

Agenda

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General Purposes Licensing Committee

Date: **Tuesday 10 June 2014**

Time: **5.30 pm**

Place: **St Aldate's Room, Town Hall**

For any further information please contact:

Sarah Claridge

Telephone: 01865 252402

Email: sclaridge@oxford.gov.uk

General Purposes Licensing Committee

Membership

Chair

Vice-Chair

The quorum for this meeting is 4. Substitutes are not permitted.

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AGENDA

Pages

1 ELECTION OF CHAIR FOR THE COUNCIL YEAR 2014/15

2 ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2014/15

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4 DECLARATIONS OF INTEREST

Councillors serving on the Committee are asked to declare any disclosable pecuniary interests they may have in any of the following agenda items.

5 **GENERAL PURPOSES LICENSING COMMITTEE - APPOINTMENT OF SUB-COMMITTEES**

7 - 12

The Head of Law and Governance has submitted a report that establishes Sub-Committees for the 2014-15 Council Year; to deal with the casework flowing from the Committee's own responsibilities.

Recommendations: That the Committee:

- (1)(a) Establish a Hackney Carriages and Private hire Licensing Sub-Committee for the Council Year 2014-15, to agree its powers and duties and to appoint members to it on the basis of political balance;
 - (b) Note that the quorum for the Hackney Carriages and Private Hire Licensing Sub-Committee is two and to agree the proviso that the Sub-Committee can only proceed on this basis if the person appearing before the Sub-Committee agrees;
- (2)(a) Establish a Licensing and Registration Sub-Committee for the Council Year 2014-15, to agree its powers and duties and to appoint members to it on the basis of political balance;
 - (b) Note that the quorum for the Licensing and Registration Sub-Committee is two and to agree to the introduction of a proviso that the Sub-Committee can only proceed at quorum or with three members if the person appearing before the Sub-Committee agrees;
- (3) Agree that substitution is permitted on the two Sub-Committees but that substitutes must be from the Committee itself.

6 **UPDATE ON TAXI LICENSING ACTIVITY: 2013/14 COUNCIL YEAR**

13 - 20

The Head of Environmental Development has submitted a report which informs the Committee of the progress made by the Taxi Licensing Function during the Council Year 2013/14.

Recommendations That the Committee:

- (1) Notes the contents of the report;
- (2) Makes any comments and recommendations regarding the future work of the Taxi Licensing Function.

7 STREET TRADING POLICY REVIEW

21 - 68

The Head of City Development has submitted a report which details a report on the draft Street Trading Policy 2014.

Recommendations: That the Committee:

- i) notes the content of the report and approve the draft Street Trading Policy;
- ii) authorises the Head of Environmental Development to undertake a public consultation on the reviewed Street Trading Policy.

8 MINUTES

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Minutes from 21 January 2014.

Recommendation: That the minutes of the meeting held on 21 January 2014 be APPROVED as a true and accurate record.

9 DATES OF FUTURE MEETINGS

The Committee is asked to note the following dates on which it is scheduled to meet and to confirm the start time of its meetings for the remainder of the Council Year 2014/15.

Tuesday 23rd September 2014
Tuesday 27th January 2015

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

¹ Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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To: General Purposes Licensing Committee

Date: 10th June 2014

Report of: Head of Law and Governance

Title of Report: GENERAL PURPOSES LICENSING COMMITTEE – APPOINTMENT OF SUB-COMMITTEES

Summary and Recommendations

Purpose of report: To establish Sub-Committees for the 2014-15 Council Year to deal with the casework flowing from the Committee's own responsibilities.

Report approved by:

Legal: Daniel Smith

Policy Framework: Not applicable

Recommendation(s): The Committee is RECOMMENDED to:-

- (1)(a) establish a Hackney Carriages and Private Hire Licensing Sub-Committee for the Council Year 2014-15, to agree its powers and duties and to appoint members to it on the basis of political balance;
- (b) note that the quorum for the Hackney Carriages and Private Hire Licensing Sub-Committee is two and to agree the proviso that the Sub-committee can only proceed on this basis if the person appearing before the Sub-Committee agrees;
- (2)(a) establish a Licensing and Registration Sub-Committee for the Council Year 2014-15, to agree its powers and duties and to appoint members to it on the basis of political balance;
- (b) note that the quorum for the Licensing and Registration Sub-Committee is two and to agree to the introduction of a proviso that the Sub-committee can only proceed at quorum or with three members if the person appearing before the Sub-Committee agrees;
- (3) agree that substitution is permitted on the two sub-committees but that substitutes must be from the Committee itself.

1. For the 2013-14 Council Year the Committee established two sub-committees, a Hackney Carriages and Private Hire Licensing Sub-Committee and a Licensing and Registration Sub-Committee. This report is recommending the re-establishment of both sub-committees.

HACKNEY CARRIAGES AND PRIVATE HIRE LICENSING

2. The powers and duties of a Hackney Carriages and Private Hire Licensing Sub-Committee are set out in Annex 1 to this report. The Sub-Committee is essentially a body that deals with casework.
3. Last year three members were appointed to the Sub-Committee with two members appointed as standing substitutes for two of the appointed members. For this year I suggest that substitution is more widely drawn, namely that any member of the Committee may act as substitute. The Sub-Committee should be politically balanced. If three members are appointed to serve on it this year, the political balance will need to be 2 Labour and 1 Liberal Democrat members. If the Committee wishes to appoint a different number of members, I will report orally on the political balance requirement.
4. The Constitution provides for the Sub-Committee to be quorate if only two members are present. However the procedures that relate to the Sub-Committee say that in those circumstances the Sub-Committee can only go ahead if the person appearing before it agrees. The Committee is being recommended to agree to this proviso, and if it accepts the recommendation the Constitution will be amended accordingly.
5. Dates have been set for meetings of the Sub-Committee and they are set out in Appendix 1.

OTHER LICENSING MATTERS

6. The powers and duties of a Licensing and Registration Sub-Committee are set out in Annex 2 to this report. The Sub-Committee is essentially a body that deals with casework.
7. Last year, four members were appointed to the Sub-Committee. The Sub-Committee should, be politically balanced. If four members are appointed to serve on it this year, the political balance will need to be 2 Labour and 2 Liberal Democrat members. The substitution arrangements referred to above for the Hackney Carriages Sub-Committee should apply to this Sub-Committee with the addition that if the Sub-committee is at quorum or three members it can only proceed if the person appearing before it agrees.
8. No dates have been fixed for the Sub-Committee. Its business cannot be predicted. It will meet as and when required.

Name and contact details of author:-

Mathew Metcalfe
Committee and Members Services Officer
Town Hall Oxford OX1 4YS
Tel: 01865 252214 e-mail: mmetcalfe@oxford.gov.uk

Background papers: None

Version number: 1

HACKNEY CARRIAGES AND PRIVATE HIRE LICENSING SUB-COMMITTEE

Powers and Duties

1. To deal with cases concerning applicants for or holders of taxi, private hire or other driver or vehicle licences brought to the sub-committee by officers
2. To decide taxi and private hire and other vehicle, driver and operator licence applications when the applicant has a conviction and the relevant service head has concerns about the nature of the offence or the applicant or the vehicle may not be suitable for some other reason
3. To withdraw and suspend licences for taxis and private hire and other vehicles and their drivers and operators.

Dates of Meetings (all at 5.00 pm)

18th June 2013
30th July
17th September
29th October
17th December
28th January 2014
18th March
29th April

LICENSING AND REGISTRATION SUB-COMMITTEE

1. To decide sex establishment licence applications when there are objections
2. To decide street trading applications that are for longer than three months.
3. To decide applications to renew street trading permissions when there has been a complaint about the trader, or the trader has broken the conditions of their street trading permission in the past year or where there is competition for a vacant approved site.

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To: General Purposes Licensing Committee

Date: 10 June 2014

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity:
2013/14 Council Year

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function during the 2013/14 Council year.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy

Recommendations: That the Committee:

(i) Notes the contents of the report; and

(ii) Makes any comments and recommendations regarding the future work of the Taxi Licensing Function.

Introduction

1. This report informs Committee of progress made by the Taxi Licensing Function under the duties of the Town & Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 during the 2013/14 Council Year.
2. The report covers data on service volumes; details of Taxi Licensing hearing decisions; decisions made under delegated powers; information on volumes of drivers and vehicles and enforcement activity.
3. The tables below provide data on licence applications received and processed during the period that this report covers.

