



NOTICE OF MEETING

Licensing Panel

Wednesday 11 July 2018, 2.00 pm

**Room 8 Ground Floor South - Time Square, Market Street, Bracknell,
RG12 1JD**

To: Licensing Panel

Councillor Allen (Chairman), Councillors Ms Gaw and Leake

cc: Substitute Members of the Committee

Councillors Mrs Angell, Dr Barnard, G Birch, Brossard, Brunel-Walker, Finch, Finnie,
Mrs McKenzie, Ashman, Porter, Thompson and Tullett

ALISON SANDERS
Director of Resources

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- 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: 28 June 2018





Licensing Panel
Wednesday 11 July 2018, 2.00 pm
Room 8 Ground Floor South - Time Square, Market Street,
Bracknell, RG12 1JD


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

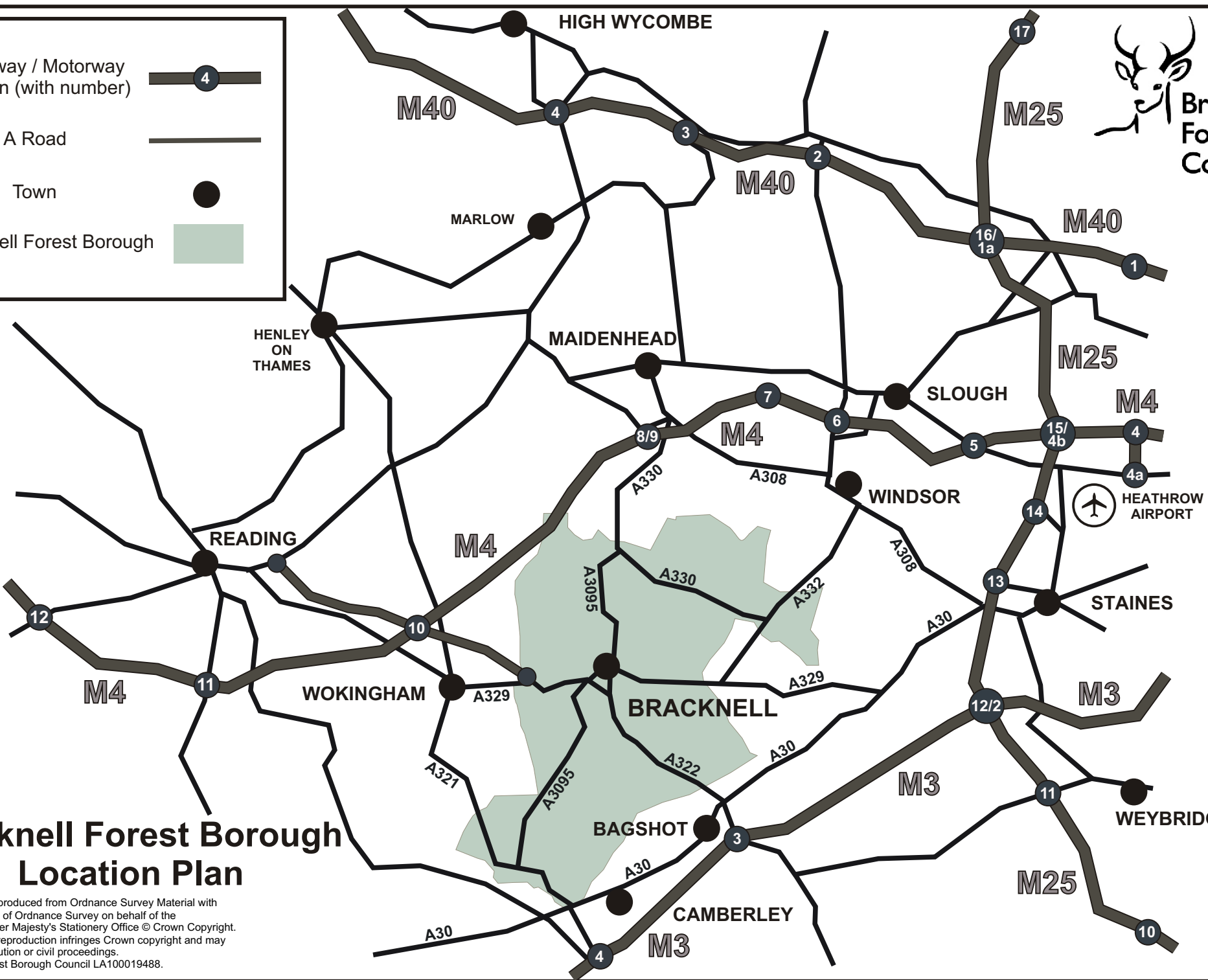
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2. Declarations of Interest	
Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.	
Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from 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.	
Any Member with an affected Interest in a matter must disclose the interest to the meeting. 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.	
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Motorway / Motorway Junction (with number) 

A Road 

Town 

Bracknell Forest Borough 



Bracknell Forest Borough Location Plan








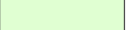




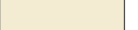
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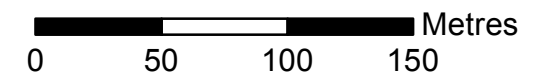
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Bracknell Town Centre Map

