

NOTICE OF MEETING

Licensing Panel

Wednesday 29 November 2017, 2.00 pm

**Function Room, Fifth Floor, Easthampstead House, Town Square,
Bracknell**

To: The Licensing Panel

Councillors Leake (Chair), Ms Gaw and Thompson

cc: Substitute Members of the Committee

Councillors Allen, Mrs Angell, Dr Barnard, G Birch, Brossard, Brunel-Walker, Finch, Finnie,
Mrs McKenzie, Ms Miller, Porter and Tullett

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
Published: 20 November 2017



Licensing Panel
Wednesday 29 November 2017, 2.00 pm
Function Room, Fifth Floor, Easthampstead House, Town
Square, 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.








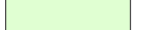




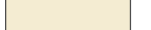
AGENDA

	Page No
1. Maps	3 - 6
2. Declarations of Interest	
<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. The Procedure for Hearings at Licensing Panels	7 - 12
4. Application for new street trading consent for Mrs Hatice Anil Bunker, B&B Plus, Crowthorne Road North	13 - 34

Bracknell Town Centre Map



Legend

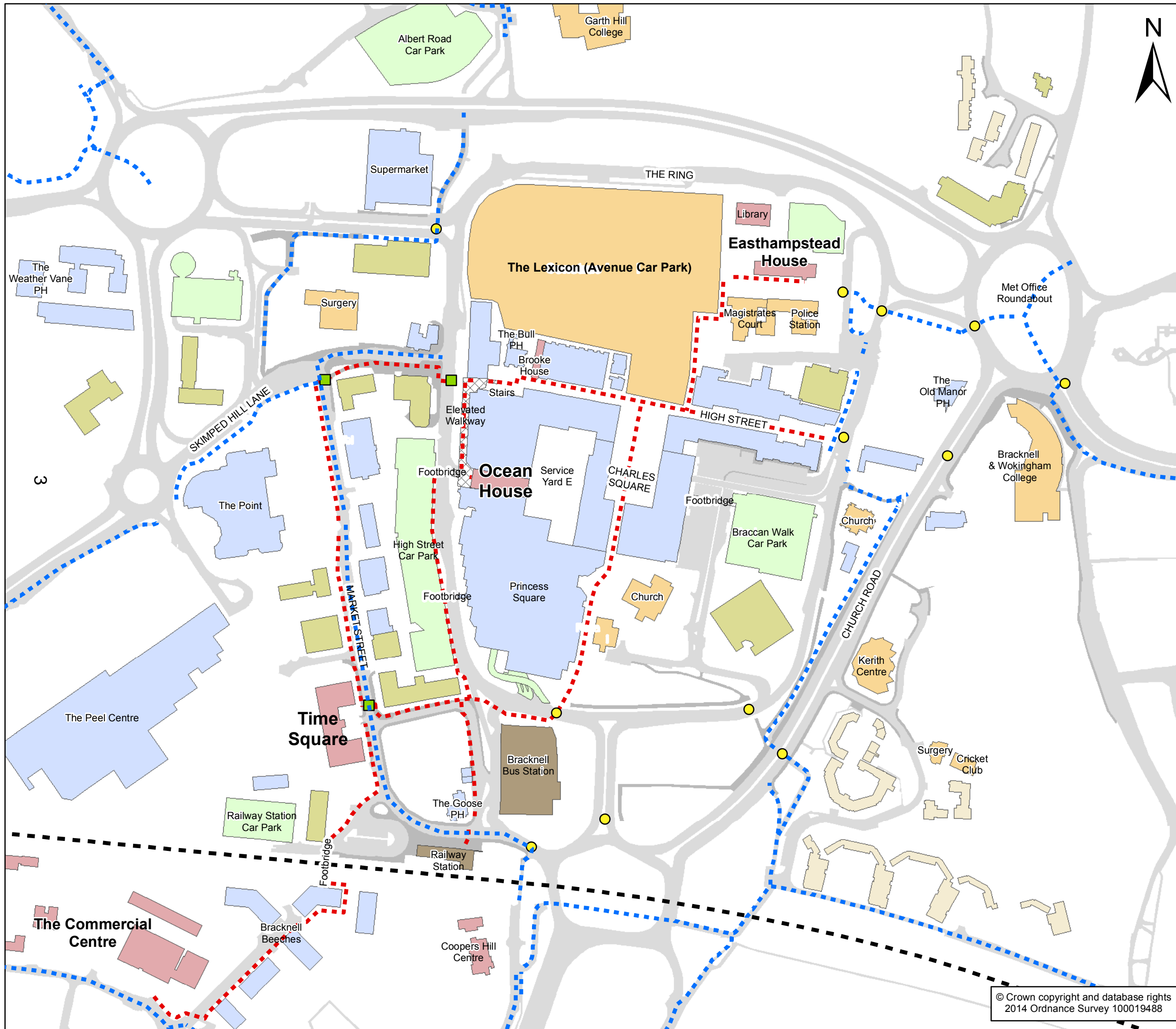
-  Subway
-  Zebra Crossing
-  Walk Route
-  Footpath/Cycleway
-  Railway
-  Council Buildings
-  Places of Interest
-  Car Parks
-  Elevated Walkway
-  Public Transport
-  Offices
-  Commercial
-  Residential