Licences Issued	Total 2013/14 Council Year
Hackney Carriage Driver	330
Private Hire Driver	692
Hackney Carriage Vehicle	132
Private Hire Vehicle	743
Private Hire Operator	27

Actions Undertaken	Total 2013/14 Council Year
Licensing Hearings	21
Enforcement Actions Commenced	385
Prosecution Cases Started	8
Complaints about Drivers / Vehicles / Operators	250

Applications Granted by the Licensing Authority

4. A hearing is not required where an application has been lawfully made and no adverse information pertaining to the “fitness” of a person or vehicle to be licensed by this Authority has been found. There have been 1008 driver, 875 vehicle, and 27 Operator licenses issued by the Head of Environmental Development under delegated authority during the reported period. Fourteen applications to grant or renew driver licences were determined by the Hackney Carriage and Private Hire Licensing Sub-Committee.

Hackney Carriage & Private Hire Licensing Sub-Committee Hearings

5. When adverse information pertaining to the “fitness” of a person or vehicle to be licensed or to continue to be licensed by this Authority has been found then the matter is determined at a Sub-Committee Hearing.
6. Such adverse information may be derived from information relating to an application such as health concerns, relevant cautions or convictions, or from the enforcement records held by the Licensing Authority in relation to serious incidents, or repetitive failures to adhere to standard drivers and vehicle conditions will call in to question a licence holders suitability to meet with this Authority’s description of a Fit and Proper person.
7. Whilst there is no legal definition the criteria the Authority consider relevant are set out in the Policy on the Relevance of Warnings, Offences, Cautions and Convictions states:

Fit and Proper Person: *A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.*

8. During the 2013/14 Council year, 21 Hearings were held to determine the fitness of new applicants and existing licence holders. The results of the Hearings are shown in the table below:

	Granted	Councillor Warning	Refused	Suspended	Revoked
New Driver	5	0	2		
Existing Driver	2	0	5	1	6

Appeals

9. Six Sub-Committee decisions were appealed to the Magistrates' Court during the period covered by this report (note: not all of the six appeals relate to those decisions shown in the above table, but also to matters determined in the 2012/13 Council year).
10. These appeals concerned the Sub-Committee decisions to revoke Private Hire Driver Licences following 3 drivers being convicted for Plying for Hire and driving without insurance, 2 drivers exceeding the levels of Warnings able to be issued by the Licensing Officers, and 1 driver having been issued with a Police Caution for an offence of violence.
11. The Court dismissed the 3 appeals relating to the revocations for Plying for Hire and driving without insurance and the 2 appeals relating to the accumulation of Warnings; but upheld the appeal relating to the driver who had been issued with a Police Caution. The Court gave its reasons for upholding the appeal as:
- I. The Council's own policy stated cautions should not be treated as seriously as convictions.*
 - II. The Sub Committee had not had all the information at the hearing, there was evidence of provocation before the assault.*
 - III. No members of the public were present at the time of the incident.*
12. Following discussions between the Chair of this Committee, the Council Lawyer and the Licensing Team Leader and consideration of the reasons given by the Magistrates' for overturning the decision of the Sub-Committee, it was decided that there were insufficient grounds on this occasion for the Council to pursue a further appeal against the decision of the Court.

Enforcement Activity

13. Whilst engaged on Enforcement Operations throughout the 2013/14 Council year, the Licensing Team has carried out 385 enforcement interventions, issuing the following sanctions (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions):
 - 6 Cases still pending (awaiting further intelligence reports)
 - 32 No further action taken due to credible driver explanations
 - 17 Failures to submit DBS or Medical Disclosure
 - 2 Licences surrendered
 - 1 Recommendation to undertake English Language course
 - 7 Responses to queries relating to Enforcement Procedures
 - 35 Verbal Advice given at scene of an incident
 - 74 Advisory Warnings
 - 66 First Level Warnings
 - 34 Second Level Warnings
 - 32 Final Warnings
 - 15 Permits issued to vehicles with minor damage to remain in service for a maximum period of 28 days
 - 24 Notifications of referral to the Sub-Committee
 - 6 Suspension Notices (driver)
 - 6 Suspension Notice (vehicle)
 - 20 Notifications of non-payment letters
 - 8 PACE interviews following Test Purchase Operations
14. The purpose of the “Warning” system is to educate licence holders as to their responsibilities and the need to uphold the Taxi Licensing objectives. Verbal advice and the four levels of “Warnings” may be issued by the Licensing Officers, and the level of “Warning” issued is dependent upon the nature of the incident, the severity of the matter, whether there have been any previous incidents of non-compliance, and how the matter sits in relation to the Taxi Licensing objectives.
15. Verbal advice was given at the scene of a number of incidents relating to drivers committing basic Road Traffic Act offences whilst the Licensing Officers were carrying out their night time enforcement duties.
16. Typically Warnings issued by the Licensing Officers related to failures and / or accumulated failures by licence holders to declare relevant motoring convictions, failures to adhere to the conditions attached to their driver / vehicle licence, failures to provide satisfactory documents in relation to the licence renewal process, and in some cases Suspensions were issued due to concerns relating to the licence holder upholding the objectives of public safety following relevant information from Thames Valley Police.
17. As well as the disciplinary measures taken during the enforcement operations, 250 complaints were received from members of the public during this reporting period relating to poor customer service, rudeness,

road traffic offences and plying for hire, and a breakdown of the actions taken by the Licensing Officers is detailed below:

- 5 Cases currently still active (at the time of compiling this report)
- 140 Cases where no further action was or could be taken*
- 26 Verbal Advice given
- 29 Advisory Warnings
- 16 First Level Warnings
- 16 Second Level Warnings
- 6 Final Warnings
- 2 Meetings held with drivers regarding accumulation of Warnings
- 5 Notifications of referral to the Sub-Committee
- 5 Referred to other Local Authorities to investigate

** due to the version of events stated by the complainant and the driver being too dissimilar and no independent witness to verify either account, a record is kept on the driver file should similar issues be reported. It should also be noted that some complaints have been maliciously made about drivers and when the complaint has been challenged by the Licensing Officers, the complainant has not responded.*

18. The Weekend Night-time Operation implemented by the Environmental Development Service operates between 11.00 p.m. and 4.00 a.m. on both Friday and Saturday nights and proactively checks for non-compliance by both the Hackney Carriage and Private Hire trades.
19. This further increases our robust enforcement presence throughout the city at weekends and the two Council Officers carrying out the Operation report any findings back to the Licensing Authority in order that the appropriate actions are undertaken.

Test Purchase Operations

20. During the 2013/14 Council year, 12 Test Purchase Operations were carried out resulting in 8 drivers failing the Test Purchase. Resulting from the Operations 7 interviews (under the Police & Criminal Evidence Act) have been carried out by the Licensing Officers investigating suspected offences of plying for hire and driving without the correct insurance (a Private Hire Vehicle is not insured for public hire, whereas a Hackney Carriage Vehicle is).

Note: *We were unable to proceed with one prosecution owing to the driver having left the country for four months, resulting that the time permitted in law to (Limitation of Proceedings) meant that it would not be possible to comply with the necessary timescales.*

21. Resulting from the above PACE interviews all of the cases were forwarded to Law & Governance for consideration to prosecute drivers for the offences of plying for hire and driving without the correct insurance.

Prosecutions

22. During the 2013/14 Council year, 3 cases of plying for hire and driving without the correct insurance were heard in the Magistrates Court (relating to Test Purchase Operations and PACE interviews carried out prior to this reporting period and during this reporting period), the 4 other cases are due to be heard shortly. In recent months the Court period of time between submitting the prosecution file and the date of the Court hearing appears to have lengthened caused by factors beyond the control of the Council.
23. A further case of plying for hire and driving without the correct insurance were heard in the Magistrates Court, following one particular driver found twice during standard enforcement operations to be offering his services without the knowledge of his Private Hire Operator. He was found guilty on both counts.
24. In all of the above cases, the licence holders were found guilty of both offences, and issued with 6 penalty points to be endorsed on their DVLA Licence and a fine and ordered to pay costs.
25. The sentences handed out by the Court immediately gave rise to the licence holders having been found guilty of committing a “relevant offence” in relation to his or her status as a “fit and proper” person to continue to hold a licence, and all cases were / have been referred on to the Hackney Carriage and Private Hire Licensing Sub-Committee for determination in accordance with our Policy on the Relevance of Warnings, Offences, Cautions and Convictions, which states:

The Licensing Authority regularly carries out what are known as “Test Purchase” Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

26. Should any such driver reapply for a licence with this Authority, then they will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee in order to determine the application. The Sub-Committee will be (unless there are valid reason to depart from it) be directed by our Policy on the Relevance of Warnings, Offences, Cautions and Convictions, which states:

If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.