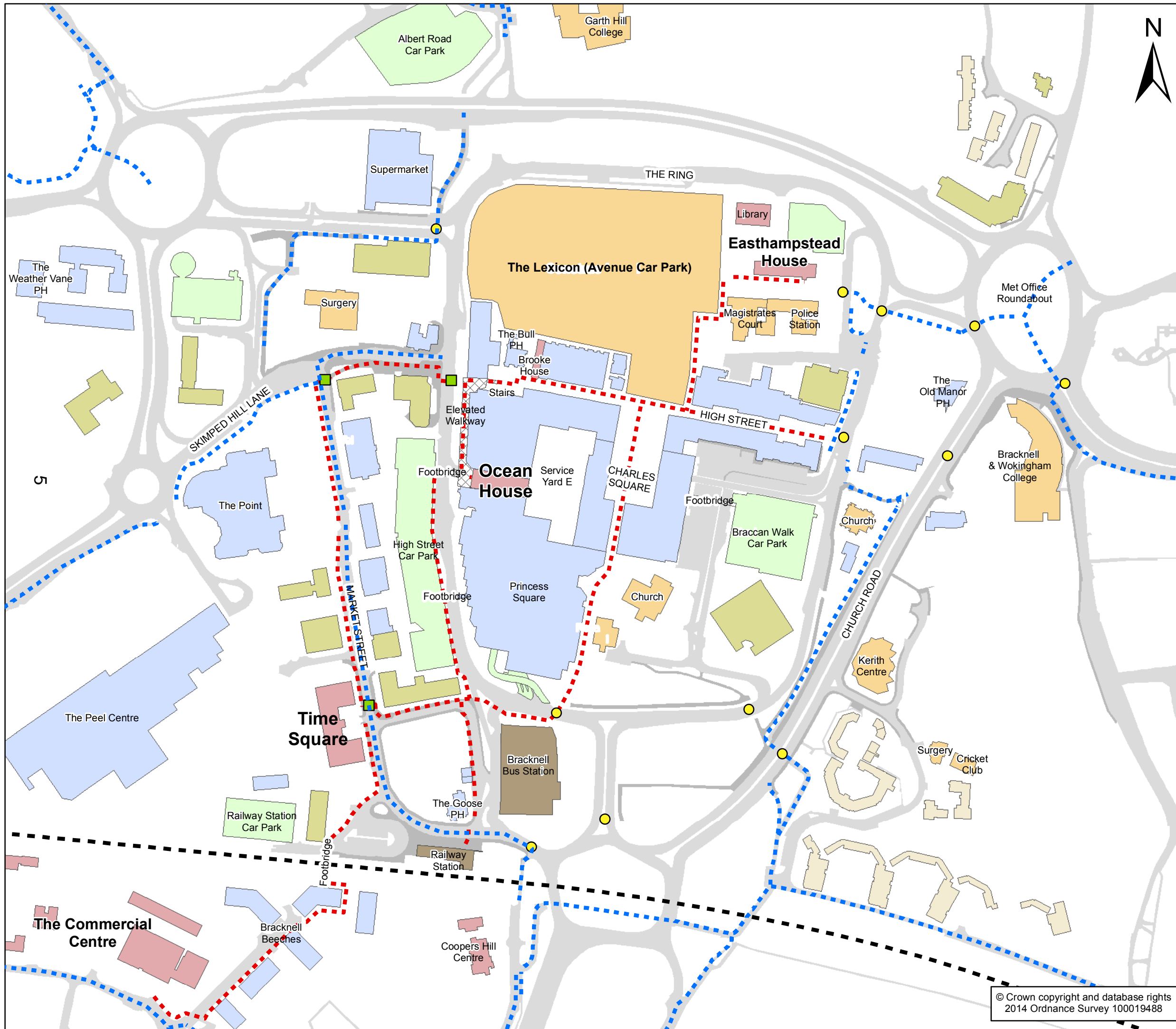


Legend

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



Map Produced June 2014



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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.
- 1.3 Any documents to be produced at the hearing by the Licensing Team 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 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 Licensing Officer 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 Licensing Officer for clarification of any points.
 - (f) The applicant shall have an opportunity to put questions to the Licensing Officer.
 - (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 Licensing Officer may ask the applicant questions and points of clarification.
 - (j) An opportunity shall be given to the Licensing Officer 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. All parties are 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 their 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 Licensing Officer 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:

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 Environment, Culture and Communities
 Bracknell Forest Council
 Time Square

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Berkshire RG12 1JD
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Fax: 01344 352253

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LICENSING PANEL 11 JULY 2018

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 OSMAN KOC T/A OZZY'S KEBABS, WILDMOOR HEATH CAR PARK, SANDHURST ROAD, CROWTHORNE 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**.
- 1.5 As per section 3 of the policy, the maximum period for new site is one month; to allow for a review of the situation should any unforeseen issues arise.

2 APPLICATION DETAILS

- 2.1 On 10/04/2018 an application was made by Mr Osman Koc for a new street trading consent for a van to be known as 'Ozzy's Kebabs', to trade from Wildmoor Heath Car Park, Sandhurst Road, Crowthorne.
- 2.2 The applicant proposes to sell hot food and drinks between the hours of 17:00 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**. Photos of the trading vehicle to be used are attached at **Annex D**.
- 2.4 Agreement in principle has been reached with the Council's Parks & Countryside team for the use of the car park. This agreement would be formalised should a consent be granted by the panel.

3 CONSULTATION

- 3.1 A consultation was carried out in line with section 2.2 of the Council's policy, for the period 01/05/2018 to 22/05/2018.
- 3.2 One objection has been received in relation to the application, attached at **Annex E**.

- 3.3 The objection raises concerns that the siting of a trader in this location will result in an increase in traffic noise, littering, and groups congregating in the car park. The objection also raises security concerns.

4 MEDIATION

- 4.1 A meeting was held on 06/06/2018 at the proposed trading site. In attendance was the licensing officer, applicant, Richard Westwood representing the Parks & Countryside team, and the objector.
- 4.2 The objector's concerns were discussed, as well as the precise location of the trading vehicle within the car park, but no agreement has been reached to mitigate concerns sufficiently for the objector to withdraw their representation.
- 4.3 Following this meeting, further comments were received from this objector, attached at **Annex F**.

5 FURTHER OBJECTIONS

- 5.1 Further to this mediation, six additional objections were received which are attached at **Annexes G to L**. Whilst these comments were received outside of the usual consultation period, it was felt that in the interests of fairness and transparency it was best to include them within this report so that the panel are aware of the concerns raised, including anti-social behaviour, urbanisation of a rural location, potential impacts on the site of special scientific interest (SSSI) special protection area (SPA) and wildlife in general, use of alternative sites, availability of food at other businesses, and the risk of setting a precedent for other businesses. Some comments on each of these points are below.
- 5.2 Antisocial behaviour - it is the opinion of the Council's Parks and Countryside team that having an authorised presence in the car park will reduce existing anti-social behaviour issues in the area. It will be a condition on the street trading consent, should one be granted, that the trader will be responsible for providing a bin and clearing litter in the vicinity.
- 5.3 Urbanisation of a rural location - the vehicle is not a permanent fixture at the trading site as it will not be kept on site during the day or over night. It will be up to the panel to determine whether or not the siting of the trader constitutes an unacceptable urbanisation of the area. Signage on the road is mentioned in one of the objections; to place a sign on the road or pavement, such as an 'A board', permission would be required from the Council's Highways team via a street furniture licence.
- 5.4 Impact on SSSI/SPA/wildlife - the Council's Parks and Countryside team, Berkshire Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT), and Natural England have been consulted in relation to the application and all have confirmed that they do not have any concerns over the likely impact of the trader on the proposed location.
- 5.5 Use of alternative sites - the Council is bound to determine any valid application that is made. The applicant will be able to advise the panel on why this site in particular was chosen if required.
- 5.6 Availability of food at other businesses - the proposed trading site is located approximately 5 miles from the Bracknell Lexicon, mentioned in **Annex I**.

- 5.7 Setting a precedent - any application for a street trading consent is considered on its own merits and in line with Council policy (**Annex A**), based on the type of business proposed, the hours of operation, and the location in question. Either granting or refusing to grant a street trading consent for this location will not set a precedent for potential future application made for this or another site.