0 50 100 150 Metres




Map Produced June 2014


© Crown copyright and database rights
2014 Ordnance Survey 100019488





Agenda Item 1

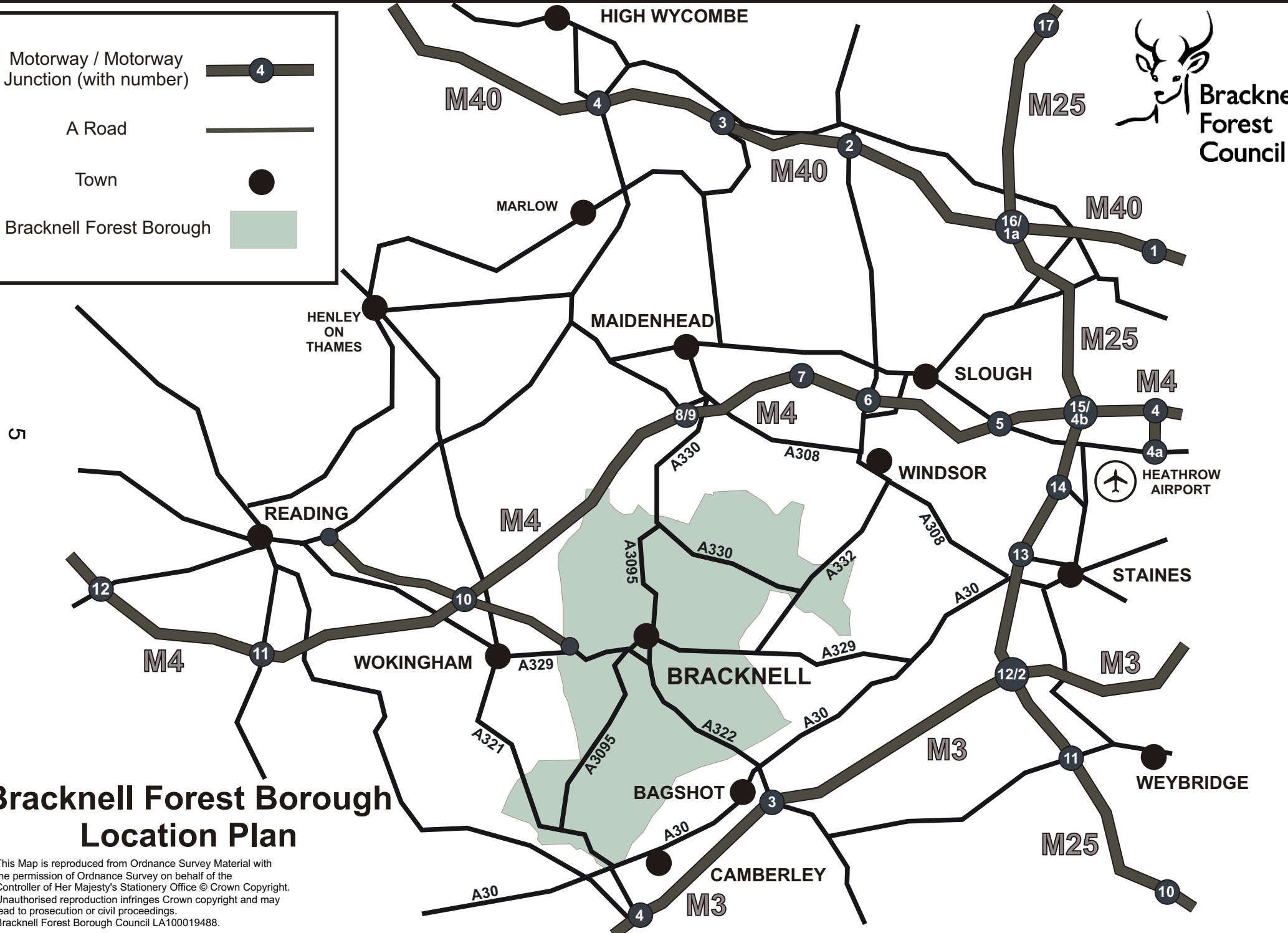
This page is intentionally left blank

Motorway / Motorway Junction (with number) 

A Road 

Town 

Bracknell Forest Borough 



Bracknell Forest Borough Location Plan

This Map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Bracknell Forest Borough Council LA100019488.

This page is intentionally left blank

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 street trading consent. 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 consent 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 352517
e-mail: laura.driscoll@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
Fax: 01344 352253