Future Work

27. The Licensing Authority has been working in partnership with the Community Safety Team in order to assess and implement ways of helping the Trade be aware of Child Sex Exploitation, and it has been agreed to place an “information page” regarding this subject within the current Hackney Carriage and Private Hire Driver Application Pack, and to introduce some related questions into the existing Local Knowledge Test undertaken by all new applicants.
28. The enforcement programme will continue in its current guise, namely daytime inspections of vehicle at taxi ranks, inspections of Private Hire Operator records and facilities, late night enforcement operations throughout the city, and late night Test Purchase operations and if there is financial scope the number of Test Purchase operations will be increased.
29. The Licensing Team has met with its counterparts at our neighbouring Authorities in an attempt to discuss the rise of out of district Hackney Carriages being used predominately in Oxford to carry out Private Hire work on behalf of some Oxford licensed Private Hire Operators.
30. Whilst the law does not make this practice illegal, it causes great concern to the Licensing Authority as the high standards and rigorous criteria imposed by ourselves is not applicable to those licensed by our neighbours, and in some cases leads to the public being serviced by drivers and vehicles that do not meet with the Council objective of Oxford being a world-class city.
31. Unfortunately, whilst some of our neighbours have developed a close working relationship with us to address this matter, and undertake suitable levels of enforcement, others do not carry out such enforcement nor seek to make enquiries as to the purpose for individual vehicle owners seeking a Hackney Carriage Driver and Vehicle licence with them, despite there not being any demand for such a service in that district, leading to potential new applicants and some existing Oxford licensed Private Hire Drivers and Vehicles to seek a licence from a cheaper and less proactive Authority.

Legal Implications

32. There are no legal implications contained within this report.

Financial Implications

33. Any financial implications contained within this report will be met within existing budgets.

Recommendations

34. The Committee is recommended to:
 - (i) note the content of the report; and

- (ii) make any comments and recommendations regarding the future work of the Taxi Licensing function.

Name and contact details of author:

Julian Alison

Licensing Team Leader

Tel: (01865) 252381

Email: jalison@oxford.gov.uk

To: General Purposes Licensing Committee

Date: 10th June 2014

Report of: Head of Environmental Development

Title of Report: Review of the Street Trading Policy 2014

Summary and Recommendations

Purpose of report: To seek approval from the Committee to consult on the draft Street Trading Policy.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendations:

Committee is recommended to:

- i) note the content of the report and approve the draft Street Trading Policy;
- ii) authorise the Head of Environmental Development to undertake a public consultation on the reviewed Street Trading Policy.

Appendix A – Draft Revised Street Trading Policy 2014

Appendix B – Current Street Trading Policy 2010

Introduction

1. The current Street Trading Policy was approved by the General Purposes Licensing Committee at its meeting on 8th February 2010 and adopted by Council on 19th April 2010. At its meeting on 19th April 2010 Council delegated subsequent revisions of the Policy to the General Purposes Licensing Committee.
2. At a meeting of the General Purposes Licensing Committee on 22nd February 2013, Committee agreed to receive a further report reviewing the Street Trading Policy to incorporate the extension of the scheme to the whole of the Oxford City Council Area.

3. In carrying out the 2014 Street Trading Policy review, consideration was given to the changing face of street trading in Oxford since the implementation of the policy in 2010.
4. No additions or amendments are sought that would alter the authority of the Policy. Committee's approval is sought to include items that are relevant to and within the scope of the Policy.

Amendments to the street trading policy

5. In order to ensure this Authority has a modern, transparent and robust framework for controlling street trading and making decisions, the Committee is asked to give its approval to the following amendments and additions to the current Policy:
 - **Para 5.2 The Licensing Process and Delegation of Functions:** The Head of Environmental Development may use his delegated powers to suspend a Consent for a period of up to 28 days where serious food safety issues are found. This suspension is pending referral to the Licensing and Registration Sub-Committee.
 - **5.3 New Applications for a Street Trading Consent:** This section has been added in order to provide applicants with clear instruction and advice on street trading in Oxford. Guidance has been added regarding the application criteria, consultation process and examples of where Consent would not normally be granted.
 - **Para 5.6 Street Trading Consent Applications:** Street Trading Consent will not normally (*the Policy is a guide, it can't be absolute*) be granted within 100 metres of any school or college (between the hours of 07:30 and 18:00)
 - **Para 5.10 Peripatetic Street Trading:** This section has been added to include and clarify Oxford City Council's position on mobile traders such as ice cream vans and sandwich vans.
 - **Para 7 Special Events:** At the meeting of General Purposes Licensing Committee on 21st January 2014 officers were asked to provide further clarification relating to street trading at 'charitable and community events'. The policy sets out an amended definition and provides an exemption for trading at charitable and small community events. Specific events that fall under the exemption are listed at Annex 3 of the policy. This list may be reviewed and amended by General Purposes Committee as and when necessary.
 - **Para 8 Fees:** An amendment has been made to the arrangements for payments of Consent fees. The policy requires that the first quarterly payment must be paid in advance of a new Consent being issued.
 - **Para 9 Conditions:** The conditions for annual and weekly traders have been combined. These conditions have been

amended to reflect changes in legislation and best practice. A number of new conditions have been added including:

- **a food safety condition requires** food businesses to achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory' under the Food Standards Agency (FSA) rating scheme.
- for food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials.

Financial implications

17. There are no financial implications attached to this report.

Legal implications

18. There is no legal requirement for a Council to set any policy on Street Trading. However, authorities may if they wish decide to set policies in order to assist in consistent decision making. Policies may guide but not bind the authority.

Recommendations

21. Committee is recommended to:
- i) approve the draft Street Trading Policy; and
 - ii) authorise the Head of Environmental Development to undertake a public consultation on the reviewed Street Trading Policy.

Name and contact details of author:

Samantha Howell
Licensing Officer
(01865) 252558
sjhowell@oxford.gov.uk

Background papers:

None

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Licensing Authority

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Street Trading Policy



This Statement will apply from

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Glossary

The Council	Oxford City Council
The Applicant	The trader who has submitted an application for Street Trading Consent.
Consent Holder	An individual that holds a Street Trading Consent.
A Street	Includes any road, footway, beach or other area to which the public have access without payment.
Consent Street	A street in which street trading is prohibited without the Consent of the Council.
Street Trading Consent	A permission to trade, which is granted by a council subject to conditions and payment of a fee.
A Roundsman	An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice-cream van is not classed as a roundsman.
A Pedlar	A pedlar is a trader who must: <ul style="list-style-type: none"> • keep moving, stopping only to serve customers at their request • move from place to place and not circulate within the same area • hold a valid pedlar's certificate, issued by a Chief Constable of Police.
Peripatetic Trader	A peripatetic street trader is one that: <ul style="list-style-type: none"> • continually moves from location to location • moves at least 50 metres from the last trading location and does • not return to that location within four hours • does not wait in one location for more than twenty minutes • does not trade within 100 metres of any entrance to any school or college (without formal invitation from the establishment).
Licensing Officer	An officer employed by the Council and authorised by the Council to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Activities that do not require Street Trading Consent	Trading: <ul style="list-style-type: none"> • as a pedlar under a pedlar's certificate • as a news vendor • at a market or fair, the right to hold which having been obtained by a grant, enactment or order • at or adjoining a shop premises as part of the business of the shop • as a roundsman (i.e. delivering pre-ordered goods to customers) • from a licensed highway area • under a street collection permit for charitable purposes.

1 Purpose of the Policy

- 1.1 This policy sets out Oxford City Council's (hereafter referred to as the Council) framework for the management of street trading in Oxford. Through the street trading scheme the Council aims to regulate the location and number of street traders. The scheme also aims to prevent the obstruction of the streets of Oxford by street trading activities. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people in the area.
- 1.2 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.3 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

2 Consultation

- 2.1 In determining this policy, the Council has consulted the following people and bodies:
- Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council Highways
 - Central, South and West Area Committee
 - Oxford City Centre Manager
 - Nightsafe
 - Oxford Covered Market traders
 - Gloucester Green Market traders
 - All current Consent Holders
 - The general public
- 2.2 We have also consulted with relevant departments within Oxford City Council.
- 2.3 We have considered and taken into account the views of all the appropriate bodies and organisations.

3 Review of the Policy

- 3.1 This policy will be reviewed every three years. At the time of the review, we will again consult all interested parties. As well as the three-yearly reviews, we will continue to evaluate the policy and may update it at any time. Any minor changes can be agreed by the General Purposes Licensing Committee.

4 Legislation and current provision

- 4.1 In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.

'Street Trading' is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions such as:

- (a) Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
- (c) Trading as a news vendor.
- (d) Trading at or adjoining a shop premises as part of the business of the shop.
- (e) Offering or selling things as a roundsman.

Schedule 4 defines a street as any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980.

A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

Prohibited streets are streets where no street trading may take place at all.

A licence street is a street that requires a formal licence before any form of street trading can take place.

All streets in Oxford City Council area are designated as consent streets. There are currently no licence streets within Oxford.

Street Traders that serve hot food or drink at any time between the hours of 23.00 and 05.00 will also require a Premises Licence under the Licensing Act 2003.