5 PANEL OPTIONS

- 5.1 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.
- 5.2 The options available to the Panel have to be considered in light of the Council's Policy at **Annex A**.
- 5.3 If granted, conditions would be attached to the consent. The standard conditions are attached at **Annex M**. If deciding to grant a consent, the panel can attach further conditions if they believe them to be reasonably necessary.
- 5.4 There is no statutory right of appeal against the Council's decision to grant or 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, Licensing Officer

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.

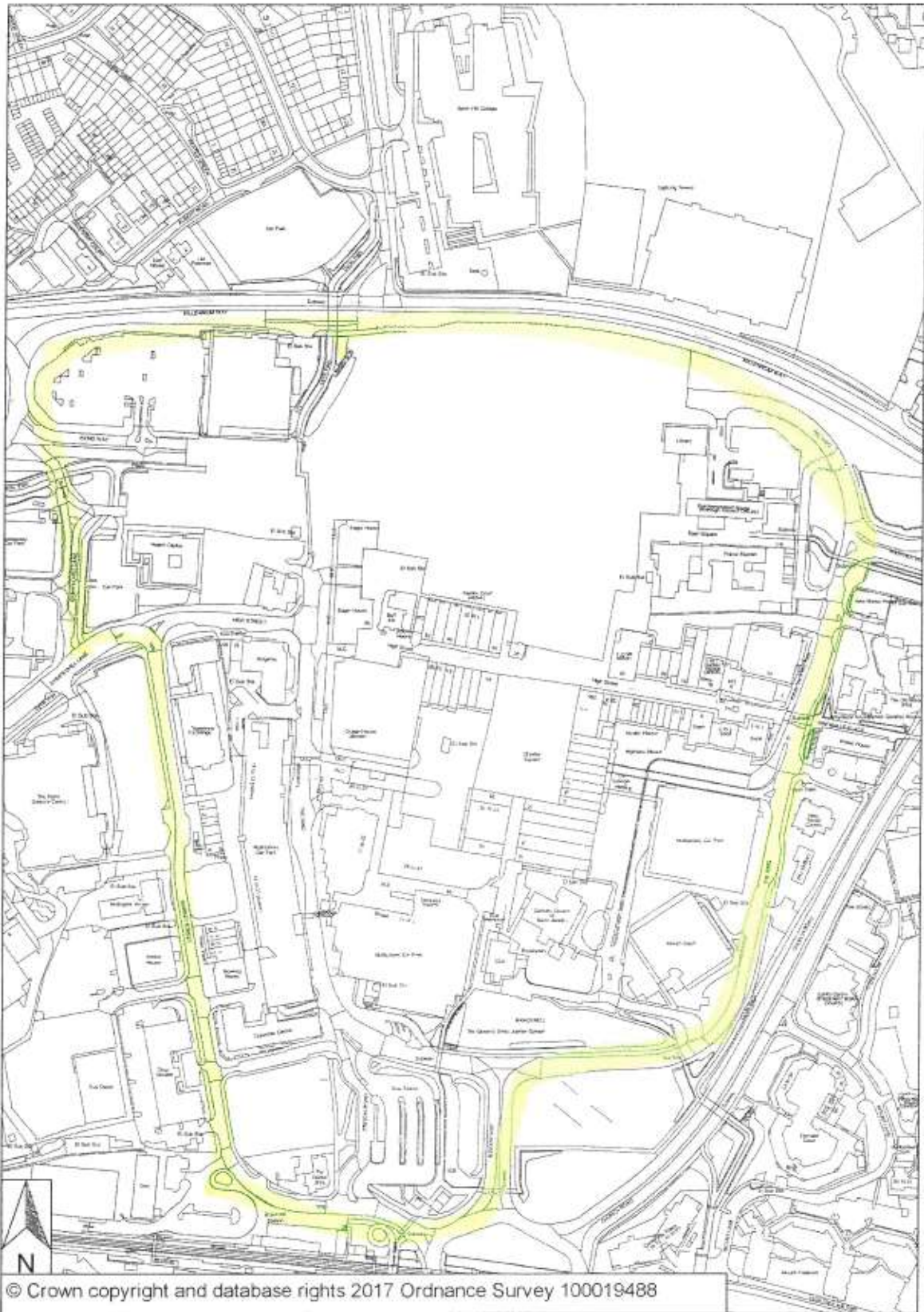
3. Trial Period and Appeals

- 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 13th July 2017



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Bracknell Forest
Application for a street trading licence or consent
Local Government (Miscellaneous Provisions) Act
1982

For help contact
licence.all@bracknell-forest.gov.uk
 Telephone: 01344 352000

* required information

Section 1 of 11

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Ozzy's Kebabs

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes

No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Osman

* Family name

Koc

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

United Kingdom

Section 2 of 11

FURTHER DETAILS ABOUT THE APPLICANT

Former name(s)

If currently or previously known by any other name(s), you must record them here.

Home Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Further Details

* Date of birth

[dd mm yyyy]

* Place of birth

England

National Insurance number

Section 3 of 11

DIRECTORS, PARTNERS, OWNERS AND MANAGERS

Continued from previous page...

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES. Check for local guidance notes and conditions which may clarify exact requirements.

* Are there any such people for whom you need to provide details?

Yes

No

Section 4 of 11

TYPE OF APPLICATION

Type of application: New Renewal Temporary

Specify the period for which the licence is required (if applicable)

14/05/2018

Section 5 of 11

APPLICATION DETAILS

Check for local guidance notes and conditions before completing this section. Some of the questions may not be relevant to local circumstances or your responses may have to provide very specific information

* Type of application?

Street trading licence

Street trading consent

* Trading name

Ozzy's Kebab

What You Want To Trade

* List all the goods and services you want to offer for sale

Lamb Doner, Kichen Shish Kebab, Chips, Onion Rings, Chicken Nuggets, Garlic Mushrooms, Mozzeler Sticks, Burgers, Doner Wraps (both Lamb and Chicken), Soft drinks, Hot Drinks

* Does this include selling food or drink?

Yes

No

* Are you registered as a food business?

Yes

No

* Local authority where you are registered

Bracknell Forest Council

* Registration number

* Where will goods be stored when not on sale?

At home in my garage, i have fridges and freezers both in the garage and in the catering van

When You Want To Trade

Proposed trading times for each day of the week (if applicable)

Continued from previous page...

