

LICENSING PANEL
30TH JANUARY 2022

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
MRS HATICE ANIL OZ, B & B PLUS KEBABS, CROWTHORNE ROAD NORTH
APPLICATION TO RENEW STREET TRADING CONSENT LI/22/00339/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 the 3rd November 2022 licensing received a renewal application from Mrs Hatice Anil Oz for a Street Trading Consent for a van known as 'B and B Plus Kebabs' trading from Crowthorne Road North. A copy of the renewal application can be found at **Annex B**
- 2.2 The current pitch is situated adjacent to the main entrance of a new development on the former Coopers Hill Community Facility where works have commenced to turn the property into a Residential Estate. Officers implemented Section 5 of the Street Trading Policy in view of the commencement of works to ascertain if the current trading location would still be a suitable location for the purpose of Street Trading.
- 2.3 A copy of the current granted consent and site plan can be found at **Annex C**

3 CONSULTATION

- 3.1 The renewal application was processed in accordance with the Bracknell Forest Council's Street Trading Policy and consultation was carried out in line with section 2.2 of the policy, consultation ran from 3rd November to the 1st December 2022.
- 3.2 During the consultation period, 1 objection was received against the renewal application. The objection was received from The Traffic Manager, Highways and Transport Wayne Scott, A Copy of the representations can be found at **Annex D**
- 3.3 The objection received gives rise to concerns relating to Safety, Noise, Odour and accumulation of rubbish.

- 3.4** Responses to the consultation were also received from Thames Valley Police and Environmental Health. Both responded to confirm that they had no objection to the application. Copies of the email responses can be found at **Annex E**
- 3.5** Clarification was sought from Mr Scott, Traffic Manager as to whether the objection submitted could be taken as an objection to this application as it was for a 6 months consent. Mr Scott advised that as the site was an active development that there may be other works required by utility service providers which could mean any pitch occupation could not be guaranteed once the current formal closure at this location ceased. A copy of the email exchange can be found at **Annex F**
- 3.6** Following closure of the formal consultation period licensing received 23 email's supporting the renewal application from members of the public and 1 objection from Countryside Partnerships PLC. In line with section 2.5 of the policy officers made a reasoned decision that the comments submitted by both members of the public and the developer should be made available to members of the licensing committee. Copies of emails can be found at **Annex G**

4 HISTORY

- 4.1** Mrs Hatice Anil Oz has held a Street Trading Consent with Bracknell Forest Council since 2017 trading from the current location in Crowthorne Road North. A data record check shows no complaints were received during the time the consent has been granted, regarding either the operator or site.

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 could be attached to the consent. The standard conditions are attached at **Annex H**. 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

Amanda Ward

01635 519976

Amanda.ward@westberks.gov.uk