



**LICENSING PANEL
11 JULY 2018
2.00 - 3.12 PM**

Present:

Councillor Nick Allen (Chair)
Councillor Ms Moira Gaw
Councillor Ian Leake

In Attendance:

Charlie Fletcher, Licensing Officer
Donald Adams, Legal Advisor
Richard Westwood, Ranger
Lizzie Rich, Clerk

Also present:

Councillor Tina McKenzie-Boyle

33. Declarations of Interest

There were no declarations of interest.

34. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted by all.

35. Application for street trading consent in respect of Ozzy's Kebabs, Wildmoor Heath Car Park, Crowthorne

The Panel decided to grant the application for street trading consent, with Bracknell Forest Borough Council's Street Trading Consent - Standard Conditions applied unvaried and in full to that consent. Attention was drawn to Condition (29) as to potential consequences of non-compliance with those applied Standard Conditions:

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.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant,
- the Interested Parties, including the interested parties who submitted written representations but did not attend.

The Panel considered the reference to the Council's own Policy for Determination of Street Trading Consents, and to the Local Government (Miscellaneous Provisions) Act 1982. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that there had been no objections raised by the Police or other consulted body.

Reasons

The Panel decided that the existing issues raised by residents of cars coming up the driveway, fly tipping and anti-social behaviour in the car park were pre-existing issues and would not necessarily be increased by the presence of a street trader in the car park. The Panel felt that the presence of a street trader at this location may help to mitigate anti-social behaviour. The Parks and Countryside ranger in attendance confirmed that a trap camera had been installed at the car park to address residents' concerns about fly tipping. The installation of the camera and signage regarding fly tipping had successfully addressed residents' concerns, prior to this application being submitted. The Panel were conscious that there had been no objections raised by the Police.

The Panel took into consideration the impact on the environment of allowing street trading at the location. However, it was noted that there had been no objections raised by Berkshire, Bucks and Oxon Wildlife Trust and Natural England who had both been consulted on the proposal.

The applicant stated that the majority of his trade would be conducted by online orders and delivery. While the Panel noted the reservations of residents that the delivery driver would be coming and going from the site, the applicant made it clear that he did not anticipate lots of customers to come to the car park to pick up orders. The Panel felt this mitigated the concerns of residents that anti-social behaviour would increase. The applicant stated that the van itself would not be promoted and there would be no 'A-board' placed at the site or roadside.

The applicant stated that he had researched alternative options for the location of his van, and that Wildmoor Heath Car Park, on Sandhurst Road, Crowthorne, was the only feasible option. The Panel noted that the applicant had operated a street trading consent at Longshot Lane for the past 5 years.