* Day or days

7

* From

Monday to Sunday Time: 17:00 to 11:00

* To

Monday to Sunday Time: 17:00 to 11:00

Add another day

Where You Want To Trade

* Type of trading

Mobile

Stationary

* Street(s) / location(s) where you wish to trade

Wildmoor Heath Nature Reserve, off Sandhurst road, Crowthorne, Bracknell

Section 6 of 11

DETAILS OF VEHICLE, STALL AND/OR CONTAINER

* Will you be using a vehicle in connection with your work as a trader?

Yes

No

Provide details of the vehicle

* Make

Citroen

* Model

Relay

* Colour

White

* Registration number

V278 JHJ

* Description of unit from which you intend to trade, including dimensions

Mobile catering Van,
Height 250 CM, Width 205CM, Lenght 4650CM

* Where will the unit be stored when not in use?

Space 4U, 48-49 Longshot Ln

Section 7 of 11

PUBLIC LIABILITY INSURANCE

You must have a suitable level of public liability insurance to cover this activity – check local requirements.

* Do you have public liability insurance?

Yes

No

Provide details of the policy

Continued from previous page...

* Insurance company	Mobilers Insurance
* Policy number	KOOX01
* Period of cover	1 year
* Amount of cover (£m)	10

Section 8 of 11

PREVIOUS APPLICATIONS

* Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (check all that apply)

- No Yes - application granted and revoked
 Yes - application granted Yes - application refused

Section 9 of 11

CONVICTIONS

* Have you, or any person named in or associated with this application, been convicted of any crime or offence?

- Yes No

Section 10 of 11

ADDITIONAL DETAILS

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

I have been given permission by the sites management to open and operate to trade, i will attached it with this form the permission and consent.

Section 11 of 11

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

- 1 week £132.00
1 month £354.00
1 month Ice Cream Trader £177.00

* Fee amount (£) 354.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

I am aware of the provisions of The Local Government (Miscellaneous Provisions) Act 1982 concerning street trading. The * details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.

This authority is under a duty to protect the public funds it administers, and to this end may use any information you * provide as part of this application 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

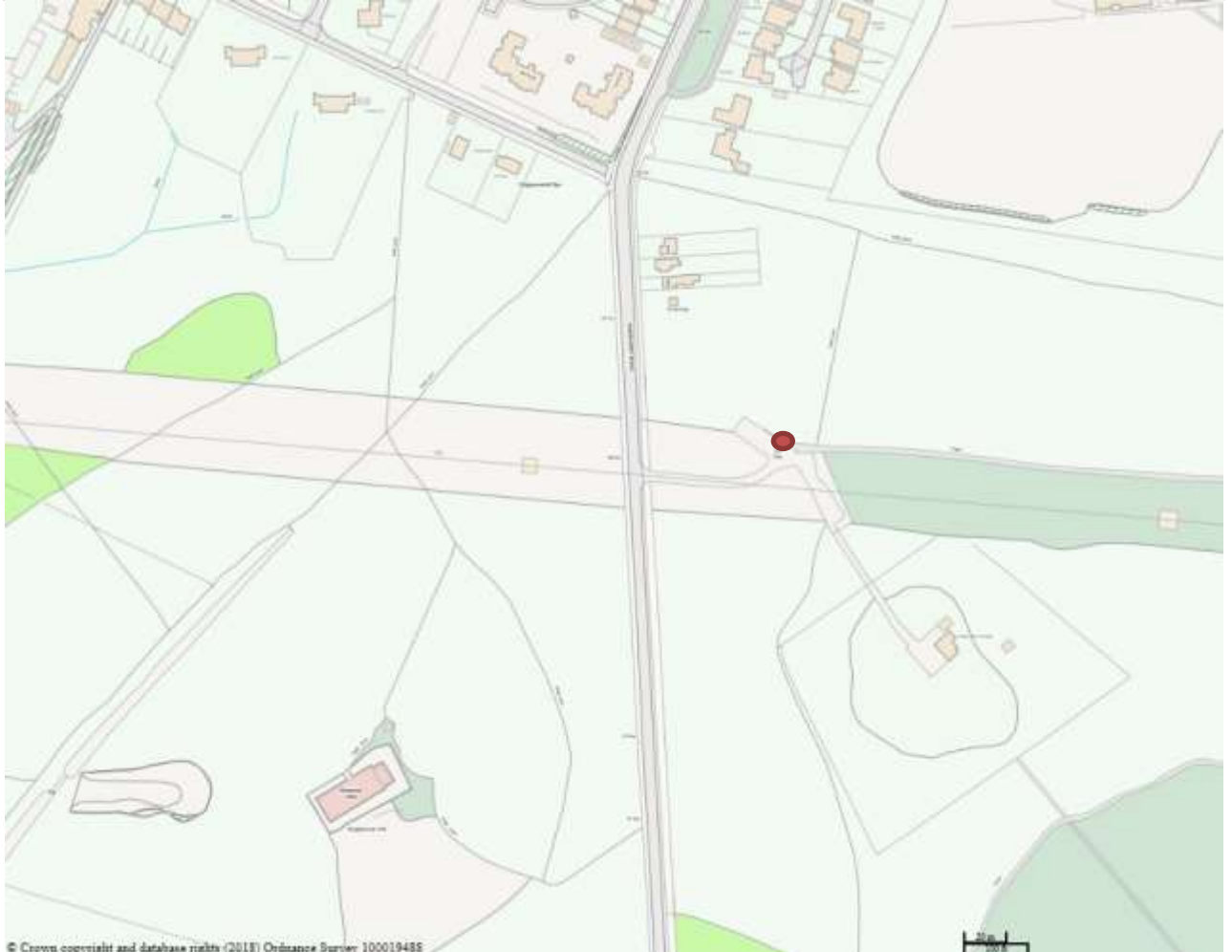
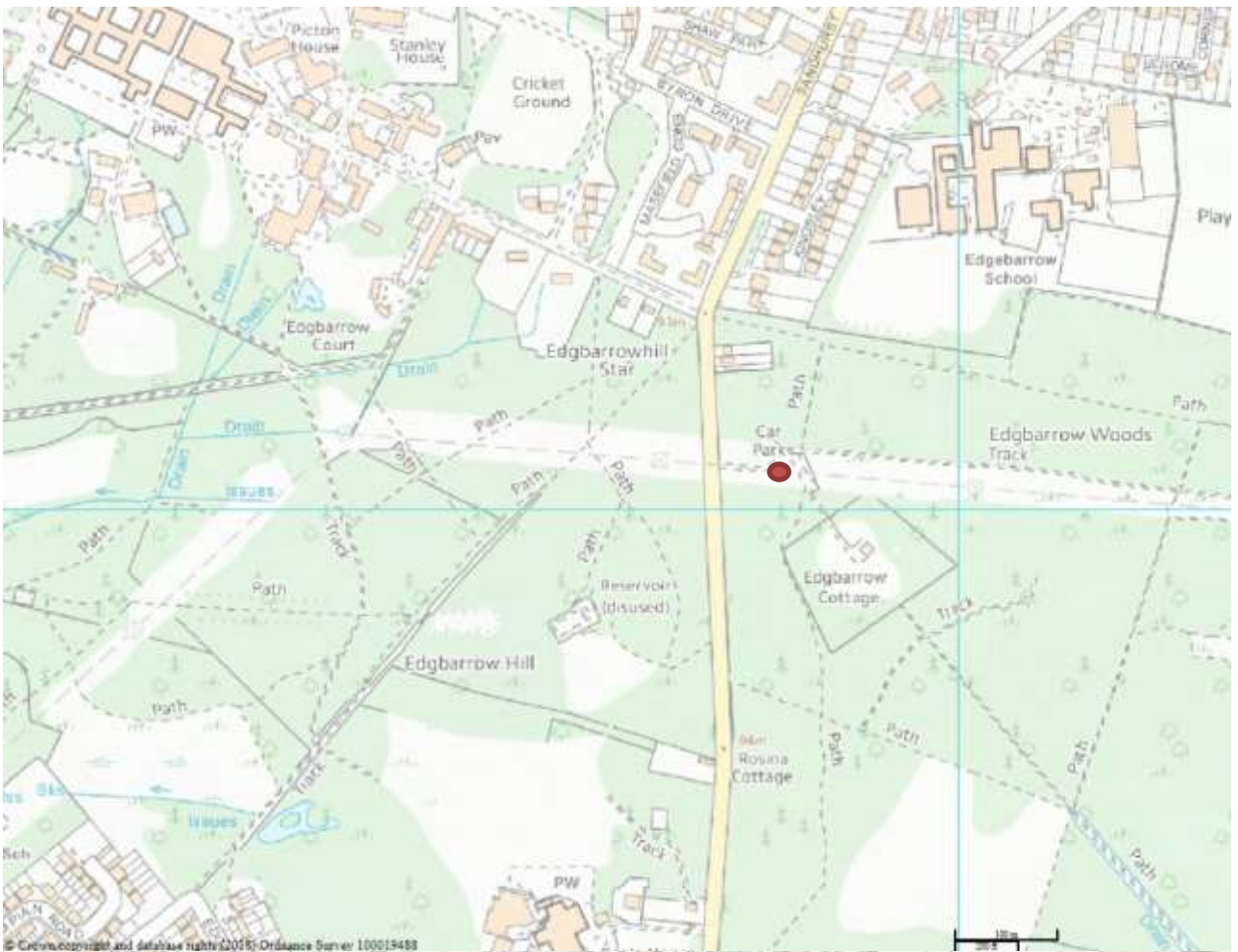
Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/street-trading-licence/bracknell-forest/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.