5 The Licensing Process and Delegation of Functions

5.1 This part of the document sets out how we will deal with applications for Street Trading Consent in the City of Oxford. The Council aims to provide a clear, consistent licensing service for service users. At the same time, it aims to protect the safety of highway users and to prevent nuisance or annoyance.

5.2 Delegation is laid out in the Council's Constitution as follows:

Full Council sets policies on licensing and registration.

The General Purposes Licensing Committee:

- recommends and reviews policies on licensing and registration
- sets and reviews licence fees
- agrees and varies a street trading scheme.

The General Purposes Licensing Committee appoints a Licensing and Registration Sub-Committee to:

- decide street trading applications that are for longer than three months
- decide applications to renew street trading permission when there has been a complaint about the trader or the trader has broken the conditions of their street trading permission in the past year.

The Head of Environmental Development is authorised to:

- (a) Issue Street Trading Consents and to attach such conditions as are necessary under the Local Government (Miscellaneous Provisions) Act 1982;
- (b) Refuse any application for a Consent that:
 - (i) in the opinion of the Head of Environmental Development does not comply with the Council's conditions and policies;
 - (ii) where there are objections from any of the following consultees; (Police, Fire or Highways on the grounds of Public or Highway safety);
- (c) Refer applications to the Licensing and Registration Sub-Committee:
 - (i) when there has been a complaint about the trader or the trader has broken the conditions of their Street Trading Consent in the past year;
 - (ii) where there is competition for a vacant approved site.
- (d) Suspend a Consent for a period of up to 28 days pending referral to the Licensing and Registration Sub-Committee: where serious food safety issues are found.

New Applications for a Street Trading Consent

5.3 An application for Street Trading Consent must be made to the Council in writing. The following will be required to be submitted with the application:

- (a) A completed and signed Street Trading Consent Application Form.
- (b) The full application fee as appropriate.

- (c) Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
 - (d) Colour photographs of the stall, van, barrow, cart etc. that will be used for the street trading activity.
 - (e) A certificate of Public Liability Insurance that covers the street trading activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000.
 - (f) A current Level 2 Award in Food Safety in Catering certificate for all food handlers.
 - (g) Proof of the applicant's and any prospective employee's right to work in the UK.
 - (h) Gas safety certificate for the vehicle or stall if applicable.
- 5.4 Street Trading Consents are issued for a period of up to one year and renewed annually for the period 1 April to 31 March, unless granted for a reduced period.
- 5.5 Before a Street Trading Consent is granted or refused the Council will carry out a consultation process with various persons and groups. In particular the following organisations or persons are consulted:
- Oxfordshire County Council Highways
 - Thames Valley Police
 - Ward Councillors
 - Planning
 - Environmental Health
- Written observations from the above organisations will be sought and taken into consideration when determining an application.
- 5.6 Street Trading Consents will not normally be granted where:
- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site.
 - There is already adequate provision in the immediate vicinity of the site to be used for street trading purposes.
 - There is a conflict with Traffic Orders such as waiting restrictions.
 - The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes.
 - The trading unit obstructs the safe passage of users of the footway or carriageway.

- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities.
- The supply of hot or cold food and drinks or confectionery between 07:30 and 18:00 within 100 metres of the boundary of a school or college.

5.7 In the absence of representations the application will be referred to the Council's Licensing and Registration Sub Committee who will use the criteria listed below to make their determination of the application, with equal weight applied to the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration. When there are representations, the Head of Environmental Development acting under delegated powers may refuse an application.

5.8 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

(a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public. Factors taken into account will include: obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

(b) Public Order

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order. Traders will conduct themselves in a professional manner.

(c) The Avoidance of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise and/or odour particularly in residential areas.

(d) Appearance of the stall or vehicle

The stall or vehicle must be maintained in good condition smart appearance and meet criteria, including size, laid down in the standard Consent conditions. Photographs or sketches, including dimensions, must be provided with all new applications and requests for approval of changes to or replacement of a stall or vehicle. The general appearance of the vehicle or stall will also be considered in order to determine that the unit will not detract from the appearance of the surrounding area.

(e) Needs of the Area

The demand for the articles for sale, and the geographical location of the proposed site.

(f) Environmental Credentials

The impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste generated by customers. Provision of adequate measures to minimise the environmental impact of the proposed operation.

(g) Food Traders

Applicants to trade in hot or cold food must be able to demonstrate a good understanding of food safety and be registered as a food business with the relevant local authority. As a minimum, food handlers must hold a current Level 2 Award in Food Safety in Catering accredited by The Chartered Institute of Environmental Health or The Royal Institute for Public Health.

(h) Highway

The location and operating times will be such that the highway can be maintained in accordance with the Oxfordshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

- 5.9 There is no statutory right of appeal against refusal to issue a Consent.

Peripatetic Street Trading

- 5.10 Street traders that meet the conditions below will be classed as peripatetic. Ice cream vans and mobile sandwich sellers would typically be deemed to be peripatetic street traders.

- 5.11 Traders must meet all of the below conditions to be classed as peripatetic:

- move from location to location
- move at least 50 metres from the last trading location and do not return to that location within four hours
- do not wait in one location for more than twenty minutes
- do not trade within 100 metres of the boundary of any school or college between the hours of 07:30 and 18:00 (without formal invitation from the establishment).

- 5.12 Due to the nature of their trade over a wide geographical area and their limited impact upon a single location peripatetic street traders will automatically be granted a street trading Consent subject to meeting all the above conditions and submitting a complete application.

Renewal Applications for a Street Trading Consent

- 5.13 Street Trading Consents are renewed annually for the period 1 April to 31 March, unless granted for a reduced period. A renewal application for Street Trading Consent must be made to the Council in writing by 1 February. The following will be required to be submitted with the application:

- (a) A completed and signed Street Trading Consent Application Form.
- (b) The full fee as appropriate.
- (c) A certificate of Public Liability Insurance that covers the street trading activity for third party and public liability risks.
- (d) A current Level 2 Award in Food Safety in Catering certificate for all food handlers.

- (e) Proof of the applicants and any prospective employees right to work in the UK.
 - (f) A gas safety certificate for the vehicle or stall if applicable.
 - (g) A licensed waste carrier agreement.
- 5.14 At this renewal time, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.
- 5.15 If a renewal application is not made before the expiry of the current licence, a new application will have to be made. The effect of this will be that a trader will not be permitted to trade until the new Consent is issued.
- 5.16 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues and all fees have been paid on time, the Consent will be renewed.
- 5.17 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing and Registration Sub-Committee.

Vacant Sites

- 5.18 In the event of a Consent being revoked, surrendered or not renewed the Council will advertise vacancies on the Council's website for 28 days. The applications will be referred to the Council's Licensing and Registration Sub Committee who will use the criteria listed at paragraph 5.8 of this policy to make their determination of who to award the vacant site to.

Transfers

- 5.19 A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited.

6 Markets

- 6.1 The Gloucester Green weekly markets and the Covered Market are outside the scope of the street trading scheme. Gloucester Green has Charter Market status and trading in the Covered Market takes place from permanent shop units.

7 Special Events

- 7.1 For events such as Christmas or Continental Street Markets, the Council will accept one application from the person organising the event. The event street trading application will require full details of each trader attending the event. Consent will be issued to each individual stall holder. This policy is aimed at promoting events and encouraging traders to attend.
- 7.2 Street trading fees for stalls at charitable or small community events may be waived. The Business Regulation Team will bear the cost of such waivers.

Street trading is considered to be for charity benefit if the profits from individual stalls/units are donated to charity. These stalls/units would be exempt from Street Trading fees. Any traders (such as traders selling food or refreshments) attending for commercial gain will be subject to a Street Trading fee. Trading at small community events will be exempt from Street Trading fees. These events are listed at Annex 3 of this policy.

8 Fees

- 8.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the location, the duration of the Consent, trading hours, and the articles to be sold. Where trading ceases during the term of Consent, refunds will not be given for any outstanding period of less than 3 months. Details of the current fees can be found on the Council's website or on application to the Licensing Officer. Fees must be paid in advance. Consent fees may be paid in equal instalments, but the first instalment must be paid in advance of the issue of Consent.
- 8.2 Applications for annual Consents should be accompanied by a non-refundable fee of £100. If the application is approved, the balance of the fee will be due before the Consent is issued. If the application is not successful the fee will be retained to cover the cost incurred in processing the application.

9 Conditions

- 9.1 The Council applies standard conditions to Street Trading Consents.

- General conditions for annual and weekly Street Trading Consents
- Additional conditions applicable to Special Events

The standard conditions are not exhaustive and other conditions may be added to individual Consents where appropriate.