This page is intentionally left blank

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

This page is intentionally left blank

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

Mr Charlie Fletcher

01344 352000

charlie.fletcher@bracknell-forest.gov.uk



**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.

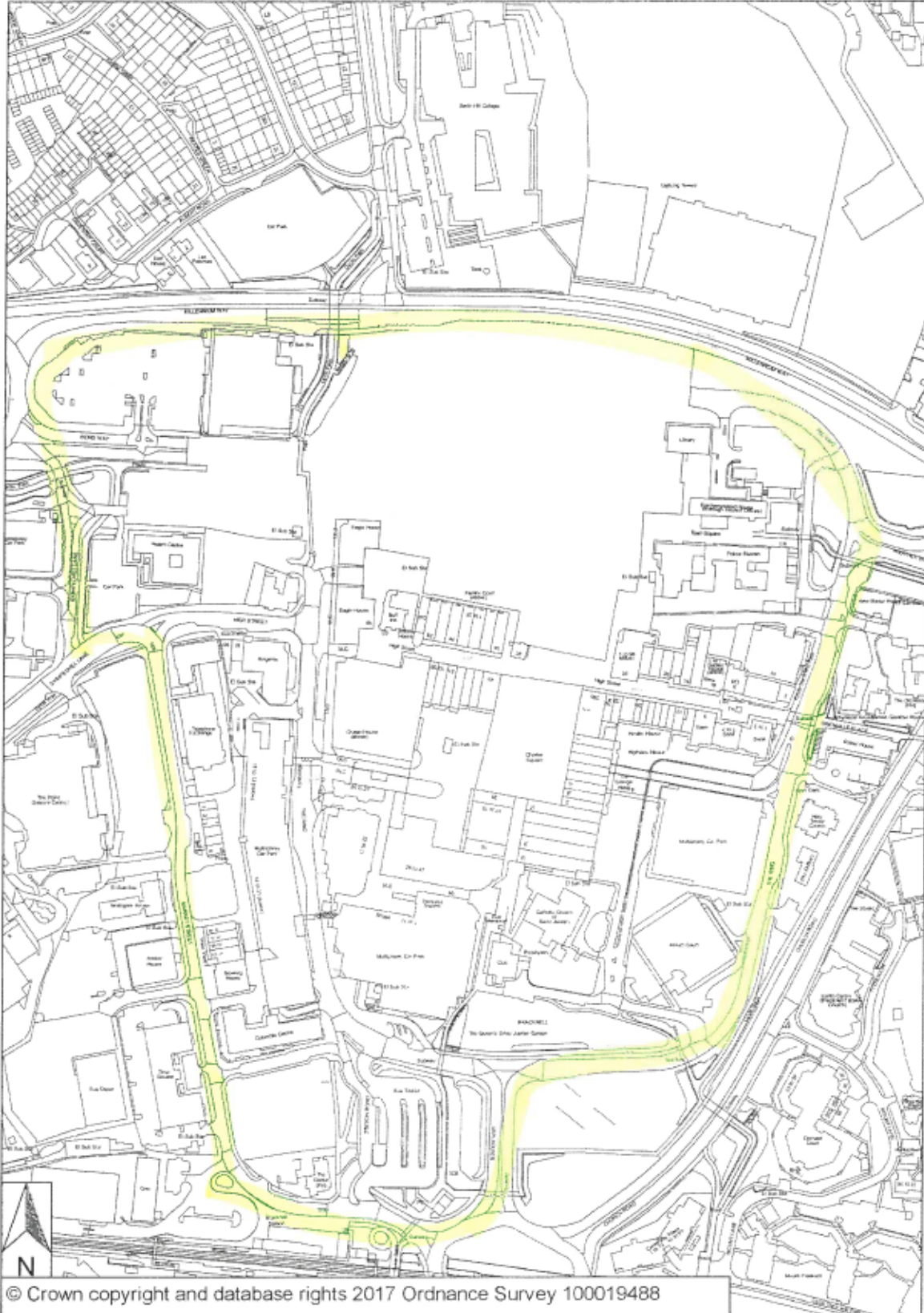
3. Trial Period and Appeals

- 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



This page is intentionally left blank



APPLICATION FOR A NEW STREET TRADING CONSENT

Local Government (Miscellaneous Provisions) Act 1982

Location of proposed site for trading	CROWTHORNE ROAD NORTH
Proposed name of business	A & A plus

Surname	BUNKER	Mr/Mrs/Miss (delete as applicable)
First names (in full)	HATICE ANIL	
Date of birth	REDACTED	National Insurance Number
		REDACTED
Full home address	REDACTED	
	Postcode	
Telephone number	REDACTED	Mobile number
		REDACTED
Email address	REDACTED	

What do you intend to sell?	Turkish kebab/Burger/chips cold drinks/hot and cold food
Description of vehicle/stall (including registration number)	Vauxhall Movano AT57 EOP
Where will the vehicle/stall/goods be kept overnight?	In a farm.

If you sell food and store your vehicle / stall / goods in Bracknell overnight, have you registered with Environmental Health?	Yes/No
--	--------

Proposed Trading Times (please use 24 hour clock e.g. 18.00 to 23.00)		
Day of week	Start time	End time
Monday	16:30	23:00
Tuesday	16:30	23:00
Wednesday	16:30	23:00
Thursday	16:30	23:00
Friday	16:30	23:00
Saturday	16:30	23:00
Sunday	16:30	23:00

Do you hold a street trading consent with any other local authority?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If YES to the above, please give details:	

GUIDANCE NOTES

A consent will only be granted if trading at the proposed location is deemed to be appropriate.

The applicant should obtain the permission of the owner of the land prior to making an application. All new applications are subject to a consultation period of 28 days

All applicants must be over the age of 17. If you propose to sell food, you must hold a current Basic Food Hygiene Certificate. If you do not have a European Union Passport, you should produce your visa or letter from the Immigration Office stating you are entitled to work in the United Kingdom.

If the consent is granted, conditions will be attached which may be specific to the site. Conditions may be varied for a site at the discretion of the licensing authority. The vehicle/stall may be required to be inspected by Environmental Health prior to commencement of trading.

