

Agenda

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General Purposes Licensing Committee

Date: **Tuesday 27 January 2015**

Time: **6.15 pm**

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

For any further information please contact:

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General Purposes Licensing Committee

Membership

Chair Councillor Mary Clarkson Marston;

Vice-Chair

Councillor Colin Cook	Jericho and Osney;
Councillor Van Coulter	Barton and Sandhills;
Councillor Andrew Gant	Summertown;
Councillor Rae Humberstone	Blackbird Leys;
Councillor Pat Kennedy	Lye Valley;
Councillor Ben Lloyd-Shogbesan	Lye Valley;
Councillor Gwynneth Royce	St. Margaret's;
Councillor Mark Lygo	Churchill;
Councillor Dick Wolff	St. Mary's;

The quorum for this Committee is 4 Members, no substitutes are permitted.

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AGENDA

Pages

1 **APOLOGIES FOR ABSENCE**

2 **DECLARATIONS OF INTEREST**

3 **TAXI LICENSING ACTIVITY REPORT - APR - DEC 2014**

7 - 12

The Head of Environmental Development has submitted a report which details the progress made by the Taxi Licensing Function between 1 April 2014 and 31 December 2014

Officer Recommendation: That the Committee note the contents of the report; and make any comments and recommendations regarding the future work of the Taxi Licensing function.

4 **FEES AND CHARGES 2015/16: GENERAL LICENSING**

13 - 18

The Head of Environmental Development has submitted a report which seeks agreement of the general purposes licence fees for 2015/16 where the Council has discretion over the level of fee charged.

Officer recommendation: That the Committee agrees the licence fees and charges for 2015/16 as set out in Appendix 1.

5 **FEES AND CHARGES 2015/16: MISCELLANEOUS LICENSING**

19 - 24

The Head of Environmental Development has submitted a report which details the proposed miscellaneous licence fees for 2015/16 where the Council has discretion over the level of fee charged.

Officer recommendation: That the Committee agree the licence fees and charges for 2015/16 as set out in Appendix A.

6 **REVIEW OF THE STREET TRADING POLICY AND POLICY CONSULTATION RESPONSES**

25 - 60

The Head of Environmental Development has submitted a report which details the responses to the public consultation on the Street Trading Policy review 2014. The report seeks Committee's agreement to the revised Street Trading Policy and recommends the revised Policy to Council.

Officer recommendation: That the Committee:

1. Approves the revised Street Trading Policy 2015

2. Recommends to Council the adoption of the Street Trading Policy 2015.

7 MINUTES

61 - 64

Minutes from 10 June 2014

Recommendation: That the minutes of the meeting held on 10 June 2014 be APPROVED as a true and accurate record.

8 DATES OF FUTURE MEETINGS

19 May 2015

14 September 2015

26 January 2016

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: 21 January 2014

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
1 April 2014 – 31 December 2014

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between 1 April 2104 and 31 December 2014

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy

Recommendation: That the Committee note the contents of the report; and make 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 and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 between 1 April 2014 and 31 December 2014.
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 reporting period of 1st April 2014 to 31st December 2014.

Licences Issued	Total 1 April 2014 – 31 December 2014
Hackney Carriage Driver	211
Private Hire Driver	420
Hackney Carriage Vehicle	94
Private Hire Vehicle	418
Private Hire Operator	18

Actions Undertaken	Total 1 April 2014 – 31 December 2014
Licensing Sub-Committee Hearings	18
Enforcement Actions Commenced	279
Prosecution Cases Started	6
Complaints about Licence Holders	202

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 631 driver, 512 vehicle, and 18 Operator licenses issued by the Head of Environmental Development under delegated authority during the reported period. One driver licence was granted following the application being determined by the Hackney Carriage and Private Hire Licensing Sub-Committee.

Hackney Carriage and 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 driver 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. From 1 April 2014 until 31 December 2014, 17 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	1	0	4		
Existing Driver	2	2	3	0	5

Appeals

9. Three Sub-Committee decisions were appealed to the Magistrates' Court during the period covered by this report. These appeals concerned the Sub-Committee decision to revoke Private Hire Driver Licences following 2 drivers being convicted for Plying for Hire and driving without insurance and 1 Hackney Carriage and Private Hire Driver having failed to declare or accept knowledge of a Caution that was revealed on an Enhanced Disclosure and Barring Services Disclosure.
10. Two of the above three appeals that were lodged were heard at the Magistrates' Court during the reporting period. The Court dismissed both of the appeals relating to the revocations for Plying for Hire and driving without insurance, stating that the Council acted within its Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
11. The third appeal is yet to be heard, and the decision of the Court will be reported at the next meeting of the General Purposes Licensing Committee.