- 9.2 Standard Trading Hours are:

- (a) Roadside locations for vehicles
- Daytime site from 08:00 to 18:00.
 - Evening sites for the Sale of Hot Food from 18:30 to 03:00 (can be extended to 04:00 Thursdays, Fridays, and Saturdays on application and subject to approval).
- (b) Pavement locations
- 08:00 to 21:00.
- (c) Weekly Let Sites
- 08:00 to 21:00.

- 9.3 Street trading can only be carried out from the stall or vehicle authorised on the Certificate of Street Trading Consent. Any changes to or replacement of the stall or vehicle must be approved by the Head of Environmental Development.

- 9.4 The standard conditions applied to Street Trading Consents are attached to this policy as Annex 2. This list is not exhaustive and other conditions may be added to the Consent.

10 Enforcement

- 10.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- 10.2 The Business Regulation Team aims to work closely with other enforcement authorities to regulate relevant legislation where necessary.
- 10.3 Where licensable activities are conducted without the benefit of a licence, permit or consent or where conditions are breached, the Council will look to gather evidence and take enforcement action as appropriate.
- 10.4 If the Council feels that there is an issue of public order or threat to public safety in any particular instance, it will call for assistance from Thames Valley Police.
- 10.5 The Council may call for assistance from the CCTV centre when dealing with such issues.
- 10.6 The Council will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.
- 10.7 Failure to comply with one or more of the standard conditions of Consent may lead to revocation or non-renewal of Street Trading Consent.

11 Contacts

The street trading function is part of the Business Regulation Team within the Environmental Development Service.

Business Regulation Team
Environmental Development
Oxford City Council
109-113 St Aldate's Chambers
St Aldate's
Oxford
OX1 1DS

To enquire about any street trading issue, please visit our website: www.oxford.gov.uk or contact us via email street_trading@oxford.gov.uk or ringing the Business Regulation Team on 01865 252561.

ANNEX 1**Current Sites Approved for Street Trading within Oxford**

The City Council have given Consents for street trading at the following sites within Oxford (The list is subject to changes from time to time):

ROADSIDE LOCATIONS FOR VEHICLES**Daytime Sites (08:00 to 18:00)**

1	Pembroke Square	St Aldate's End	1 unit*
2	Broad Street	outside No. 17	1 unit
3	Broad Street	outside No. 14	1 unit

TOTAL 3 UNITS**Evening Sites for the Sale of Hot Food (18.30 to 03.00, Monday to Sunday, except where otherwise stated on the Consent).**

4	Banbury Road	outside No. 263	1 unit
5	Queen Street	junction with New Inn Hall Street	1 unit
6	Broad Street	outside No. 17	1 unit
7	New Road	opposite County Hall Car Park	1 unit
8	Cripley Road	junction with Botley Road	1 unit
9	George Street	outside No. 25	1 unit
10	High Street	outside Scrivens North Side	1 unit
11	High Street	outside University College	1 unit
12	London Road	outside No's. 73/75	1 unit
13	Pembroke Square	St Aldate's end	1 unit
14	Queen Street	outside Clarendon Centre	1 unit
15	St Aldate's	outside Christchurch	1 unit
16	St Ebbe's Street	outside No. 32	1 unit
17	St Giles	layby outside Taylorian Institute	1 unit
18	St Giles	layby outside Taylorian Institute	1 unit
19	Woodstock Road	outside Radcliffe Infirmary	1 unit
20	London Road	outside No. 93	1 unit
21	High Street	opposite No. 42/44	1 unit
22	Banbury Road	outside No. 221	1 unit
23	Walton Street	outside No. 119A	1 unit

TOTAL 20 UNITS**PAVEMENT LOCATIONS**

Trading is allowed only between the times of 08:00 and 21:00 on any day of the week.

24	Westgate	outside Unit 46 Westgate Centre	1 unit
25	Catte Street	North end	1 unit
26	High Street	Magdalen College	1 unit
27	Pembroke Square	St Aldate's end	1 unit
28	Westgate	outside Unit 45 Westgate Centre	1 unit
29	St Ebbe's	outside British Home Stores	1 unit
30	St Giles	outside No. 66	1 unit
31	St Giles	outside Unit 44 Westgate Centre	1 unit
32	Catte Street	North end	1 unit

TOTAL 9 UNITS**WEEKLY LET SITES**

Trading is allowed only between the times of 08:00 and 21:00 on any day of the week. Stalls must have a maximum dimension of 2.3 metre x 1.5 metres.

33 & 34	Cornmarket Street	junction with Ship Street	2 units
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TOTAL 2 UNITS

*Unit refers to a vehicle or stall.

ANNEX 2**General Conditions for Annual and Weekly Street Trading Consents**

1. No trading shall take place except between the dates specified on the Certificate of Street Trading Consent.
2. Street trading shall only be carried out during operational hours specified on the Certificate of Street Trading Consent.
3. The Street Trading Consent relates only to the area/site vehicle or stall specified on the Certificate of Street Trading Consent.
4. The Street Trading Consent relates only to the vehicle or stall specified on the Certificate of Street Trading Consent.
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the Consent. Any significant changes to or replacement of the stall or vehicle must be approved by the Head of Environmental Development.
6. The Consent Holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
7. The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate. Vehicle movements must be carried out legally and must not present a risk to people and structures. The Consent Holder shall not drive or park a vehicle on any part of a footway.
8. The Consent Holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the Consent Street for which the Street Trading Consent is issued. All goods shall be displayed on the stall and no freestanding racks or displays are permitted. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorized Council Officer or Police Officer they shall immediately comply with that request.
9. For Weekly Street Traders on Cornmarket Street, the Consent Holder's stall shall not exceed 2.3 metres in height nor occupy an area greater than 2.3 metres x 1.4 metres.
10. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work etc. Act, 1974 and the Food Safety and Hygiene (England) Regulations 2013. Advice on these requirements is available from the Business Regulation Team.
11. The Consent Holder shall conduct their business in a professional manner and in a way that minimises risks to employees and others.
12. The Consent Holder must take reasonable precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. A serviceable fire blanket and a suitable fire extinguisher shall be provided in all vehicles selling hot food.
13. Reasonable steps must be taken to ensure gas safety where gas appliances are used on a stall or vehicle. Gas appliances must be maintained and serviced as per manufacturer's instructions. Gas appliances and systems must be checked for safety by a competent Gas Safe engineer at least annually. Any faults or concerns in relation to gas safety must be

- appropriately investigated and made safe by a competent Gas Safe engineer as soon as possible.
14. All hot food vans/trailers are required to carry a basic first aid kit and have the means to contact the emergency services if necessary.
 15. All food businesses must be registered as a food business with the local authority where the van/stall is kept overnight. All food businesses registered outside of the Oxford City Council area must be able to demonstrate food business registration, e.g. by written confirmation from the relevant local authority or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant local authority.
 16. All food handlers must hold a current Level 2 Award in Food Safety in Catering accredited by The Chartered Institute of Environmental Health or The Royal Institute for Public Health.
 17. All food businesses must achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory'. The Hygiene Rating must be displayed prominently on the stall or vehicle.
 18. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or the Oxford City Council. Consent Holders shall have special regard to and must take action to prevent excessive noise.
 19. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of their trade waste in an appropriate manner. Trade waste must be stored appropriately and be disposed of by a licensed waste carrier. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, for example by making a bin available for customers to use.
 20. A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The subletting of a pitch is prohibited.
 21. The Consent Holder must be the principal operator and have day to day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Head of Environmental Development of the name and address of that person. An administration fee will be payable.
 22. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Head of Environmental Development.
 23. A Consent Holder may terminate a Street Trading Consent by written notice to the Head of Environmental Development. A refund of the portion of the fee equal to the remaining full months will be payable, less £50 which the Council will retain to cover administrative costs.
 24. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
 25. A copy of the Consent shall be displayed by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
 26. Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional

equipment under their control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. Proof of cover must be produced to an officer of Oxford City Council on application and as required.

27. These general conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed Special Conditions and listed on the Consent Certificate. These Special Conditions must also be complied with.
28. For Annual Street Trading Consents fee installments are required quarterly, in advance. The first installment must be paid in advance of the issue of Consent. The remaining fee can be paid in installments on the following dates 1st July, 1st October and 2nd January. Annual fees may be paid in advance.
29. For Weekly Street Trading Consents fees must be paid two weeks in advance before trading commences. This is to allow sufficient time to process the application and receive the consent. It must be in your possession before you can trade.
30. The sale of food and/or drink is not permitted by Weekly Street Traders. The items to be sold must be agreed before a Weekly Consent can be issued.
31. For food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials.

Failure to comply with these conditions

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

Additional Conditions Applicable to Special Events/Markets

1. All stalls to be issued with a number that must be displayed on the stall.
2. The Consent Holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.