Please note that if you wish to sell hot food or drink between the hours of 23.00 and 05.00 ('late night refreshment' you are also required to apply for a premises licence under the Licensing Act 2003. Application forms and guidance are available on request.

Please note that the maximum period of a street trading consent for a new application is **ONE MONTH**.

Fees for 2017-2018

Period of Consent	£
One Week	128.00
One Month	344.00
Town Centre only	
One Month	600.00
Ice Cream Vans	
One Month (covers one van only)	172.00

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.

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.

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"/>	A location plan with the exact location you require marked in red
<input type="checkbox"/>	A copy of the permission of the land owner (on land other than a highway)
<input checked="" type="checkbox"/>	Two passport photographs of the trader and photographs showing the trading vehicle / stall
<input checked="" type="checkbox"/>	Current Basic Food Hygiene Certificate (if you propose to sell food)
<input checked="" type="checkbox"/>	Current Public Liability Insurance
<input checked="" type="checkbox"/>	European Union Passport or visa confirming entitlement to work in the UK

In addition please tick to confirm that you:

<input type="checkbox"/>	Are registered with the Environmental Health department where the vehicle/ goods are to be stored overnight (if you propose to sell food)
--------------------------	---

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 or contact Internal Audit on 01344 352322.

Declaration:

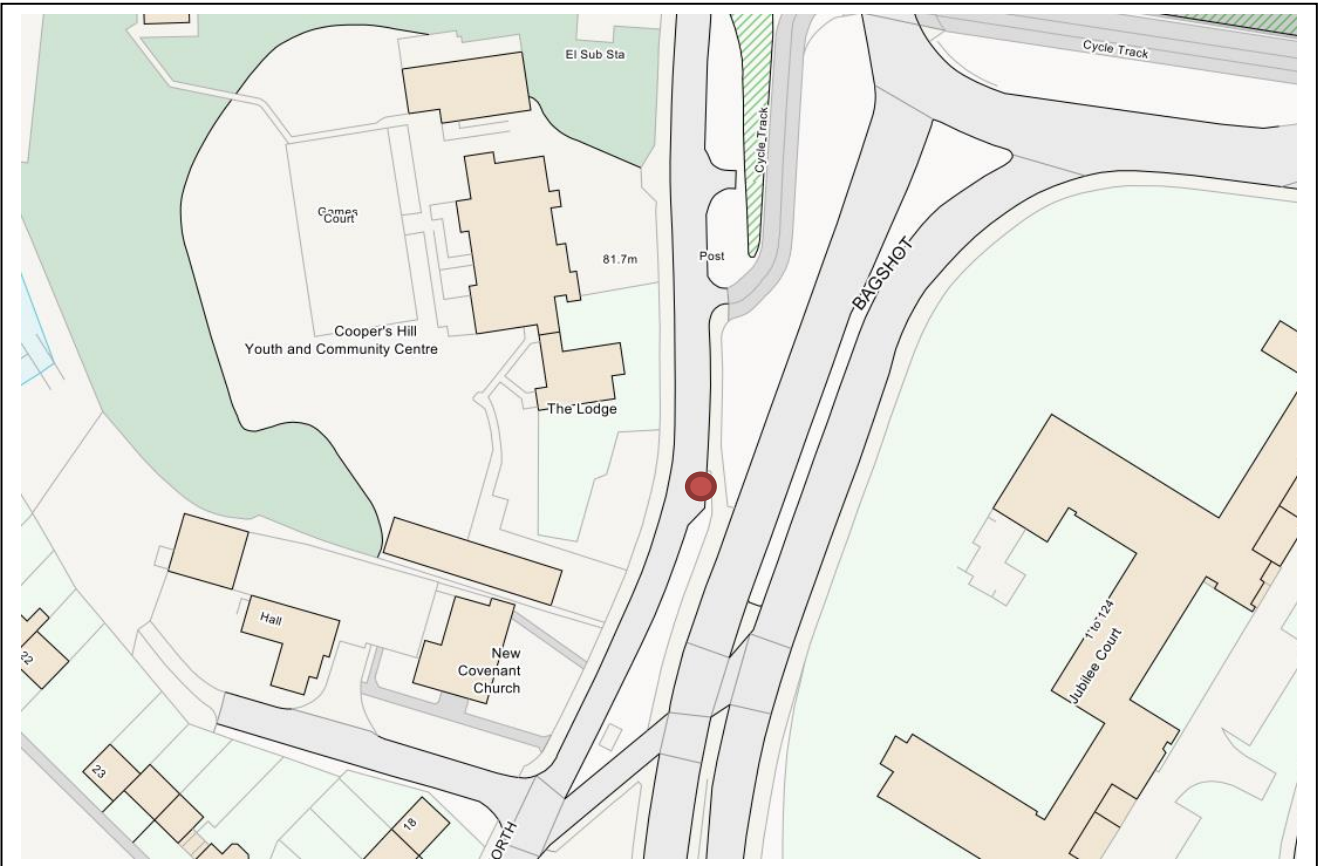
I hereby certify that all statements in this application are correct and true to the best of my knowledge. I have read the guidance supplied, enclosed any required documentation and fees, and agree to abide by the conditions placed on the consent should it be granted.

