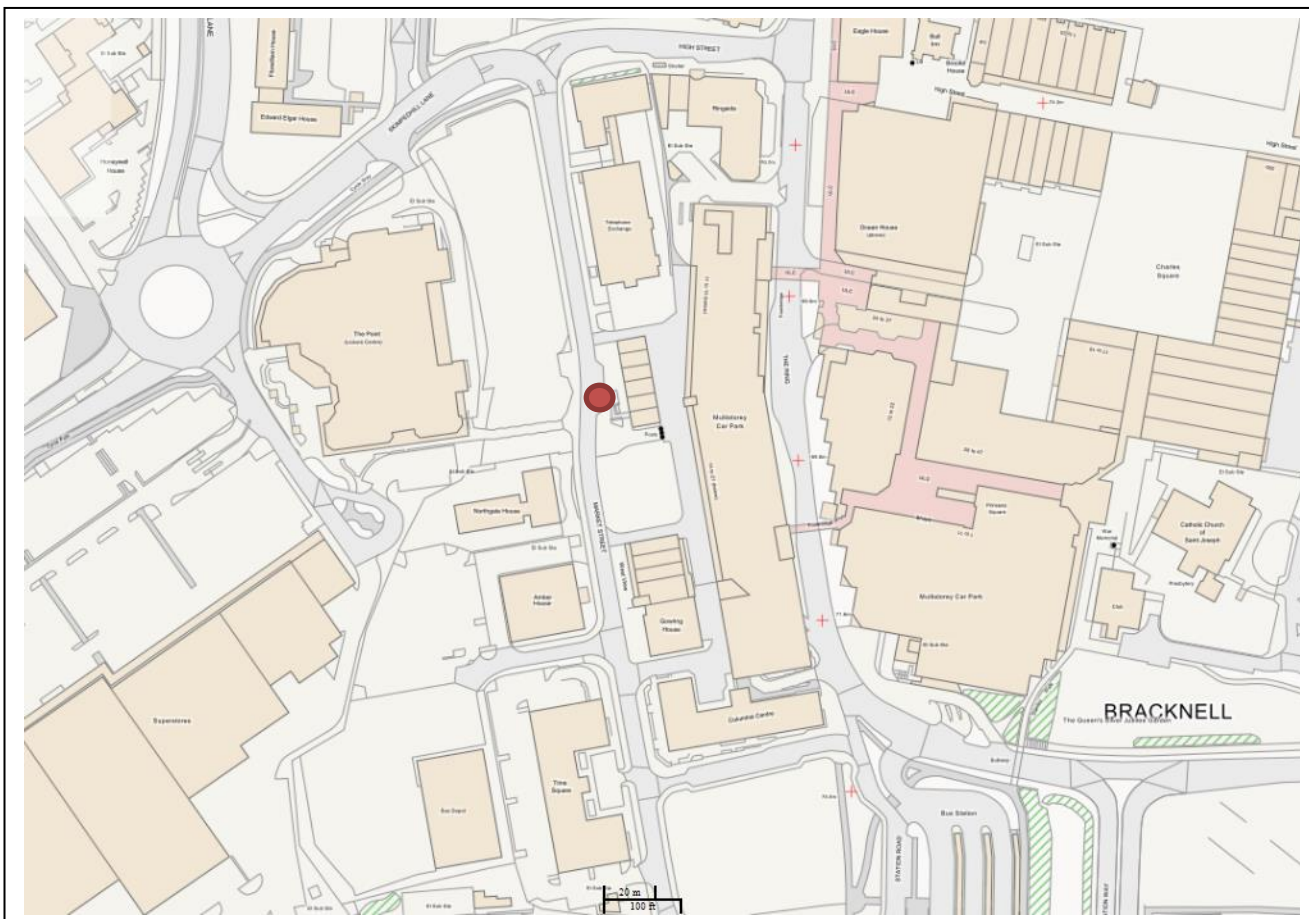
**I hereby certify that all statements in this application are correct and true to the best of my knowledge. I have read the guidance supplied, enclosed any required documentation and fees, and agree to abide by the conditions placed on the consent should it be granted.**

Signature.....