Enforcement Activity

12. During the reporting period, the Licensing Team has initiated 279 enforcement interventions, issuing the following sanctions (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions):
- 10 Cases still pending (awaiting further intelligence reports)
 - 34 No further action taken due to credible driver explanations
 - 27 Failures to submit DBS or Medical Disclosure
 - 19 Verbal Advice given at scene of an incident
 - 66 Advisory Warnings
 - 29 First Level Warnings
 - 22 Second Level Warnings
 - 24 Final Warnings
 - 15 Permits issued to vehicles with minor damage to remain in service for a maximum period of 28 days
 - 2 Request for a vehicle to undergo an additional COC Test
 - 17 Referrals to the Hackney carriage & Private Hire Licencing Sub-Committee
 - 3 Suspension Notices (driver)
 - 4 Suspension Notice (vehicle)
 - 1 Notifications of non-payment letters
 - 6 PACE interviews following Test Purchase Operations

13. 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.
14. 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.
15. 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 or failures to provide satisfactory documents in relation to the licence renewal process. 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.
16. As well as the disciplinary measures taken during the enforcement operations, 202 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:
 - 13 Cases are still active (at the time of writing this report)
 - 2 Information on laws applicable provided to complainants
 - 1 Advice provided to Operators re: parking to inform drivers
 - 5 Referrals to neighbouring authorities
 - 91 No further action taken*
 - 2 Vehicles inspected and sent for Certificate of Compliance Test
 - 56 Advisory Warnings
 - 13 First Level Warnings
 - 10 Second Level Warnings
 - 5 Final Warnings
 - 4 Referrals to the Hackney Carriage & Private Hire Licensing Sub-Committee

** 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.*
17. The Weekend Night-time Operation recently 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.
18. 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 undertaken¹⁰

Test Purchase Operations

19. During the reporting period, 6 Test Purchase Operations were carried out resulting in 6 drivers failing the Test Purchase. Resulting from the Operations, 6 interviews (under the Police and 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).
20. Resulting from the above PACE interviews all of the six cases were forwarded to Law and Governance for consideration to prosecute drivers for the offences of plying for hire and driving without the correct insurance. Court dates have been arranged for the earlier cases that occurred during this reporting period, however for the most recent cases dates have yet to be arranged between Law and Governance and the Magistrates Court.

Prosecutions

21. During the reporting period, 4 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). A
22. In each case the licence holders were found guilty of both offences, the and were each issued with 6 penalty points to be endorsed on their DVLA Licence, a fine, and ordered to pay costs.
23. Three other prosecutions cases were withdrawn before being heard at Court as the licence holders opted to not renew their licences, however, should they ever reapply to this Authority for a licence, their applications will be determined by the Hackney Carriage and Private Hire Licensing Sub-Committee owing to them having failed Test Purchase Operations.

Future Work

24. The Licensing Authority in partnership with the Community Safety Team has produced an informative page within the Driver Application Pack and online with helping the Trade be aware of Child Sexual Exploitation.
25. The Environmental Development Out of Hours Service that is on duty between 11.00 p.m. and 4.00 a.m. over the weekends has been requested to monitor two on-going issues relating to Private Hire causing obstructions along St Aldate's, and Hackney Carriages endangering the public and other road users through illegal motor vehicle manoeuvres at the junction of High Street, Queen Street, Cornmarket and St Aldate's.
26. Despite various requests made to the Trade and on-going enforcement operations by Officers of the Licensing Authority, the above issues continue to arise, and it would appear that these bad habits exhibited by the Trade are not easily resolved through the issuing of advice.

27. As such, drivers of licensed vehicles noted to be in breach of the rules and regulations pertaining to both Trades will be the subject of enforcement actions and through the accumulation of Warnings their licences will be subjected to a review by the Hackney Carriage and Private Hire Licensing Sub-Committee, in order that the Trade conducts itself in a professional manner and respecting the relevant laws, thus helping promote Oxford as a world-class city.