Signature.....

Print Name..... HATICE ANIL BUNKER

Date signed..... 18.9.2017

This page is intentionally left blank



B & B Plus – proposed street trader location

Date: 13/11/2017

This page is intentionally left blank

From: Traffic Manager
Sent: 03 October 2017 09:18
To: Charlie Fletcher; Development Control; Environmental Health; Dee Hamilton; Michael Skinner; 'TVP Licensing'
Cc: Laura Driscoll; Niamh Kelly; Steve Loudoun
Subject: RE: New Street trader application

Charlie

Having reviewed this proposal I have the following observations;

- Crowthorne Rd North is a residential dead end with access to community buildings (Church & Youth Centre).
- There will be no passing vehicular trade
- Unrestricted on street parking for residents and visitors is at a premium.
- Evidence suggests that all on street capacity is used legitimately by the local community outside of restricted hours.
- The risk of cars stopping on the A3095 Bagshot Rd to visit a fast food outlet having missed the turning for Crowthorne Rd North is a serious safety concern.

In the interests of public safety and convenience I would recommend refusing this request.

Kind regards
Wayne Scott

Traffic Manager
Planning, Transport and Countryside
Environment, Culture & Communities
Bracknell Forest Council

Tel: 01344 352000

Email: Traffic.Manager@Bracknell-Forest.gov.uk

Web: www.bracknell-forest.gov.uk

Follow us @BracknellTravel



This page is intentionally left blank

From: Michael Skinner

Sent: 03 October 2017 18:49

To: Traffic Manager; Charlie Fletcher; Development Control; Environmental Health; Dee Hamilton; 'TVP Licensing'

Cc: Laura Driscoll; Niamh Kelly; Steve Loudoun

Subject: RE: New Street trader application

I really do worry about the potential of accidents should you be minded to allow this application. I also have concerns to the impact on parking especially now the town centre is open. I also have concerns that it's location would potentially mean increased traffic in that vicinity. I don't know how much business this application would gain as the new town centre has many food outlets already and everyone I speak to tells me they want to use those facilities.

Kind regards

Cllr Michael Skinner

Wildridings & Central

This page is intentionally left blank

From: Dee Hamilton

Sent: 03 October 2017 23:51

To: Michael Skinner; Traffic Manager; Charlie Fletcher; Development Control; Environmental Health; 'TVP Licensing'

Cc: Laura Driscoll; Niamh Kelly; Steve Loudoun

Subject: RE: New Street trader application

Hi

I confirm I agree with Cllr Skinner on this matter and have my concerns ,

Best wishes

Cllr Dee Hamilton

Wildridings and Central

This page is intentionally left blank

**BRACKNELL FOREST BOROUGH COUNCIL
STREET TRADING CONSENT - STANDARD CONDITIONS**

Local Government (Miscellaneous Provisions) Act 1982

"The Council" means the Bracknell Forest Borough Council.