Print Name... E. dip. kozluca

Date signed... 12-7-2017





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Consent No:LI/17/00610/STTRAD

# STREET TRADING CONSENT

This Consent has been granted by Bracknell Forest Borough Council in pursuance of the provisions of the **Local Government (Miscellaneous Provisions) Act 1982, Part III, Schedule 4, Paragraph 7** to:

**Mr Edip Kozluca**

to trade within the consent street at the location shown on the attached plan only:

**Market Street, Bracknell**

Trading is only permitted during the following times:

**Sunday to Thursday from 18.00hrs to 01,00hrs**

**Friday to Saturday from 18.00hrs to 03.00hrs**

**The registered vehicle shall arrive no more than 15 minutes prior to the start of the permitted trading time, and vacate the site no later than 15 minutes after the end of the permitted trading time.**

This Consent is in respect of the following vehicle:

**Trailer Registration: WR05 OEH**

This Consent authorises the sale of the following goods only:

**Lamb, Chicken, Doner Kebabs, Burgers, Hot Dogs, Salad and Hot & Cold Drinks**

This Consent is subject to the attached conditions and shall, unless cancelled or revoked in the meantime, continue in force from **01.07.2017 to 31.07.2017**.

This Consent must be displayed on the vehicle during trading.

.....  
For Chief Officer: Environment and Public Protection  
Date: **16th June 2017**

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Our ref: LI/17/00721/STTRAD

19 July 2017

Mr Edip Kozluca

Dear Mr Kozluca

**Local Government (Miscellaneous Provision) Act 1982  
Street Trading Consent – Star Kebab, Market Street**

On 12 July 2017 we received an application from you to renew the street trading consent issued for the above location for a further six months, with your current consent due to expire on 31/07/2017.

As you are aware, significant changes are occurring to the residential, retail and food provision within Bracknell Town Centre. On Market Street at present there are several late night food takeaway premises, together with a late night off licence within a 100 metre distance from your present pitch. Further retail and residential developments on Market Street are presently under construction with more at the planning stage, which will likely lead to increasing pressure upon the very limited parking provision which allows customers to access these retail options.

The intention is to increase parking availability and thereby reduce the likelihood of unauthorised parking and the increased threat to road users and pedestrians associated with such actions.

As a result of the above, we are minded to refuse your application to renew the street trader consent. If you wish to have your application determined by a panel of the Licensing Committee; you must inform me in writing within 21 days of the date of this letter.

If you would like further information or advice about this matter, please contact me on 01344 352000 from 8.30am to 5.00pm, Mondays to Fridays.

Yours sincerely

Charlie Fletcher  
Licensing Officer

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Our ref: WK/201401686

20 May 2014

Mr Edip Kozluca

Dear Mr Kozluca

**Re: Local Government (Miscellaneous Provision) Act 1982  
Street Trading Consent – Star Kebab, Market Street**

On 8 May 2014 we received an application from you to vary the permitted hours for the street trading consent issued for the above location to commence trading from Sunday to Thursday from 17.00 hours to 02.00 hours and Friday to Saturday from 17.00 hours to 04.00 hours.

The application to vary the hours to trade from 17.00 each day is refused due to the fact that there is a parking restriction in place in the location until 18.00 hours.

In addition, the application to trade later each day has been discussed with Thames Valley Police, and they have indicated they would object to any variation to extend the trading hours, hence this part of the application is also refused.

You have a right of appeal against this decision to the Licensing Panel; you must inform me in writing within 21 days of the date of this letter if you intend to make that appeal.

I also wish to advise you at this point that there is resurfacing work taking place on Market Street from 22 September until 3 October and you will be unable to trade from your pitch at any time during this period. Other kerbing works will take place prior to this, and you will be notified of the details as soon as the date has been confirmed, again you will be unable to trade at any time during these works.

Finally we have been advised that the layout of Market Street will be changing and we would suggest you may wish consider looking for another trading pitch as we cannot guarantee the new layout will facilitate a static trading pitch in the future.

If you would like further information or advice about this matter, please contact me on 01344 352550 from 8.30am to 5.00pm, Mondays to Fridays.

Yours sincerely

Niamh Kelly  
Licensing Officer

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Our Ref: RJS/mae

20 October 2016

Mr E Kozluca

Dear Mr Kozluca

**STREET TRADING CONSENT – MARKET STREET**

Thank you for your application to renew your Street Trading Consent from 30 November 2016 for a period of 6 months.

As you are aware significant changes are occurring to the residential, retail and food provision with the Town Centre. This is also occurring in Market Street with at present six late night food takeaway premises, together with a late night off licence within a 100 metre stretch of Market Street where your present pitch is located. Further retail development in that area together with proposals for more new residential developments will lead to increasing pressure upon very limited parking provision which allows customers to access these retail options.

