

LICENSING PANEL
11TH JUNE 2020

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
MR ZAFER KOC, KINGS KEBAB, BAGSHOT ROAD, BRACKNELL, RG12 9SE
APPLICATION TO VARY STREET TRADING CONSENT LI/20/00174/STTRAD

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 19th February 2020 an application was made by Mr Zafer Koc for a variation to street trading consent for a van to be known as 'Kings Kebabs', trading from Bagshot Road, Bracknell.
- 2.2 The variation proposes to sell kebabs, burgers and hotdogs, between the hours of 07:00 - 01:00 Monday to Wednesday, 07:00-02:00 Thursday, 07:00-02:30 Friday and Saturday and 07:00 to 01:00 on a Sunday. This variation extends the trading hours by 11 hours every day.
- 2.3 A copy of the current granted consent can be found at **Annex B** and a copy of the variation application dated 19th February 2020 can be found at **Annex C** a map showing the proposed trading location is attached at **Annex D**.

3 CONSULTATION

- 3.1 A consultation was carried out in line with section 2.2 of the Council's policy, for the period from 25th February 2020 to 19th March 2020 which included neighbourhood notification letters being sent to residents of Coningsby, Glebewood, and Elizabeth Close.
- 3.2 During the consultation period, five representations were received against the variation application. Representations were received from: The Traffic Manager Wayne Scott, Ward Councillor Peter Heydon, Councillor Chris Turrell, Mrs Andrea Blackmore a local resident and Dr Sophie Needs Environmental Protection Officer. Copies of the representations can be found at **Annex E**.

- 3.3** No representations were received to the variation application by Thames Valley Police, Development Control and Councillor Malcolm Tullett. These responses can be found at **Annex F**.
- 3.4** The objections received give rise to concerns over the increased amount of traffic on an already overloaded road, obstructing the highway during business hours and that the extended trading hours would be detrimental to the purpose of the slip road and the service station.
- 3.5** During the initial consultation period officers from the Public Protection Partnership carried out a site visit on the 6th March 2020. The purpose of this visit was to check that the required mandatory site notice was being displayed at the site of trading. Officers took photographs on the day which confirmed that site notice was not on display. Officers photographs can be found at **Annex G**.
- 3.6** Mr Koc was contacted and made aware that officers had visited the site and that the required site notice was not on display. Mr Koc was advised that he would need to display the site notice and the consultation period would be restarted. The consultation period was restarted on the 16th March 2020 following receipt of photographic evidence from Mr Koc showing that the site notice was affixed at the site of trading. The consultation period ran from 16th March until 13th April 2020. Photograph of site notice affixed at the site of trading can be found at **Annex H**.
- 3.7** Officers re contacted those parties that had raised objections to the initial application to seek confirmation that they wished their original objection to be considered during the amended consultation period. Those objectors confirmed that they wished their original objection to remain in place and be considered by the panel. Copies of these confirmations can be found along with original objections at **Annex E**.
- 3.8** Officers were made aware that Mr Zafer Koc was self-isolating due to underlying health issues during the consultation and application process. Officers contacted Mr Zafer Koc on the 14th April to confirm the information received. Mr Koc appointed his son Mr Sinan Koc on the same day to oversee his variation application on his behalf. Mr Koc requested that all correspondence should be sent to both himself and his son. A copy of the email chain to Mr Zafer Koc can be found at **Annex I**.

4 HISTORY

- 4.1** Mr Koc has held a Street Trading consent with Bracknell Forest Council since 1996 trading from the Bagshot Road location.
- 4.2** The licensing authority have received a number of complaints regarding non-compliance of the terms and conditions of the Street Trading Consent. The complaints received range between 2010 and 2018 and include littering, failure to leave the pitch after trading has ceased, vehicle not being roadworthy, trading before permitted hours. A list of the breaches can be found at **Annex J**.

5 COMMITTEE 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 Committee 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 K.** 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 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

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