● Proposed location of street trader at Wildmoor Heath Car Park

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Trading vehicle photos

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[REDACTED]
Sandhurst Road
Crowthorne RG45 [REDACTED]
5th March 2018

Bracknell Forest Council
Licencing Dept.
Times Square
Bracknell

Dear Sirs,

Re: Potential Trading Licence Application for a Kebab Van in
Wildmoor Heath Car Park, Crowthorne

We were very surprised and concerned to hear about the above potential licence application. Having taken a few days to consider the matter, we are now formally writing to request that any such application be refused.

Wildmoor Heath car park sits within an SSI/SPA which prohibits new building. BFC's has recently issued Consultation paper Thames Basin Heath Special Protection Area (SPA) Supplementary Planning. Paragraph 2.2 of this Document identifies the following three "Potential Adverse Effects on the Integrity of the SPA".

- (a) Human disturbance – fly tipping, cat predation, uncontrolled fires and the creation of many additional pathways.
- (b) More visits to the SPA (recreational pressures), disturbance to sensitive species and dog fouling.
- (c) More air pollution resulting from increased car traffic.

]

The Document also identifies Suitable Alternative National Green Spaces (SANGs) and Buffer Zones as "avoidance"/mitigation" measures to take the pressure off SPI/SSIs.

As residents we have noticed an increase in each of these three factors over recent years which is having a detrimental effect on the SPA. There has also been an increase in vandalism, anti-social behaviour and in the number of groups of visitors meeting in the car park late at night. We have also experienced cars coming up our private driveway. This raises safety/security concerns particularly when it happens late after dark.

The introduction of a kebab (or burger) van will inevitably draw more people into the SPA during the late afternoon and evening and deterioration from increased traffic noise and light, litter and groups congregating in the car park. This is likely to continue beyond the hours in which the van is trading.

We are very surprised and disappointed that the Applicant has considered Wildmoor Heath as a potential location for the licence application given its environmental protection and sensitivity. Introducing commercial trading at this location is totally at odds with legal requirements to protect the SSI/SPA.

One alternative solution would be for the Applicant to consider other potential locations which are not subject to SSI/SPA protection and do not adversely impact domestic residents. This could include sites on industrial settings or possible locations such as the car park in Shepherds Meadow or Ambarrow Court.

BFC's "Avoidance/ Mitigation" measures to reduce pressures on the SPI/SPA by offering SANGS and Buffer Zones seem to be an excellent solution. However, the introduction of trading in Wildmoor Heath car park would inevitably increase the pressures on the SPA/SSI rather than reducing them.

Consideration could also be given to locating the van in one of the SANGS or Buffer Zones. This would have the attraction of meeting the Applicant's commercial needs on the one hand and also meet BFC's objective of promoting these new recreational facilities at the same time.

Should an Application be received, we request that a meeting is arranged to discuss the issues at the earliest possible opportunity. Please can you ensure this is well in advance of the any formal meeting is convened. Thank you.

Yours Sincerely

A solid black rectangular box used to redact the signature of the sender.

Cc Parks & Countryside Department

██████████
Sandhurst Road
Crowthorne RG45 ██████████
24th June 2018

Bracknell Forest Council
Licensing Dept.
Times Square
Bracknell
Dear Sirs,

**Objection to Trading Licence Application for a Kebab/ Burger Van
Wildmoor Heath SSI /SPA Car Park, Crowthorne**

Background

In early March the possibility of such an Application was mentioned in passing. In response we wrote to the Licensing Department and copied the Rangers (Parks and Countryside Department) on 5th March raising concerns and objections in the expectation that Application would be withdrawn.

We were surprised and dismayed to be notified on 31st May that a Licence Application had been submitted and allowed to proceed without any discussion of the issues we had raised. We therefore immediately arranged a meeting at Wildmoor Heath with the member of the Licensing Department the Ranger and the Applicant.