In view of this a report will be going forward to the Licensing and Safety Committee on 5 January 2017 with a recommendation to remove permission for street trading to continue upon Market Street. This will be with the intention of increasing parking availability and thereby reducing the likelihood of unauthorised parking and the increased threat to road users and pedestrians associated with such actions.

In the meantime your consent will be granted but, should the Committee agree the officer recommendation, your consent will not be renewed.

If you wish to renew the consent knowing this, then please let me know within 14 days so I can progress your application. You are welcome and encouraged to make comments on this proposal prior to the submission of the report but such comments must be received by myself before 30 November 2016.

Yours sincerely

**Robert Sexton**  
**Head of Regulatory Services**

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Our Ref: RJS/mae

6 December 2016

Mr E Kozluca

Dear Mr Kozluca

**STREET TRADING CONSENT – MARKET STREET**

Thank you for your correspondence and the information provided.

You make mention of relocating to the Peel Centre and I understand that you previously obtained their consent but upon application for planning permission you were refused.

Should you wish to relocate to the Peel Centre you will need to re-apply for planning permission. I can confirm that the Licensing Section would support that application where it mirrors your present Street Consent, namely starting at 6.00pm. If you wanted to start earlier than 6.00pm, it is certain that you would need to conduct a Parking Survey of the car park and present this as evidence to support your planning permission application.

Can you please confirm the size of your vehicle – length and width – so that I can have this when discussing your application with colleagues in Planning and Highways.

In the meantime you need to re-approach the Peel Centre and gain their approval for their car park at the hours presently granted in your Street Trading Consent. Secondly I suggest that you contact Sarah Horwood, Senior Planning Officer at Time Square to discuss starting a Planning Application.

I hope this is of assistance.

Yours sincerely

**Robert Sexton**  
**Head of Regulatory Services**

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**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** 09 August 2017 07:12  
**To:** Charlie Fletcher; alvin.finch@bracknell-forsst.gov.uk  
**Cc:** tina.mckenzie@bracknell-forest.gov.uk  
**Subject:** Star kebabs

Good morning. I was sad to hear star kebabs is being moved. I've been using star kebabs for 24 yrs or so, when Eddie was at the train station. I admit the parking is an issue on market street, but he always keeps the area clean from what I've seen. He has a lot of loyal customers, as he's always friendly and polite. Please don't force him to move, or let him choose another place, as he knows his customers.

Thank you

[REDACTED]

A loyal customer to star kebabs

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** 08 August 2017 14:42  
**To:** Charlie Fletcher; Alvin Finch; Tina McKenzie-Boyle  
**Subject:** support for Eddie/Star Kebab

To whom it may concern,

Please accept this email in support of Eddie Star Kebab in market street, Bracknell.  
I have been a regular patron of the kebab van for over 20 years, & over that time Eddie has become a friend. He is always polite & cheerful & a big part in the community. He has been moved several times & also in the place he has been allocated now restricts parking for him & other business in the area.  
Eddie has always kept the van & surrounding area clean & free from litter.  
Again, this is support of Eddie staying where he is.

Kind regards,

[REDACTED]  
Bracknell resident since 1978

14<sup>th</sup> August 2017

Mr. Charlie Fletcher  
Licensing Officer  
Environment & Public Protection  
Bracknell Forest Borough Council  
Time Square  
Market Street  
Bracknell  
RG12 1JD

C.c. Members of the BFBC Licensing Committee (via Democratic Services)

Dear Mr Fletcher,

**Re: Star Kebab Street Trading Consent**

I write with some ire on the above subject; this being the second time in recent times that the Council have sought to close down Star Kebabs. I have read a copy of your letter of the 19<sup>th</sup> July last to Mr. Edip Kozluca and find your reasoning tenuous and your conclusions wholly unfounded.

I use the service at some point most weeks and have done so for over 20 years. Indeed, my daughters both grew up using his service. His van is in an ideal location for those using the town late at night and into the early hours. You state that there are other late night food takeaway premises and an off licence nearby. These are closed later on and so of no use at all.

You also cite concerns over unauthorised parking and risks to pedestrians and other road users. The van is there later in the evening, when there is less traffic and I have never, in my several visits to the van in over 20 years, witnessed any risk to either pedestrians or other road users. There is plenty enough space in that area for the van to trade in without creating any obstruction or risk to anyone. His customers are always quiet and well behaved and his business causes no obstruction whatsoever.