"Assistant" means any person working at the street trading vehicle, stall or trailer.

The following conditions apply in respect of all Street Trading Consents granted by the Council. The Council reserves the right to vary or modify these conditions or apply new conditions from time to time as it may in its absolute discretion think fit. The granting of a Consent does not imply approval under any other legislation or activity controlled by the Council.

- 1) These "Standard Conditions" may be supplemented or varied by any "Special Conditions" relating to a particular location as issued with the Consent.
- 2) At all times the Consent Holder and/or any Assistant shall comply with all statutes, statutory instruments and byelaws currently in force.
- 3) On land other than the highway, the permission of the landowner and any necessary Planning Permission shall have been obtained. Confirmation of such shall be provided to the Council prior to the commencement of trading.
- 4) The type, colour and dimensions of any vehicle, stall, trailer, cart or similar to be used under any Consent will be subject to approval by the Council. No change of any approved stall/vehicle or similar is permitted without prior agreement, in writing, from the Council.
- 5) The Consent Holder shall ensure that the stall/vehicle is positioned only on the Consent pitch of the Consent Street for which the Consent is held. The Consent pitch may only be changed mid-term of any Consent period with the agreement of the Council.
- 6) Whilst the granting of a Consent is specific to a particular location, the Council reserves the right to vary the same at any time.
- 7) If a Consent Holder or Assistant is requested to remove or reposition the stall/vehicle by a Council Officer or Police Officer he/she shall immediately comply with that request.
- 8) The hours of trading shall be only within the times specified on the Consent.
- 9) The Consent only specifies those hours during which trading may take place provided that all other legal requirements are satisfied. The Consent does not confer the right to station the stall/vehicle on the Consent pitch at any particular time(s).
- 10) A readily identifiable name shall be conspicuously displayed on the stall/vehicle.
- 11) A copy of the Consent shall be displayed conspicuously on the stall/vehicle and a copy of the "Standard Conditions" and any "Special Conditions" which apply to that Consent shall be carried by whoever is operating the stall/vehicle when trading and shall be produced when requested by any officer of the Council or a Police Officer.
- 12) The Consent Holder shall have and maintain a valid insurance policy against public liability and third party risks. The minimum insurance cover shall be £1,000,000 and shall include cover for any risks arising from the use of the Consent Holder's vehicle, or stall and any additional equipment under his/her control such as generators, etc.
- 13) The Consent Holder may terminate the Consent by written notice to the Council. A refund of the fee will be payable on pro-rata basis calculated to the nearest full week but the Council shall be entitled to retain the first £50 of any fee to be returned to cover administration costs. No refunds are payable if a Consent is suspended or revoked.

