

**LICENSING PANEL
24 JULY 2018
10.00 - 11.30 AM**



Present:

Councillor Clifton Thompson (Chairman)
Councillor Michael Brossard
Councillor Mrs Pauline McKenzie

Also Present:

Charlie Fletcher, Licensing Officer
Donald Adams, Legal Advisor
Lizzie Rich, Clerk
Cllrs Mrs Birch and Mrs Ingham, Hanworth Ward Councillors
Mr Karaduman (applicant) and Mrs Bunker (translating)

39. Declarations of Interest

There were no declarations of interest.

40. The Procedure for Hearings at Licensing Panels

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

41. Application to vary street trading consent in respect of Bracknell Grill, Leppington, Bracknell

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

- the Licensing Officer;
- the Applicant,
- and those who had made representations

and with reference to the Council's own Policy for Determination of Street Trading Consents and paragraph 7(2) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Panel also took into account the concerns of the ward Councillors for Hanworth, two of whom were in attendance at the Panel meeting. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

After careful consideration of all the information presented, the Panel came to the decision to grant the variation of street trading consent to the applicant at the existing location in Leppington car park, for a trial period of 3 months commencing on Monday 30 July 2018. The Panel agreed to grant the hours of authorised trading times as applied for, namely 16:30 to 23:00 Monday to Friday, and 16:00 to 23:00 on Saturday and Sunday. Although outside of the Licensing Panel's jurisdiction as to the matter of determination of the application itself, the Panel, on

hearing the applicant's own suggestion on the matter, stated that it also wished to make recommendation to the Council's Property team. The Panel requested that the Property team liaise with the applicant with a view to review and to potentially reduce the number of hatch-marked bays allocated for the applicant's sole use in Leppington car park from seven to five, to alleviate disabled parking concerns in the area.

Reasons

The Panel found no evidence in the written and oral submissions from the Licensing Officer or ward Councillors to suggest that the general principle of street trading at Leppington car park was contested.

The Panel noted the concerns raised by ward Councillors, which included concerns of limited disabled parking provision in the car park, the position of your unit close to a school and nursery from which children would be escorted to and from cars in the car park, and the provision of high fat foods close by to schools. However, the Panel did not consider that these concerns were sufficient reason to justify it refusing the application to variation to the existing street trading consent. The Panel did not consider that concerns of limited disabled parking provision in the car park was a material consideration for this Licensing Panel in respect of this particular application before it.

The Panel recognised that there had been no contest to the applicant's operation at the location for as long as he had been operating under the previously consented hours of 17:30 to 23:00 Monday to Sunday.

The Panel considered concerns of littering in Leppington car park, and the applicant confirmed that he had and would continue to place bins on the outside of your unit for customers to use. The Panel, however, considered that there was no evidence before it of litter in Leppington car park being directly attributable to the applicant's operation, particularly reference to discarded plastic drinks bottles in the area. The applicant stated that he did not sell drinks in plastic bottles from his unit. The source of other litter in the area was not clear.

The Panel carefully considered the raised submissions as to the potential effect that the sought extended hours of the applicant's street trading in the Leppington car park might have on the nearby school, nursery and local shops and their users. The Panel determined that as the applicant's existing trading had not been contested thus far, there was insufficient evidence before it to lead the Panel to conclude that the sought extension to the hours of operation at the current location would be likely to be detrimental to the operation and users of the school, nursery or local shops. The Panel did not consider the sought extension of hours to be so significant or different that it would adversely impact on pupils, parents and visitors to the school and nursery, or visitors to the local shops, particularly around the school closing time when the majority of children would leave the site and during weekends and school holidays.

Under the existing street trading consent for Bracknell Grill, the applicant was permitted to arrive 15 minutes before trading hours to set up your van and park appropriately, and to remain at the site 15 minutes after trading hours to clear away. This provision remains under the new hours.

If any complaints about the applicant's operation are brought to the attention of the Licensing Officer during the three month trial period, the matter will be dealt with at the discretion of the Licensing Officer. The applicant may be required to return before a Panel to discuss the issues if they cannot be resolved.

The applicant was reminded of the continuing requirement under his Street Trading Consent to abide by Bracknell Forest Borough Council's Street Trading Consent – Standard Conditions, as applied to that granted consent. This includes conditions numbers 20 to 24 as to the required steps to be taken to prevent waste, either from the trading operation or from customers, being illegally deposited and to ensure that the immediate area in the vicinity of the trading operation is kept clear at all times of such waste.

This page is intentionally left blank