If Star Kebabs is not able to continue to trade in its current location the next nearest vans are all too far away to be of any practical use. It would also seem completely unnecessary to deprive Mr. Kozluca of his ability to make a living. I must therefore ask that you urgently reconsider your decision and allow Star Kebabs to continue trading for the foreseeable future.

Yours sincerely,

██████████

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To Whom it May Concern

I am writing in regard to the Star Kebab Van Trading licence for Market Street, Bracknell

I have been a long standing customer for over 10 years now and I use this van on a weekly basis.

I have never had or seen anyone else having issues with parking, nor have I witnessed any safety issues

I have on occasion used other take-away vans in Bracknell and the Star Kebab is the cleanest van that I have seen.

I would suspect that most of the trade comes from people walking to or from the Station.

I would be extremely disappointed should the licence not be renewed and this service disappears from Market Street

Yours faithfully

8/7/2017

[Redacted]

Dear Sir,

I am writing to you in regards to your recent decision to refuse the renewal of the street trader consent for Mr Edip Kozluca / Star Kebab, who currently (and for many years) operates in Market Street in Bracknell.

Mr Kozluca has operated this business for many years in the same pitch and has become, through Star Kebab's reputation for good food, excellent safety standards, and genial personality and customer service, a 'go to' and staple of the Bracknell community.

I myself have been a regular customer of Mr Kozluca's for many years, and if I am within driving distance and it is practical would go to Star Kebab rather than any of the numerous other food van / street vendor's in the area. In its current location Star Kebab is central and accessible, both on foot and in a car. Market Street is a busy thoroughfare, but parking can always be found nearby, and the benefits of using Star Kebab make a short walk worth the effort.

I realize that with the much needed redevelopment of the town centre that space and parking are at a premium, but the presence of Star Kebab and Mr Kozluca in his current pitch, in my experience at least, causes no significant inconvenience or interference with anyone, either pedestrian, in a vehicle or fellow business owner. In fact, again in my experience, the other food establishments in Market Street are generally empty and under-utilized, and it is their infrequent customers and delivery drivers that have more of an impact on the local environment, whether that be through inconsiderate parking to general road traffic.

In short, Mr Kozluca (Star Kebab) operates by far the best street food establishment in Bracknell. On top of that he is a hardworking man who, over his many years in Bracknell, has made many friendships and built rapport with his customers, and it would be a travesty were he, and Star Kebab, unable to continue to operate.

I appreciate your time to read this letter. If you need to contact me I can be reached by email on [Redacted] or by telephone on [Redacted].

Regards,

10/8/17

To who it may concern

We are writting to express our dissapointment that Edip may need to close his shop - Star Kebab at Market Street. We use Edip's services at least twice a week, his kebab is the tastiest in the Town, and we think it is not fair to close this shop. Whenever we come there, there is a long queue of customers waiting for their order, with patience, as noone has an it intention to go elsewhere.

The place where this shop is convenient to us, since is close to the Train station and Town centre. We have never noticed any traffic problem whenever we were there, as it is usualy quiet at that time of the day.

Please consider our plea to leave this shop open, as we will not consider to go elsewhere if Star Kebab is closed.

075/91070405

**POLYGONUM**

Corporate Merchandise

28/07/2017

Dear Sir/Madam

With reference to the Star Kebab van on Market Street run by Edip Kozluca:

1. I visit this van twice a week on a Monday/Thursday evening after a circuit class at the Bracknell Leisure Centre. I usually order a small chicken kebab.
2. The location of this van is good for me as there is enough space to park my car while I place my order and is convenient for getting back to the Twin Bridges roundabout, which is on my route home.
3. I feel there is enough space for the kebab van to trade in. I always drive there directly from Bracknell Sports Centre and have never had a problem parking. The area around the van has ample space while you await your order.
4. There are two pizza restaurants nearby, but I would only consider going to these occasionally and certainly not regularly as I do for the kebab van.
5. I do not feel the location of the kebab van causes any undue inconvenience or interference with anyone in the area.

Yours Faithfully

5<sup>th</sup> August 2017

FAO

Charlie Fletcher  
Licensing Officer  
Bracknell Forest Council

**RE: Street Trading Consent – Star Kebab Market Street**

Dear Sir/Madam

For many years I have been a customer of Star Kebab, initially when located at the Station Car Park and latterly in Market Street.