Annex G - Conditions

- 14) The Consent is personal to the Consent Holder and is not transferable except in the case of the death of the Consent Holder when the Consent may be transferred, by agreement with the Council, to a member of the Consent Holder's immediate family.
- 15) The fee for a Consent shall be paid in advance. Failure to renew the consent prior to the expiry date may lead to a Consent for the pitch being issued to another applicant.
- 16) The Consent Holder and/or any Assistant shall not sell or offer or expose for sale any goods or articles other than those described within the terms of the Consent.
- 17) The Consent Holder shall not place any advertising signs, boards or notices within the area for which the Consent Holder holds a Consent.
- 18) The Consent Holder, any Assistant or their business shall not be the cause of any nuisance or undue disturbance to any other user of the highway, or the occupier of any land or building.
- 19) The Consent Holder and/or any Assistant shall, on all occasions when carrying on business, conduct themselves in a civil and orderly manner.
- 20) The Consent Holder's stall/vehicle shall be kept in a clean, safe and well maintained condition.
- 21) No waste water or other waste material shall be discharged on to the highway or any adjacent property.
- 22) At least one refuse container shall be provided by the Consent Holder and placed on the pavement near to the stall/vehicle and be available for use by customers. A notice shall also be displayed requesting customers to deposit litter in a waste container.
- 23) The Consent Holder shall ensure that all waste produced, including waste oil, is disposed of in accordance with the Duty of Care under the Environmental Protection Act 1990. All waste must be disposed of via a Licensed Waste Carrier or direct to a Licensed Waste Disposal facility, and records must be retained for at least 2 years.
- 24) The Consent Holder shall ensure that the immediate area in the vicinity of the stall/vehicle is kept clear at all times of all litter originating from their trade and from customers and in particular, shall leave the site clear of such refuse at the completion of trading.
- 25) Adequate precautions shall be taken by the Consent Holder to prevent the risk of an outbreak of fire at the stall/vehicle. Where a power source or heating appliance is present, e.g. a generator or bottled gas container, then a suitable fire extinguisher shall be provided.
- 26) The Consent Holder shall ensure that all heat generating equipment is not operational during any vehicle movements, and the fuel supply to such equipment is switched off at the source. During movement, operation and storage all gas cylinders will be restrained in an upright position within a locked compartment which is ventilated at both high and low levels. The compartment will be clearly labelled "Extremely Flammable LPG" and will provide a minimum of 30 minute fire resistance.'
- 27) All persons handling food shall have a basic food hygiene certificate. It is recommended that refresher training is attended every 3 years. Where an officer authorised under the Food Safety Act 1990 is of the view that a staff member is demonstrating a level of knowledge or competence below the required level that person may be required to attend a basic food hygiene course. Failure to comply with this requirement within a reasonable period will result in a breach of this condition.
- 28) If the Consent Holder is selling food or drink the stall/vehicle shall be registered with the local authority where it is normally kept under the provisions of the Food Premises (Registration) Regulations 1991.

- 29) If a Consent Holder fails to comply with any of the "Standard Conditions" or "Special Conditions" attached to the Consent he/she will risk having the Consent revoked and being prosecuted.

ICE CREAM VANS AND MOBILE TRADERS: SPECIAL CONDITIONS

- 30) The vehicle shall not remain in the same position for a period longer than 30 minutes unless prior permission is obtained from the Head of Regulatory Services.
- 31) The vehicle must not stop or park so as to cause a dangerous obstruction in the road. The vehicle must at all times comply with any parking restrictions as specified at the location, in the Highway Code and within Road Traffic Regulations.
- 32) The vehicle must not stop or park near a school entrance between the hours of 8.00 and 9.00 or 14.30 and 16.00.
- 33) The vehicle must not stop or park anywhere within Bracknell Town Centre. This is defined by the Council as being on or within the roads shown in the plan attached to the Consent. The plan may from time to time be amended by the Council.

TOWN CENTRE: SPECIAL CONDITIONS

- 34) Prior to vehicles entering the town centre a vehicle entry permit shall be obtained and authorised by the Council and no other vehicle shall be used without the knowledge and consent of the Council. Entry to the town centre for vehicles shall be in accordance with the permit conditions.
- 35) The Consent Holder shall be liable for dealing with any claims arising out of the use of their vehicles or trading stalls in the town centre and shall report to the Council any damage to street furniture, paving slabs, etc.
- 36) Any towing vehicle shall only be parked in the town centre for the purposes of loading and unloading and shall be removed immediately such use has ended.
- 37) Unless otherwise agreed, a Consent Holder shall trade in the town centre for a minimum of four days a week.
- 38) The stall/vehicle shall be at the trading location by no later than 07:00 and must be removed along with all waste no earlier than 16:00 and no later than 18:00. Failure to arrive at the site by 07:00 will mean that the trader will not be able to be able to access the area to trade on that day.

LONGSHOT LANE: SPECIAL CONDITIONS

- 39) All packaging used must be marked in such a way that it would be clearly and easily identifiable that it has originated from the street trader.
- 40) At all trading times the Consent Holder must ensure that Thames Water has permanent, unrestricted and unobstructed access to its site at the sewerage pumping station.

This page is intentionally left blank