

**Report of:** The Environmental Health Business Manager

**To:** General Purposes Licensing Committee

**Date:** 16<sup>th</sup> January 2008

**Item No:** 5

**Title of Report :** Street Trading – Request to Extend Trading Hours

### Summary and Recommendations

**Purpose of report:** To advise on representations received regarding the trading hours of evening street traders and determine whether Committee wish to review the trading hours on the basis of these representations.

**Key decision:** No

**Portfolio Holder:** Councillor Jean Fooks

**Scrutiny Responsibility:**

**Ward(s) affected:** All

**Report Approved by:** Environmental Health Business Manager  
Daniel Smith - Legal & Democratic Services

**Policy Framework:** Approved Street Trading Scheme

**Recommendation(s):** Licensing Committee is recommended:-

- a) to extend the hours for evening street trading to end at 4am on Friday and Saturday nights for a six month trial period
- b) subject to the above, to determine what action is to be taken against those traders who have been observed to be trading well beyond the currently permitted 3.00am finish time.

### **Introduction**

1. Following representations from traders, General Purposes Licensing Committee considered reports on the trading hours of evening street traders following requests to extend the current finish time of 3.00am.

2. In July 2007, Committee resolved to extend the hours for street trading to 4am on Fridays and Saturdays for a 6 month trial period, subject to obtaining the views of Central, South and West Area Committee.
3. In addition, to cover the cost of additional monitoring and enforcement of this initiative, Committee resolved to increase the cost of a street trading licence by £300 per annum for these traders (£150 for the 6 month trial period).
4. At its meeting of 7<sup>th</sup> August 2007, Central South and West Area Committee discussed the proposed amendments to trading hours and expressed the view that trading hours should not be extended until consultation with all interested parties had been carried out.

### **Recent Consultation Process & Results**

5. Accordingly, consultation was carried out by advertising the proposal in the Oxford Times and requiring the evening hot food traders to display the consultation document in their vehicles. Thames Valley Police and Oxfordshire County Council Highways Dept were also consulted.
6. Thames Valley Police have confirmed that they have no objection to the proposal.
7. No comments have been received from Oxfordshire County Council.
8. No comments from other sources have been received as a result of this consultation process.
9. As an additional requirement, to trade beyond 3.00am the traders are also required to apply for a variation to their licenses granted under the Licensing Act 2003. Six traders have done this so far. No representations were made in respect of these applications and so they have been granted. However, these traders are still currently constrained by the 3.00am finish time of their street trading consent.

### **Previous Representations Received**

10. Representations from several groups and individuals have been received over the last year concerning the trading hours of evening street traders.
11. The traders themselves claim to have substantial support for later trading hours in the form of petitions signed by their customers. However, only one of these documents has been seen by Officers. This document contains approximately 900 signatures.
12. Pembroke College had previously made representations concerning the problems caused by late trading by the traders in St Aldates and Pembroke Square and provided details of occasions where the permitted trading hours had been exceeded.

13. St Edmund Hall JCR has expressed support for the traders and opposition to the restriction on trading hours to 3.00am as it is felt that the traders provide a useful service to students.
14. The Master of University College has written to express support for the trader situated by the college in maintaining it's operating hours.
15. A representation has been received from an individual who feels that the evening street traders are the source of mess & litter in the city centre.
16. Several anonymous letters of complaint (seemingly from the same source) have also been received complaining about late operation of the vans in Pembroke Square & St Aldates but it has not been possible to ascertain the origin or authenticity of these documents.

### **Trading Observations**

17. Occasional observations have been made by the Environmental Health Emergency Out Of Hours Team during their work in the city centre. As a result of these observations, some traders have been seen to comply with the 3.00am finish time whereas others have continued to trade well beyond 3.00am.
18. Reminders letters concerning trading hours have been issued to all traders but breaches of trading hours have still been witnessed. Enforcement action has been suspended whilst the question of extending the permitted trading hours is resolved.
19. Subject to the decision on trading hours, Committee may therefore wish to consider what action to take against those traders that have been observed trading well beyond the permitted 3.00am finish since being advised in January of the need to comply with this requirement. Actions possible include further written warnings to traders, prosecution for illegal street trading or revocation of existing street trading consents.

### **Recommendation**

Licensing Committee is recommended to:-

- a. to extend the hours for evening street trading to end at 4am on Friday and Saturday nights for a six month trial period
- b. subject to the above, to determine what action is to be taken against those traders who have been observed to be trading well beyond the currently permitted 3.00am finish time.

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**Background papers:** Various letters of representation