The current location of Star Kebab is perfect for me when finishing work late it is on my route home from the majority of the places that I travel from. It is extremely convenient for me. On average I visit Star Kebabs at least once a week, more if I have had a run of long working days as the products they supply is perfect.

The current position of the vehicle does not cause any concern to me, it is always safely parked in the layby and despite the number of other outlets in Market Street it does not appear to me to impact any issues relating to health and safety, it does not encroach on the pedestrian crossing nor does it impair sight for road users.

I have tried other traders with similar products in Bracknell and have always returned to Star Kebabs. The reason is the location and the staff who work there.

I believe that the presence of Star Kebabs only enhances the availability of food options, most of the other outlets have opened long after Star Kebabs was located in Market Street. I have never witnessed complaints from other traders in the immediate area; everyone is there to earn a living.

This to me seems to be another case of removing street traders that have been at a location through all of the upheaval that we as residents in Bracknell have suffered and continue to suffer as a result of regeneration. Whilst the regeneration appears to be aimed at increasing foot traffic in Bracknell it appears that we only have the usual franchised chains moving in, what has happened to supporting small independent traders? We have already lost a vibrant market what is next?

This is not acceptable as the council should be supporting ALL businesses that employ people and offer a service to the public this includes the businesses that are either in outlets and street traders.

Have you considered offering the empty parking outside Bracknell Time Square; it's an empty lot once the offices close at the end of each day!

I support the application of Star Kebabs to remain trading in Market Street.

From a very satisfied customer and Bracknell resident

1<sup>st</sup> August 2017

To Whom It May Concern

**Re: Star Kebabs**

We have been informed by the proprietor of Star Kebabs that Bracknell Forest Borough Council are seeking to close the pitch occupied by the street vendor which has been in situ for over a decade and we would like to lend our support in protest this decision.

It is our understanding that the decision is based on 'over subscription' on food vendors on Market Street. We trust therefore that the trading units on the street where there are duplicates for Pizza, Indian and Chicken based dining will be asked to cease trading forthwith? However, Star Kebabs does not have a direct competitor on Market Street, nor does it have a competitor in the immediate vicinity, and we suspect your decision is purely one of snobbery on the perception of a street vendor in the locale of the regenerated town centre. We put it to you that with a McDonalds we don't need a Gourmet Burger, with a KFC there's no need for Nando's and so forth, and yet these establishments are opening within the regenerated town. This being the case, the council is guilty of targeting Star Kebabs through nothing other than prejudice and snootiness.

Having used Star Kebabs for over a decade since moving to Bracknell in 2005, we can state that the service and quality of food provided is superb, and far outstrips any competitor sites within the town and it would be a real shame for this establishment of 23 years standing to be forced to cease trading. We would urge you therefore to consider the popularity of the offering in the town, and the length of service provided by Star to the many locals who love the food provided by the Star Kebab team.

You would do well to remember that diversity is what has made Bracknell the strong town it is, and that your endeavor to remove diversification in culinary offering in Market Street or any street in the town is nothing other than boorish and frankly discriminatory against this excellent trader.

Yours faithfully,



To whom it may concern,

Star Kebab is located on Market Street, only 2 minute walk from where we all work here at pointbingo. It is also on the way to the train station and taxi rank, as well as on the way home for many of us, which is ideally located for when we finish work so late at night. There is also nowhere else that late at night that is open and available to us to get food and as we often finish in the early hours of the morning it is the only option when we do not want to cook that late at night. Due to its ideal location we each average around 2 visits a week to Star Kebab, and will no doubt continue to do so. There is plenty of space around the area and there are often a number of people, including ourselves, looking to trade, and there are never any issues with space. We would strongly oppose the relocation of the Star Kebab van, as there is no trading point similar to this, at that time of night, and we would all be affected by that decision.

Kind Regards,

The staff at pointbingo



To whom it may concern,

I am writing in regards to Star Kebabs in market street, I use this van every Saturday and some times during the week, he does a good variety of food at a good price, there are a variety of food traders in market street but I always use the kebab van, I have been using this kebab van for about 20 years as he has moved up and down market street, this is the closest one to where I live, I have never had a problem with parking, the shops have always been there just changed hands, there has never been a problem in the past so why is there a problem now.

Kind regards,

To whom it may concern,

I have been using the kebab van in market street for years and now you want to get rid of it, the problem is not with the kebab van but the council, why don't you put him back where he was at the end of market street, where is used to be, there is a bigger layby and parking at the doctor's surgery, this would solve your problem, keep him in business, and everyone is happy, it would be a shame to lose him as he is very popular and always busy.