It was a good meeting and it enabled us to obtain some details of what was being proposed as we have not been able to obtain a copy of the Application document. It also gave us the opportunity to express our concerns over the likely adverse impacts that would arise from trading in Wildmoor Heath car park. Specifically we shared our concerns over our personal security, safety and privacy and to the valuable protected environment.

We have not been notified that the Application has been withdrawn we now have no option to write to formally request that the **APPLICATION BE REFUSED**. Detailed reasons for our objection are set out below.

UNSUITABLE LOCATION

When assessing the merits of the Application we would ask the Panel to give full recognition of the issues arising due to the sensitive and protected location of the proposed trading location.

Background

Bracknell Forest Council (BFC) website states that ...“ Wildmoor Heath is jointly owned by BFC and the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) who manage the site in partnership as a nature reserve. .. It is one of the most valuable areas in Bracknell Forest for supporting and conserving biodiversity. Three rare birds the woodlark, the nightjar and the Dartford Warbler depend on the lowland heath which is protected by SPA and SSI status . . . Wardens work across the site to monitor visitor trends and monitor conservation of the protected area and its wildlife”.

We have lived in an isolated cottage up a lane off the car park for twelve years. The car park is regularly visited by BBOWT who educate the public on the importance of preserving the sensitive site. They also display signage around the car park to promote good practice. There is also a buffer zone of 400 metres around the SSI/ SPA, within which the building of new houses is prohibited. The zone protects the nature reserve by limiting visitor numbers.

Likely Impacts

Attracting large numbers of people and vehicles into this important, protected nature reserve would be totally at odds with intention, spirit and legal requirements to protect the SSI/SPA. Introducing trading from a kebab van will inevitably draw large visitor numbers to the car park and also into the SPA/SSI during daylight hours and after dark. These visits will reoccur with custom and practice and will often not be limited to one off visits. This would be completely at odds with the range of possible measures being considered by the Ranger / BBOWT to reduce visitor numbers and protect the site.

The road alongside the car park can be busy during parts of the day during times of school runs and the peak times. However, once the evening rush hour is over, the road is quiet with relatively little traffic and not brightly lit. The car park is located over half a mile from the nearest shops, licensed premises and shops in Crowthorne. There is therefore currently little opportunity for passing trade.

To be commercially successful, the van would have to generate trade by drawing traffic into the car park and out of the village. The demographics of people stopping to purchase fast food is likely to be very different to visitors attracted to Wildmoor Heath enjoy the wildlife and walkers. The location also contrasts sharply with urban areas and bright, well lit major roads and intersections / dual carriageways where other vans are located in Bracknell Forest.

We were very surprised that the Applicant chose Wildmoor Heath from the whole range of potential sites that are available to him. We have not been able to establish the reasoning for the choice of location or for the timing of the Application.

We also believe that the Application creates a dangerous precedent for commercial trading within the SSI/ SPA which, if allowed, would be very difficult to revoke. There is also no guarantee that the Applicant himself will be operating the van and it could be operated by different persons in the future, sold on or could even be subject to a change of use.

BFC recently issued "Consultation Paper " Thames Basin Heath Special Protection Area (SPA) Supplementary Planning". This paper identifies Suitable Alternative National Green Spaces (SANGs) and Buffer Zones as "avoidance"/mitigation" measures to take the pressure off and reduce the footfall on valuable SPA/SSI's such as Wildmoor Heath.

BFC's "Avoidance/ Mitigation" measures to reduce pressures on existing SPA/SSI's by establishing new SANGs and Buffer Zones seem to be an excellent way forward in future planning. These options offer the twin attraction of meeting the Applicant's commercial needs on the one hand and also meeting BFC's objective of promoting these new recreational facilities at the same time. We ask the Applicant to investigate such options.

We would also ask the Applicant to re investigate other potential locations which are not subject to SSI/SPA protection and do not adversely impact domestic residents. This would include sites on industrial estates or town centre locations that lend themselves better to commercial trading.

LIKELY INCREASE IN PUBLIC NUISANCE

Paragraph 2.2.of BFC's Consultation Paper identifies three "Potential Adverse Effects on the Integrity of the SPA"

- (a) Human disturbance (fly tipping, cat predation, uncontrolled fires and the creation of many additional pathways).
- (b) More visits to the SPA (recreational pressures), disturbance to sensitive species and dog fouling.
- (c) More air pollution resulting from increased car traffic.

During the past twelve years we have noticed a significant increase in number of visitors to the car park including school traffic and recreational pressures including cyclists and dog walkers. There have also been instances of "human disturbance" from time to time. However, the car park is generally quiet at night, with the occasional disturbance where it is used as a meeting place after dark. Over the years there have also been isolated cases of vandalism and fly tipping (as well as and some limited general littering from sweet and cigarette wrappers and drinks containers).

We have worked closely with several Rangers to safeguard the environment and have been encouraged to report cases of vandalism, fly tipping, littering and anti- social behaviour when they occur. Although each case is unpleasant, fortunately they are not regular occurrences. They also occur during daylight hours and not just after dark. (The latest fly tipping incident of a fridge occurred early in the afternoon).

On 5th June, the Ranger told us about some of the measures being considered to discourage the numbers of visitors to the car park and protect the SPA/SSI. These included installing more security cameras and with signage, fewer parking bays, yellow lining, width restrictions, litter and dog fouling patrols etc. It was therefore a pity that the Application to was allowed to proceed without first being fully discussed with us. We do not believe that the presence of a burger/kebab van in the car park from 5pm to 11pm every evening will have any real effect on reducing anti-social behaviour. We are in no doubt that it would make matters far worse rather than better.

The presence of the van will attract a large increase in traffic and occupants drawn into the car park some of whom will have taken or be carrying alcoholic refreshments. This will inevitably result in increased traffic noise, car radios/ music and headlights from cars manoeuvring in the car park. This is particularly disturbing when it occurs after dark. There would also be an increased risk of access to our driveway being blocked.

There will also be noise and disturbance from groups of customers waiting to be served and then consuming their food and drink. This will continue after trading has stopped and the van has left the car park. There is also likely to be increased littering from the wrappers and containers in which the food is served as well as drinks bottles and glasses. Inevitably litter will be left beyond the confines of the car park and into the SPA and onto our property. Burgers, kebabs, onion rings, and garlic may be very tasty for the consumer. However, the second hand smell of cooking every evening of the year is somewhat less attractive. Providing an eating facility in the car park will inevitably encourage more people to revisit.

INCREASED RISK OF CRIME AND DISORDER

In the twelve years we have lived in the cottage we have always had good relationships with a succession of Rangers. We share a mutual interest in preserving the SPA/SSI and preventing crime and disorder. However, whereas the Ranger has to deal with the results of such behaviour from time to time; we live on site 24/7 every day of the year. For this reason we believe that we are best placed to know what works best for our personal safety and security. The advice of previous owner of twenty five years that our security was best served by maintaining a low profile and that the fewer people that were aware of the property the safer we would be. This has generally served us well.

