

**LICENSING PANEL  
20 JUNE 2019**

---

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
ADRIAN ARNAUTU, AL CREPES & CAFÉ, SAVERNAKE PARK  
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 28/03/2019 an application was made by Mr Adrian Arnautu for a new street trading consent for a van to be known as 'AL Crepes & Cafe', trading from Savernake Park, Savernake Way, Bracknell.
- 2.2 The applicant proposes to sell Sweet and Savoury Crepes, hot and cold drinks between the hours of 12.00 and 20:00, Tuesday to Sunday.
- 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 04/04/2019 to 02/05/2019.
- 3.2 During this consultation period, three representations were received in relation to the application. These representations are attached at **Annexes D to F**.
- 3.3 These objections raise concerns over the lack of parking, litter, noise and antisocial behaviour 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

Mrs Niamh Kelly

01344 352000

Niamh.kelly@bracknell-forest.gov.uk