ANNEX 3 List of Small Community Events Exempt from Street Trading Fees

- Jericho Street Fair
- Blackbird Lees Play Day
- Headington Festival and Sports Day
- Littlemore Play Day
- Active Cutteslowe
- Friends of Florence Park
- Headington Fun Day
- Leys Festival

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Licensing Authority

www.oxford.gov.uk



Street Trading Policy

Business Regulation Team
Oxford City Council
109-113 St Aldate's Chambers
St Aldate's
Oxford
OX1 1DS
email: street_trading@oxford.gov.uk
phone: 01865 252561
fax: 01865 252344



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**OXFORD
CITY
COUNCIL**

Street Trading Policy



This Statement will apply from 01 July 2010

Contact details for street trading...
(in the Oxford City Council area)

Write to: Street Trading
Environmental Development
Oxford City Council
10, St Ebbe's Street
OXFORD
OX1 1PT

email: street_trading@oxford.gov.uk

phone: 01865 252561

fax: 01865 252344

You can also find much information and links to other sources of information on Oxford City Council's website: <http://www.oxford.gov.uk>

This document remains valid for three years, during which the Council is likely to amend its website. So, rather than providing a direct link to "street trading", we suggest either looking for links for "licensing" then "street trading", or using the website's "A-Z" search function.

	Date	Areas of revision
First published:	01 July 2010	-----
Corrections:		
Revised:		
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1 Purpose of the Policy

- 1.1 This policy sets out Oxford City Council's framework for the management of street trading in Oxford. Through the street trading scheme the Council aims to regulate the location and number of street traders. The scheme also aims to prevent the obstruction of the streets of Oxford by street trading activities. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people in the area.
- 1.2 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.3 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

2 Consultation

- 2.1 In determining this policy, the Council has consulted the following people and bodies:
- Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council Highways
 - Central, South and West Area Committee
 - Oxford City Centre Manager
 - Nightsafe
 - Oxford Covered Market traders
 - Gloucester Green Market traders
 - All current consent holders
 - The general public
- 2.2 We have also consulted various other professional people within the Council. These include:
- Planning
 - City Works
 - Legal Services
 - Property and Facilities Management
 - City Centre Manager
- 2.3 We have considered and taken into account the views of all the appropriate bodies and organisations.

3 Review of the Policy

- 3.1 This policy will be reviewed every three years. At the time of the review, we will again consult all interested parties. As well as the three-yearly reviews, we will continue to evaluate the policy and may update it at any time. Any minor changes can be agreed by the General Purposes Licensing Committee.

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- (a) Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
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Prohibited streets are streets where no street trading may take place at all.

A licence street is a street that requires a formal licence before any form of street trading can take place.

Annexe 1 lists the streets in the City Centre that are designated as prohibited streets or consent streets, and sites where street trading consents have been issued. When considering street trading sites, the Council will seek the advice of Thames Valley Police, Nightsafe, Oxfordshire Fire and Rescue Service, the Highways Department of Oxfordshire County Council and notify neighbouring retail establishments and residents

There are currently no licence streets within Oxford.

Street Traders that serve hot food or drink at any time between 11.00pm and 05.00am the following day will also require a Premises Licence under the Licensing Act 2003.

5 The Licensing Process and Delegation of Functions

- 5.1 This part of the document sets out how we will deal with applications for Street Trading Consents in the City of Oxford. The Council aims to provide a clear, consistent licensing service for service users. At the same time, it aims to protect the safety of highway users and to prevent nuisance or annoyance.
- 5.2 Delegation is laid out in the Council's Constitution as follows:

Full Council sets policies on licensing and registration.

The General Purposes Licensing Committee:

- recommends and reviews policies on licensing and registration
- sets and reviews licence fees
- agrees and varies a street trading scheme.

The General Purposes Licensing Committee appoints a Licensing and Registration Sub-Committee to:

- decide street trading applications that are for longer than three months
- decide applications to renew street trading permission when there has been a complaint about the trader or the trader has broken the conditions of their street trading permission in the past year.

The Head of Environmental Development is authorised to:

- (a) issue Street Trading Consents and to attach such conditions as are necessary under the Local Government (Miscellaneous Provisions) Act 1982;
- (b) refuse any application for a Consent that;
- (i) in the opinion of the Head of Environmental Development does not comply with the Council's conditions and policies;*
 - (ii) where there are objections from any of the following consultees; (Police, Fire or Highways on the grounds of Public or Highway safety);*
- (c) refer applications to the Licensing and Registration Sub-Committee;
- (i) when there has been a complaint about the trader or the trader has broken the conditions of their Street Trading Consent in the past year;
 - (ii) where there is competition for a vacant approved site.

The Head of Environmental Development does everything else.

Applications for a Street Trading Consent

- 5.3 Street Trading Consents are limited to the sites listed in Annexe 1 and tend to remain with the same person for a number of years. Street Trading Consents are renewed annually for the period 1 April to 31 March unless granted for a reduced period. 2 sites are designated for weekly consents and the process is managed by the Environmental Development Service. Consents may be revoked by the City Council at any time. In the event of the consent being revoked, surrendered or lapsing without being renewed then the Council will invite new applications for the vacant site.

- 5.4 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:
- (a) **Public Safety**
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
 - (b) **Public Order**
Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.
 - (c) **The Avoidance of Public Nuisance**
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
 - (d) **Appearance of the stall or vehicle**
The stall or vehicle must be of smart appearance and meet criteria, including size, laid down in the standard consent conditions. Photographs or sketches, including dimensions, must be provided with all new applications and requests for approval of changes to or replacement of a stall or vehicle.
 - (e) **Needs of the Area**
The demand for the articles for sale, and the geographical location of the proposed site.
 - (f) **Environmental Credentials**
The impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers. Mitigating measures to minimise the environmental impact of the proposed operation.
 - (g) **Food Traders**
Applicants to trade in hot or cold food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, or The Royal Society of Health, or The Royal Institute of Public Health and Hygiene.
 - (h) **Highway**
The location and operating times will be such that the highway can be maintained in accordance with the Oxfordshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.
- 5.5 Applications will only be considered for sites in 'Consent Streets'. An applicant for the grant of a new street trading consent site shall provide a copy of a map showing all streets and other public areas within a radius of 500 metres from the proposed location of the Street Trading site. The map shall be to a scale of 1:2500 and clearly indicate the location of the site in the centre of the map, and the locations of other street traders and outlets trading in similar commodities to those proposed.

Renewals

- 5.6 Street Trading Consents are issued for a period of up to one year.
- 5.7 Applicants should re-submit their application if they wish to continue to trade at least one month before the expiry of their current consent. At this renewal time, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.
- 5.8 If a renewal application is not made before the expiry of the current licence, a new application will have to be made. (The effect of this will be that a trader will not be permitted to trade until the new consent is issued.)
- 5.9 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues and all fees have been paid on time, the consent will be renewed.
- 5.10 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing and Registration Sub-Committee.

Transfers

- 5.11 A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited.

Decisions

- 5.12 Where an application is referred to the Licensing and Registration Sub-Committee, it will determine each application on its own merits. Members of the Sub-Committee will consider all information attached to the application. If a member of the Sub-Committee has an interest in a neighbouring premises or knows an applicant personally, they must declare an interest in accordance with the Code of Conduct adopted in accordance with the Local Government Act 2000. Members should take advice from the legal officer present at the meeting as to whether or not the interest prevents them from determining the particular application.
- 5.13 Following the determination of an application, the Head of Environmental Development will notify the applicant of the decision in writing as soon as possible after the decision.
- 5.14 There is no statutory right of appeal against refusal to issue a consent.

6 Markets

- 6.1 The Gloucester Green weekly markets and the Covered Market are outside the scope of the street trading scheme. Gloucester Green has Charter Market status and trading in the Covered Market takes place from shop units.

7 Special Events

- 7.1 For special events such as Christmas or Continental Street Markets, the Council will issue one consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.
- 7.2 For successful applications, we will issue a single consent, which will cover a number of traders.

8 Fees

- 8.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the location, the duration of the consent, trading hours, and the articles to be sold. Where trading ceases during the term of a consent, refunds will not be given for any outstanding period of less than 3 months. Details of the current fees can be found on the Council's website or on application to the licensing office. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance.
- 8.2 Applications for annual consents should be accompanied by a non-refundable fee of £100. If the application is approved, the balance of the fee will be due before the consent is issued. If the application is not successful the fee will be retained to cover the cost incurred in processing the application.

9 Conditions

- 9.1 The Council applies standard conditions to Street Trading Consents.
- General conditions for annual Street Trading Consents
 - General conditions for weekly Street Trading Consents
 - Additional conditions applicable to Special Events

The standard conditions are not exhaustive and other conditions may be added to individual consents where appropriate.