Over the years there have been occasions of cars and pedestrians coming up our driveway which is clearly marked as "Private". These are disturbing and are worrying for our safety and security particularly when it happens after dark. These have been reported to the police. We have little doubt that large numbers of customers in the car park after dark will lead to an increase in trespass, disorder and could even compromise our personal safety and security. Inevitably there will also be an increased awareness of our house and our movements.

The Ranger has encouraged us to report these cases to the police to raise their awareness. We have found that police driving in and out of the car park significantly reduces / eliminates the numbers of cars parked at night after dark. The recent introduction of a security camera and a notice warning against fly tipping has also significantly reduced the numbers of visitors to the car park at night. We support the Rangers plans to introduce an additional camera and additional signage.

CONCLUSION

We would particularly ask Panel Members to give full weight to our concerns over our right to safety and security and freedom from public nuisance as well as the protection of valuable sensitive environment SPA/SSI when reaching their decision. Specifically, we would ask members of the Panel to consider how they would feel if they were in our position. The Applicant has the option of looking for more suitable options for siting his van; we do not have that luxury.



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From: [REDACTED]
Sent: 26 June 2018 23:01
To: Licence All; Charlie Fletcher
Subject: Objection to Trading Licence Application for a Kebab/ Burger Van Wildmoor Heath SSI /SPA Car Park, Crowthorne

Dear Mr Fletcher,

I was very concerned to hear about the proposed license application for a mobile kebab van to be located evenings at Wildmoor Heath Car Park.

Controlling Anti Social Behaviour in an isolated location?

As you know this is a secluded spot, away from the main road between 2 built up areas (Crowthorne / Sandhurst) and I really question whether we can control anti-social behaviour issues in such a location. Have the Police been consulted on this application and the likely increase in calls, overnight (when Police numbers are next to nothing)?

'Urbanisation' of rural location

Also why would we want to 'urbanise' this location with a trader? It's located in an important separation/gap between two distinctive communities (Sandhurst / Crowthorne) with a strong defensible barrier (Wildmoor Heath). As it's 'off the beaten track', no doubt "signage" will appear on the Sandhurst Road, further urbanising this environment. And without signage, there will be no traffic so no commercial viability of the food van.

Investigation of Alternative Sites?

The other local Kebab van (Muzzy's) is located on a busy roundabout on the edge of the Crowthorne settlement – it's well lit, plenty of traffic passing through, so ideal for surveillance etc. Why has this site been selected and what other possible locations have been investigated and why were they rejected.

SSSI/Special Protected Area – habitat protection

Wildmoor Heath is part of the Thames Basins Heath Special Protected Area to ensure that the rare lowland habitat is carefully managed to ensure the survival of rare ground nesting bird species (Nightjar, Dartford warbler etc.). What consultation with Natural England / RSPB has been carried out? I find it hard to believe that there will be **no** impact of increased lighting, traffic noise, people noise, CO2/NOX pollution, litter, debris etc. That the food van will inevitably bring.

I trust that the panel will share my concern over this ill conceived application on Wildmoor Heath, an internationally important wildlife habitat and nature reserve and will refuse the application.

Kind regards

[REDACTED]
[REDACTED]

Hatch Ride
Crowthorne
RG45 [REDACTED]

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Crowthorne Village Action Group

██████ Dukes Ride, Crowthorne. Berkshire RG45 ██████

26th June 2018

Bracknell Forest Council

Licencing Dept.

Times Square

Bracknell

Dear Sirs,

Objection to Trading Licence application for a Kebab/ Burger van at Wildmoor Heath

SSI/ SPA car park, Crowthorne

This site is an extremely valuable area in the Borough for supporting and conserving biodiversity. It is protected by the SPA and SSI status and it is hard to imagine how having a burger van in the car park will do anything to make this a safe place for the wildlife. Visitor numbers should be limited, not encouraged and this application would be contrary to the safety measures put in place.

Has it been established that artificial light from vehicles in the evenings would not disturb the ground nesting birds? There would inevitably be light, noise and smells and if this is the case, and this disturbance would be harmful to the protected species, then this application should be refused under EU laws.

We have SANGs to encourage people away from the SPA areas and reduce the pressure on the SPA sites and this application would seem to be doing the exact opposite of that, encouraging people into the car park and then beyond should they so wish.

If a van selling burgers is parked in the car park it will clearly encourage more vehicles in, which will result in more pollution, litter and the possibility of anti-social behaviour since it is due to be on site between 5pm to 11pm every evening. Surely this is not something to be encouraged.

CVAG note the comprehensive letter sent by ██████████ and, rather than repeating everything they say so eloquently, we would like to support their views and say that we hope the panel will refuse this application.

██████████

Secretary of the Crowthorne Village Action Group

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Dear Mr Fletcher, Herewith my objection to the application to put a Kebab/ Burger van in the car park at Wildmoor Heath, Crowthorne

1. This site is within the SPA designated land and is valuable for supporting and conserving wildlife, and especially the EU protected ground nesting birds, the Woodlark, the Nightjar and the Dartford Warbler. It is essential for the safety of all wildlife that people are encouraged to leave the area in peace as much as possible and positioning a van selling food in the car park is at odds with this aim.
2. There is no need for this sort of food to be sold from 5pm to 11pm each day in this area. Indeed the aim should be to keep people away from the site so it is beyond my comprehension that such an application should even be considered. It could lead to litter problems, anti-social behaviour and noise and light problems, all of which would be a nuisance and a problem for wildlife.
3. I am unable to see the documents for this application so am not aware of any comments by the team who look after SSSI sites or Natural England who would surely have something to say about this application.
4. Obviously people would go to the site in their cars which would lead to more pollution and an increase in noise and lights at night.
5. Being so close to the newly redeveloped town of Bracknell, with the many and varied places to eat, that should surely be enough for people without this scheme which is both at odds with the aim of the SPA and a precedent for future vans to be positioned in car parks.
6. I sincerely hope that the panel will refuse this application and consider that the integrity of the SPA is important enough to be upheld.

Yours sincerely,

██████████
██████████ Dukes Ride, Crowthorne RG45 ██████████

tel: ██████████
email: ██████████

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From: [REDACTED]
Sent: 27 June 2018 11:02
To: Charlie Fletcher
Subject: Objection to Burger Van at Wildmoor Heath

Dear Mr Fletcher

I hear that an application has been made for a kebab/burger van in the car park at Wildmoor Heath. I am unable to find this application on your web site. Please send me details - also please tell me how to see other correspondence and objections to this application.