Manv thanks.

Dear Sirs,

In regard to you wishing to withdraw the site for the kebab van in Station Road. We have been to using this van for nearly 20 years since we first moved to the area. Many people, including many commuters, rely on this facility. It would be very much missed.

I do not think that it causes any inconvenience to the public, in fact it helps them.

There is another van in the area, but the standard is not the same and we would not want to change.

We will continue to use this regularly.

I hope you will take these points into consideration before making your final decision.

Many thanks

Date: 31st July 2017

To Whom it may concern,

With reference to the Street Traders License for Star Kebabs (Bracknell). I regularly use Star Kebabs on Market Street, Bracknell most weeks in the year and have been for the past two years.

The Location in question is located in a street with mainly businesses and low passing Vehicular traffic. The traders location is off street and based upon my times there does not hinder the passing traffic. The trader provides a unque service. This is a prodomidinatly comercial area with an entertainment complex, other convienence food retailers such as Pizza companies, and a late night off licenses. It's my understanding that the other traders have off street parking to the rear of there premises. For these reasons it is my view that Star Kebab's does not cause any inconvenience to other traders.

I use Star Kebabs between 21:00 and 22:00 weekly and having been doing so for the last two years. While there most, trade appears to be passing on foot, or, when by car, parking in accordance with the local restrictions. the area is quite and I've never observed any issues or undue noise from those present.

I prefer using star Kebab because the quality of food served. I have used other street traders within one mile of Star Kebabs in the past. However, the quality of the food, price and convienence draw me back each time.

Your Sincerly

We as students of Newbold College all think that Star Kebab is a very beneficial place for the location. Many of our students take food from there and they always provide us with fresh and delicious meals. We go there several times a week. There are not many other places around like his, so it is very convenient for us to have it. We can not see any sign that would show any inconvenience with anyone else in this area. We would all be happy to have Star-Kebab still around in the future.

Dear Sir

I would like to offer my support for the renewal of Mr Kozucas street trading consent. I have been using Mr Kozucas facilities for over ten years and have used it four to five times a month, it is very convenient for me because I stop there for something to eat on the way to my parents who live just down the road, I have tried other traders but find that none of them are upto the standard of Mr Kozuca, as for being several late night food takeaway premises in market street I think you should get one of <sup>your</sup> staff to go and count them again, for I can only count two. I don't think he can cause any inconvenience to anyone seeing he does not start trading normally till after the two Asian supermarkets close and there is only the off licence open, it would make more sense to make more parking in that rubbish tip opposite it is a real eyesore even though it is boarded up most of the time

Yours Sincerely

To: Bracknell Borough Council

Attention of: Charlie Fletcher Licencing Officer

**Reference: LI/17/00721/STTRAD**

7<sup>th</sup> August 2017

Dear Sir

**Local Government (Miscellaneous Provision) Act 1982  
Street Trading Consent – Star Kebab, Market Street**

I refer to your letter dated 19.07.17 addressed to Mr Kozluca (attached) with regards to street trading consent he has applied for under name of Star Kebab. I am very surprised and quite astonished that you as representative of the council have made a decision not to grant extension to his consent licence.

From what I know and am aware of, Mr Kozluca has traded in the same spot for many years and has many customers who come to his stall on regular basis to get their takeaway. The reasons you have stated for rejecting his extension to continue trading in my opinion appear to be lame and unwarranted. I would point out the following in his favour:

- He is providing a service which many enjoy and want to see continuing
- The quality and standard of his service has always been good
- He has continuously had a 5 star rating for food hygiene
- He is NOT taking up unnecessary space or affecting / causing inconvenience to other residents or fast food restaurants
- There is NO increased 'threat' to road users and pedestrians associated with him continuing using his stall. (If there has been, can you provide such evidence?)

As a long-time resident of Bracknell I would urge you to re-think the decision reached and listen to what the locals are telling you.

Yours faithfully,

Dear Whomever this may  
Concern:

I believe this kebab van  
should stay where it is because  
its in the middle of town and is  
accessible to alot of people i  
use this van on a weekly  
Basis and would not go else  
where best food in the area  
and the only one open until  
late when you come out of  
the pub. I walk from birch hill  
to get one of there kebabs.  
i do not believe he causes  
any inconvenience at all and  
is polite, friendly and Clean +  
food is always fresh.