- 9.2 Standard Trading Hours are:
- (a) Roadside locations for vehicles.
- Daytime sale of Ice Cream from 08:00am to 6:00pm.
- Evening sale of Hot Food from 6:30pm to 3:00am (can be extended to 4:00am Thursdays, Fridays, and Saturdays on application and subject to approval).
- (b) Pavement locations.
- From 08:00am and 9:00pm.
- 9.3 Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. Any changes to or replacement of the stall or vehicle must be approved by the Head of Environmental Development.

- 9.4 The standard conditions applied to Street Trading Consents are attached to this policy as Annexe 2. This list is not exhaustive and other conditions may be added to the consent.

10 Enforcement

- 10.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- 10.2 The Licensing Team aims to work closely with other enforcement authorities when dealing with issues on the street.
- 10.3 Where licensable activities are conducted without the benefit of a licence, permit or consent or where conditions are breached, the Council will look to gather evidence and take enforcement action as appropriate.
- 10.4 If the Council feels that there is an issue of public order or threat to public safety in any particular instance, it will call for assistance from Thames Valley Police.
- 10.5 The Council may call for assistance from the CCTV centre when dealing with such issues.
- 10.6 The Council will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.

11 Contacts

The street trading function is part of the Licensing and Development Division of the Environmental Development Service.

Our address is:

Street Trading
Environmental Development
Oxford City Council
Ramsay House
10 St Ebbes Street
Oxford
OX1 1PT

To ask about any street trading issue, first contact the Licensing Team 01865 252558, or visit our website: www.oxford.gov.uk, or via email on

street_trading@oxford.gov.uk

ANNEX 1 Prohibited Streets within Oxford

No street trading of any form is allowed in the following streets.

Adelaide St
 Alfred St
 Alma Place
 Banbury Rd (*to junction with Bevington Rd*)
 Bartlemas Close
 Bartlemas Rd
 Bath St
 Bear Lane
 Beaumont St
 Beckett St
 Belvedere Rd
 Bevington Rd
 Blackhall Rd
 Blue Boar St
 Boulter St
 Brasenose Lane
 Brookside
 Bullingdon Rd
 Cardigan St
 Caroline St
 Cave St
 Chain Alley
 Chapel St
 Cheney Lane
 Cherwell St
 Circus St
 Cleveland Drive
 Clive Rd
 Cowley Place
 Cranham St
 Crown St
 Divinity Rd
 East Avenue
 Edmund Rd
 Frewin Court
 Friars Entry
 George St Mews
 Gipsy Lane
 Glebe St
 Gloucester St
 Grays Rd
 Great Clarendon St
 Havelock Rd
 Headington Rd
 Hendred St
 Hollybush Row
 Holywell St

Hythe Bridge St
 Ifley Rd (*from The Plain to Circus St*)
 James St
 Jeune St
 Jowett Walk
 Juxon St
 Keble Rd
 Kenilworth Avenue
 Kybald St
 Leopold St
 Little Clarendon St
 Littlehay Rd
 Logic Lane
 London Place
 Longwall St
 Magdalen Rd
 Magdalen St
 Magdalen St East
 Magpie Lane
 Manor Place
 Manor Rd
 Mansfield Rd
 Marston Rd
 Marston St
 Merton St
 Morrell Avenue
 Museum Rd
 New College Lane
 Observatory St
 Oriel St
 Osney Lane
 Oxford Rd (*from Swan PH to Marsh Rd incl service road to Temple Court Flats at 103/105 Oxford Rd*)
 Park End Place
 Park End St
 Parks Rd (*the south part up to Museum Rd*)
 Pembroke St
 Pensons Gardens
 Princes St
 Pullens Lane
 Pusey St
 Queens Lane
 Radcliffe Square
 Randolph St
 Rectory Rd
 Red Lion Square
 Rewley Rd

Richmond Rd
 Savile Rd
 Ship St
 Shoe Lane
 South Parks
 Southfield Rd
 St Bernard's Rd
 St Clement's St (*from The Plain to Dawson St*)
 St Clements St (*between Dawson St and London Place*)
 St Cross Rd
 St John's St
 St Thomas St
 Stockmore St
 Temple St
 The Clarendon Centre Walkways
 The Covered Market
 The Plain
 The Westgate Centre Walkways
 Tidmarsh Lane
 Turl St
 Tyndale Rd
 Union St
 Upper Fisher Row
 Valentia Rd
 Walton Crescent
 Walton St (*throughout its length*)
 Wellington Square
 Worcester Place
 Worcester St
 York Place

Consent Streets within Oxford

Banbury Road (*service road on Western side at Summertown*)
Bonn Square
Broad Street
Castle Street
Catte Street
Cornmarket Street
Cowley Rd (*from The Plain to Howard St*)
Cripsey Road (*junction with Botley Road*)
Dawson Street
George Street
High Street
King Edward Street
London Road, Headington (*layby 69-77*)
Magdalen Bridge
Manzil Way
Market Street
New Inn Hall Street
New Road
Oriel Square
Oxpens Road
Pennyfarthing Place
Pembroke Square
Queen Street
St Aldates
St Ebbes Street
St Giles
St Michael's Street
Woodstock Road (*from St Giles to junction with Bevington Road and St Bernard's Road*)

Current Sites Approved for Street Trading within Oxford

The City Council have given consents for street trading at the following sites within Oxford, (the list is subject to changes from time to time).

ROADSIDE LOCATIONS FOR VEHICLES

Daytime sales of Ice Cream (08:00am – 6:00pm)

1	High Street	outside Lincoln College Library (restricted trading times)	1 van
2	Pembroke Square	St Aldates End	1 van
3	St Giles	outside Taylorian Institute	1 van
			TOTAL 3 VANS

Evening sites for the Sale of Hot Food (6.30pm and 3:00am following day, Monday to Sunday, except where otherwise stated on the consent).

4	Banbury Road	outside No. 263	1 van
5	Queen Street	junction with New Inn Hall Street	1 van
6	Broad Street	outside No. 17	1 van
7	New Road	opposite County Hall Car Park	1 van
8	Cripley Road	junction with Botley Road	1 van
9	George Street	outside No. 25	1 van
10	King Edward Street	junction with High Street	1 van
11	High Street	outside University College	1 van
12	London Road	outside No.s 73/75	1 van
13	Pembroke Square	St Aldates end	1 van
14	Queen Street	outside Clarendon Centre	1 van
15	St Aldates	outside Christchurch	1 van
16	St Ebbes Street	outside No. 32	1 van
17/18	St Giles	layby outside Taylorian Institute	2 vans
19	Woodstock Road	outside Radcliffe Infirmary	1 van
			TOTAL 16 VANS

PAVEMENT LOCATIONS

Trading is allowed only between the times of 08:00am and 9:00pm on any day of the week. Stalls must have a maximum dimension of 2 metre x 1 metres.

20	Cornmarket Street*	outside St Michael's Church	1 stall
21	Westgate	outside Unit 46 Westgate Centre	1 stall
22	Catte Street	north end	1 stall
23	High Street	Magdalen College	1 stall
24	High Street	junction with Queens Lane	1 stall
25	Pembroke Square	St Aldates end	1 stall
26	Pennyfarthing Place	(to be relocated)	1 stall
27	Westgate	outside Unit 45 Westgate Centre	1 stall
28	St Ebbes	outside British Home Stores	1 stall
29	St Giles	adjacent to Taxi Hut	1 stall
30	St Giles	outside no 65	1 stall
			TOTAL 11 STALLS

WEEKLY LET SITES

Trading is allowed only between the times of 08:00am and 9:00pm on any day of the week. Stalls must have a maximum dimension of 2 metre x 1 metres.

31/31	Cornmarket Street*	junction with Ship Street	2 stalls
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* Temporary pending feasibility study into moving these sites to St Ebbes Street

ANNEX 2 General Conditions for Annual Street Trading Consents

1. No trading to which the attached consent relates shall take place except between the dates of:
2. The operational hours shall be:
Between the hours of and on Mondays
Between the hours of and on Tuesdays
Between the hours of and on Wednesdays
Between the hours of and on Thursdays
Between the hours of and on Fridays
Between the hours of and on Saturdays
Between the hours of and on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. Any changes to or replacement of the stall or vehicle must be approved by the Head of Environmental Development.
6. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work Act, 1974, the Food Safety (General Food Hygiene) Regulations 1995. Advice on these requirements is available from the Environmental Health Department. The Consent Holder shall not drive or park a vehicle on any part of a footway. (It is an offence to drive other than on a road)
7. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or the Oxford City Council. Consent Holders shall have special regard to and must take positive action to prevent excessive noise.
8. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade in a certain manner. The Consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent Holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
9. Consent Holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
10. The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate.