I wish to OBJECT to the siting of ANY van or similar selling ANYTHING, but particularly food at this site.

Reasons :

1. This car park is adjacent to the Wildmoor Heath Nature Reserve and the Thames Basin Heaths Special Protection Area. The Nature Reserve is a Site of Special Scientific Interest.

2. A kebab/burger van must inevitably disturb this site and discarded waste food will encourage vermin and help to ruin the safety of the site.

3. The car park is not a roadside location, it is off the road and is intended for visitors to this special site. I cannot see that those visitors will arrive intending to buy food. Therefore the people that do visit it will have no interest in caring for the site and are likely to cause damage by careless behaviour.

Please note that at <https://www.bracknell-forest.gov.uk/parks-and-countryside/parks-visit/wildmoor-heath>

BFC's web site states "Wildmoor Heath has lowland heathland that is part of the ecologically important Thames Basin Heaths Special Protection Area (SPA) and is a Site of Special Scientific Interest". That conflicts massively with having burger vans at the site.

Yours sincerely

[REDACTED]

I also sent this to customer services as follows

Your reference number is BFC79839742.

Title: [REDACTED]
First name: [REDACTED]
Surname: [REDACTED]
Email address: [REDACTED]
Phone number: [REDACTED]

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From: [REDACTED]
Sent: 27 June 2018 09:46
To: Licence All
Cc: Development Control; Rangers; Enviroment-services.admin@bracknell-forest.gov.uk
Subject: Burger Van Licence Application 79839742

I wish to OBJECT to Application 79839742 for the siting of trading by van or similar vehicle on the Wildmoor Heath Nature Reserve BFC79839742.

I appreciate that objections to licenses may be on the grounds

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

The overriding objection is the prevention of public nuisance by placing the business adjacent to the Wildmoor Heath Nature Reserve and the Thames Basin Heaths Special Protection Area. The Nature Reserve is a Site of Special Scientific Interest. There may also be Planning and Environmental concerns

The suggested trading van must inevitably disturb this site and discarded waste food will encourage vermin and help to ruin the safety of the site. One would deduce from other sites where burger van trade that those that visit for a burger will have no interest in caring for the site and are likely to cause damage by careless behaviour.

I am also copying Planning and Parks & Countryside as the BFBC web site <https://www.bracknell-forest.gov.uk/parks-and-countryside/parks-visit/wildmoor-heath> states "Wildmoor Heath has lowland heathland that is part of the ecologically important Thames Basin Heaths Special Protection Area (SPA) and is a Site of Special Scientific Interest". That conflicts massively with having burger vans at the site.

[REDACTED], [REDACTED] Emerson Court RG45 [REDACTED], tel [REDACTED]

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From: [REDACTED]
Sent: 27 June 2018 11:22
To: Charlie Fletcher
Subject: Application for Burger Van Wildmoor Heath SSI Carpark plse forward if necessary

Objection to Trading Licence Application for a Kebab/ Burger Van, Wildmoor Heath SSI/SPA Car Park, Crowthorne

I wish to object to this application for the following reasons:-

I enclose a press release issued by Berks, Bucks, Oxon Wildlife Trust concerning the problems at Wildmoor Heath in 2017. The Wildlife Trust are also working with Thames Valley Police to curb antisocial activities on the site

The structure mentioned in the press release, which was demolished by the Wildlife Trust, had attracted, amongst other things, cases of arson, litter, condoms and general vandalism.

Bearing in mind the problems experienced in I believe that to permit a van for cooking/serving kebabs & burger to park in this carpark would vastly change the local environment by encouraging more visitors to the carpark as potential customers, would encourage considerably increase scavengers such as foxes and squirrels, would increase social/intimate meetings in the locality and endanger animal lives through the increase of food wrappers

yours [REDACTED],
[REDACTED] Ardwell Close, Crowthorne, RG45 [REDACTED]

Press release

PR14/17

For immediate use

Unauthorised structure on nature reserve removed

An unauthorised structure on Wildmoor Heath nature reserve, near Crowthorne that was used as a drinking den has been demolished by the local Wildlife Trust.

The Berks, Bucks & Oxon Wildlife Trust is responsible for the safety of all visitors to the nature reserve, and was very concerned about the unauthorised structure. It had been built by a local resident last autumn, initially for children to play on, but it had also attracted anti-social behaviour and vandalism.

The Wildlife Trust assessed the structure, which was found to be unsafe. Initial attempts to demolish it earlier this year were met with abusive and violent behaviour from people who did not want it to be removed.

Alex Cruickshank, Senior Land Manager for the Berks, Bucks, and Oxon Wildlife Trust, who assisted with the successful removal on Wednesday 21 June, said: "The whole area was littered with drink's bottles and used condoms. The Fire Service had been called out to deal with three cases of arson in a week. It's not something that we want on a nature reserve."

Following the earlier attempt to remove the structure, vandalism on Wildmoor Heath had increased dramatically.

Alex Cruickshank explains: "Signs were smashed, our fences cut and gates damaged. This might have led to serious injury as our cattle could have escaped onto nearby roads, and the loose wire can pose a real hazard. Even our staff had been threatened with violence, which meant carrying out routine work had become problematic."

The Wildlife Trust is working with Thames Valley Police to halt all anti-social or criminal activities on the nature reserve.

Alex thanked people who visit the nature reserve to enjoy wildlife. "People walking their dogs and other legitimate visitors have been giving the area a wide berth, but as the structure came down passing visitors expressed their thanks, as many were aware it had been attracting trouble.

"I am hoping things will settle down because the structure has been removed. But, if anyone sees anti-social or criminal activity, I urge them to phone the police."

Wildmoor Heath is part of the Thames Basin Heaths Special Protection Area, an EU designation that protects the heathland habitats for ground-nesting birds and other rare wildlife including adders and butterflies.

The Berks, Bucks & Oxon Wildlife Trust owns and manages parts of Wildmoor Heath nature reserve in partnership with Bracknell Forest Council.

ENDS

Contact for more information

Wendy Tobitt, Media & Campaigns Manager for BBOWT

T: 01865 788318

M: 07748 641452

E: wendytobitt@bbowt.org.uk

Notes for Editors

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) is one of 47 Wildlife Trusts across the UK working to achieve the shared aim of securing a better future for wildlife. BBOWT's vision is to create a region rich in wildlife and appreciated by all. BBOWT has over 52,000 members. BBOWT brings people and nature together to protect our environment. Our experts work with more than 1,400 volunteers to look after over 80 nature reserves, four education centres and run hundreds of amazing events. We rely on the generosity of individuals, charitable trusts and businesses. Find out more at www.bbowt.org.uk

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**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.

- 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.

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