11. The Consent Holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the Consent Street for which the Street Trading Consent is issued. All goods shall be displayed on the stall and no freestanding racks or displays are permitted. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer they shall immediately comply with that request.
12. The Consent Holder's stall shall not exceed 2.3 metres in height nor occupy an area greater than 2 metres x 1 metre.
13. The Consent Holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. A serviceable fire blanket and a foam fire extinguisher shall be provided in all vehicles selling hot food.
14. All hot food vans/trailers are required to carry a basic first aid kit. The Consent Holder and others operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
15. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, that is accredited by the Chartered Institute of Environmental Health, or the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
16. A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited.
17. The Consent Holder must be the principal operator and have day to day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Head of Environmental Development of the name and address of that person. An administration fee will be payable.
18. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Head of Environmental Development.
19. A Consent Holder may terminate a Street Trading Consent by written notice to the Head of Environmental Development. A refund of the portion of the fee equal to the remaining full months will be payable, less £50 which the Council will retain to cover administrative costs.
20. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.

21. A copy of the Consent shall be carried by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
22. Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £10,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the Head of Environmental Development before the Street Trading Consent is issued. Proof of cover must be produced to an officer of Oxford City Council as required.
23. These general conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed Special Conditions and listed on the Consent Certificate. These Special Conditions must also be complied with.
24. Installments are required quarterly, in advance. On or before the following dates 1st April, 1st July, 1st October and 2nd January. Annual fees may be paid in advance.

Failure to comply with these conditions

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

General Conditions for Weekly Street Trading Consents

1. No trading to which the attached consent relates shall take place except between the dates of:
2. The operational hours shall be:
Between the hours of and on Mondays
Between the hours of and on Tuesdays
Between the hours of and on Wednesdays
Between the hours of and on Thursdays
Between the hours of and on Fridays
Between the hours of and on Saturdays
Between the hours of and on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work Act, 1974. Advice on these requirements is available from the Street Trading Officer, (01865 252558). The Consent Holder shall not drive or park a vehicle on any part of a footway. (It is an offence to drive other than on a road)
6. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or the Oxford City Council. Consent Holders shall have special regard to and must take positive action to prevent excessive noise.
7. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade in a certain manner. The Consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent Holder shall ensure that the area in the vicinity of the stall is kept clear of all refuse at all times.
8. Consent Holder's stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall so that members of the public can clearly see it during hours of business. The stall must be on wheels to enable it to be moved easily.
9. The Consent Holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) for which the Street Trading Consent is issued. All goods must be displayed on the stall/vehicle and no freestanding racks or displays are permitted. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer they shall immediately comply with that request.

10. The Consent Holder's stall shall not exceed 2.3 metres in height nor occupy an area greater than 2 metres x 1 metre.
11. The Consent Holder must take adequate precautions to prevent the risk of fire at the stall. The use of any portable gas powered equipment is prohibited. The use of generators powered by internal combustion or compression ignition engines is also prohibited.
12. All Consent Holders shall take such precautions as necessary to ensure the safety of the public and themselves when carrying out their business. It is advisable to carry out a simple risk assessment to assess any possible risks and take steps to mitigate or eliminate the identified risk. It may be something as simple as a poorly assembled stall or something placed by the stall that someone may trip over. It is advisable to have in your possession a basic first aid kit and one serviceable mobile phone if the emergency services need to be contacted quickly.
13. The Consent holder must be the principal operator of the stall and must be physically present at that stall the majority of the time. Occasional help is permissible with prior approval of the City Council.
14. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
15. A copy of the Consent shall be carried by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
16. Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £10,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to an officer of Oxford City Council as required.
17. Anyone who operates a stall other than the Consent holder must first be authorised to do so by the Head of Environmental Development.
18. These general conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed Special Conditions and listed on the Consent Certificate. These Special Conditions must also be complied with. The sale of food and/or drink is not permitted and due to the special nature of these pitches the applicant for a weekly consent must agree the items to be sold before a consent can be issued.
19. Fees must be paid two weeks in advance before trading commences. This is to allow sufficient time to process the application and receive the consent. It must be in your possession before you can trade.

Failure to comply with these conditions

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

Additional Conditions Applicable to Special Events/Markets.

1. All stalls to be issued with a number that must be displayed on the stall.
2. The Consent Holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.

BUILDING PRIDE IN OUR CITY

Licensing Authority

www.oxford.gov.uk



**OXFORD
CITY
COUNCIL**

Street Trading Policy

Street Trading
Oxford City Council
10, St Ebbe's Street
OXFORD
OX1 1PT
email: street_trading@oxford.gov.uk
phone: 01865 252561
fax: 01865 252344



Agenda Item 8

GENERAL PURPOSES LICENSING COMMITTEE

Tuesday 21 January 2014

COUNCILLORS PRESENT: Councillors Clarkson, Cook (Chair), Coulter, Goddard, Lygo and Royce.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Daniel Smith (Law and Governance), Julian Alison (Licensing Team Leader) and Lesley Rennie (Business Regulation Team Manager)

18. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Gotch, Humberstone and Williams

19. DECLARATIONS OF INTEREST

None made

20. UPDATE ON TAXI LICENSING ACTIVITY - AUGUST-DECEMBER 2013

The Head of Environmental Development submitted a report (previously circulated, now appended) Concerning taxi licensing activity from August to December 2013. Julian Alison (Licensing Team Leader) presented the report to the Committee and provided some background and context.

In response to a question about taxi licensing enforcement and increasing test purchases, Julian Alison explained that having reviewed the team budget available, the level of financial resources for enforcement could not currently be increased without it affecting other costs for service provision. However, he welcomed the Chair's view that further discussions could be had with the Head of Service to see if additional funding could be provided.

Resolved to:

- (1) Note the contents of the report;
- (2) Note the comments made.

21. HACKNEY CARRIAGE LICENSED TRADE - APPLICATION FOR VARIATION OF TARIFFS

The Head of Environmental development submitted a report (previously circulated, now appended) concerning a request from the City of Oxford Licensed Taxicab Association (COLTA) for a variation of the Hackney Carriage tariffs. Julian Alison (Licensing Team Leader) presented the report to the Committee.

Resolved to:-

- (1) Agree the request from COLTA for a variation to Hackney Carriage tariffs in accordance with the information laid out in the report;
- (2) Request that the Head of Environmental Development and the Head of Law and Governance carry out the statutory requirement of a public consultation and delegate to the Chair and the head of Environmental development to consider any responses to the consultation.

22. COMMERCIAL EVENTS, HACKNEY CARRIAGE AND PRIVATE HIRE, ROAD CLOSURE ORDERS, SCRAP METAL DEALERS, SEX ESTABLISHMENTS AND STREET PARTIES: LICENCE FEES AND CHARGES FOR THE 2014/15 FINANCIAL YEAR

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning agreement for licence fees over which the Council has discretion over the fee charged. Julian Alison (Licensing Team Leader) presented the report to the Committee and explained the background.

He explained that no charges were proposed to the current level of fees and charges, given that the full cost recovery of the service had not increased, nor was it expected to increase during the next 12 months.

Resolved to agree the fees and charges for 2014/15 as set out in the report.

23. ACUPUNCTURE, EAR PIERCING, ELECTROLYSIS & TATTOOING, ANIMAL BOARDING ESTABLISHMENTS, DANGEROUS WILD ANIMALS, DOG BREEDING ESTABLISHMENTS, PAVEMENT CAFES, PET SHOPS, RIDING ESTABLISHMENTS, STREET TRADING CONSENTS, ZOOS, INTEGRATED POLLUTION PREVENTION AND CONTROL PERMITS: LICENCE FEES & CHARGES FOR THE 2014/15 FINANCIAL YEAR

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning agreement for licence fees over which the Council has discretion over the fee charged. Lesley Rennie (Business Regulation Team Manager) presented the report to the Committee and explained the background.

Resolved to:-

- (1) Agree the fees and charges for 2014 /15 as set out in the report, *with the exception of those items listed below:-*
 - (a) Street Trading at event for commercial benefit – retain current fee of £25 pending a further report into the issue to clarify what is “commercial”;

- (b) Street Trading at event for community/charity benefit – retain current level (no charge) pending a further report into this issue to clarify what is “community/charity”;
- (c) Street Café licenses – retain current fee of £750, pending a further report concerning a review of fee for cafes in the City centre and those further outside the centre

24. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 5th September 2013, with the following addition which was requested at the meeting:-

To ask that in future, the General Purposes Licensing Committee begins **immediately after** Licensing and Gambling Acts Committee.

25. DATES OF FUTURE MEETINGS

Resolved to note the following dates:-

Tuesday 10th June;
Tuesday 23rd September;
Tuesday 27th January 2015;
Tuesday 19th May 2015

The meeting started at 5.30 pm and ended at 6.10 pm

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