Legal Implications

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

Financial Implications

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

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To: General Purposes Licensing Committee

Date: 27 January 2015

Report of: Head of Environmental Development

Title of Report: Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers, Sex Establishments and Street Parties: Licence Fees and Charges for the 2015/16 financial year

Summary and Recommendations

Purpose of report: To seek agreement of the licence fees for 2015/16 where the Council has discretion over the level of fee charged.

Report Approved by:

Finance: Paul Swaffied

Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy

Recommendation: That the Committee agrees the licence fees and charges for 2015/16 as set out in Appendix 1.

Appendix 1: Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers, Sex Establishments and Street Parties Fees and Charges 2015/16

Introduction

1. The purpose of this report is to establish the licence fees and charges that should apply for 2015/16, for those activities where the Council has discretion. This report does not cover the fees for Licensing and Gambling Act activities, which are reported separately to the Licensing and Gambling Acts Committee.
2. The fees and charges detailed within this report and found at **Appendix 1** relate solely to the functions of the General Licensing Team. A further report will be provided to Members in relation to the fees and charges related to the functions of the Miscellaneous Licensing Team.

3. The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, training, administration, testing, inspections, hearings, regulation and appeals.
4. Licence fees set by the Council and administered in the General Licensing function consist of Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers and Sex Establishments.

Commercial Events

5. The making of Temporary Road Closure Orders under the Town Police Clauses Act 1847 is a discretionary service and the Council may make a charge for carrying it out, as long as the charge does not exceed the costs to the authority.
6. An increasing number of Road Closure applications have been made in the last year for events involving a commercial element, such as for a Continental Market, Christmas Market, Art Market, etc.
7. It is proposed that the fee of between £100 and £300 that was implemented for 2012/13 and continued through recent financial years not be changed, in order to help promote Oxford as a city where events can be held, and as such increase the profile of the city.

Hackney Carriage and Private Hire Licence Fees and Charges

8. The procedure for changing Hackney Carriage and Private Hire Licence fees requires consultation and all relevant objections must be considered before making any changes.
9. An extensive review of the costs of providing administrative functions for taxi licensing was carried out in 2011 and following consultation with the taxi companies, a number of charges were approved by the General Purposes Licensing Committee on 1st March 2011.
10. The additional income from these charges means that the cost of providing the Taxi Licensing service can be recovered without increasing the base Licence fees this year.

Scrap Metal Dealers

11. The licensing of Scrap Metal Dealers and collectors is an executive function presided over by the City Executive Board. Therefore the setting of fees does not fall to this Committee. The current and proposed fees for this function can be found within the Appendix purely for Members to note.

Sex Establishments (Sexual Entertainment Venues)

12. On 9th June 2010, the General Purposes Licensing Committee approved the report of the Head of Environmental Development detailing the level of fee to be set for the licensing of such premises.

13. No increases to the fees and charges were proposed last year; however an increase of 1.9% is proposed to the current level of fees and charges to ensure the full cost recovery of the services provided in order to offset the costs of inflation and the local pay deal.

Sex Establishments (Sex Shops & Sex Cinemas)

14. On the 3rd October 2010, the General Purposes Licensing Committee approved the report of the Head of Environmental Development detailing the costs applicable to the licensing of Sex Establishments (Sex Shops), following a request to determine the “reasonable fee” charged for this purpose.
15. No increases to the fees and charges were proposed last year; however an increase of 1.9% is proposed to the current level of fees and charges to ensure the full cost recovery of the services provided in order to offset the costs of inflation and the local pay deal.

Street Parties

16. The Council wishes to support the organisers of community based events such as street parties. It is, therefore, proposed to continue with the current practice of making no charge for small street parties or community events.

Financial Implications

17. The Council is responsible for collecting licence fees for these functions. Predicted income from licence fees is included in the Council’s budget estimates for 2015/16.

Legal Implications

18. The Committee’s responsibilities are set out in the Council’s Constitution and include setting and reviewing licensing fees other than those set by statute.
19. The power to levy fees is contained in the legislation relevant to each function or in the Local Government Act 2003 in relation to discretionary services. Licensing is not a revenue raising function and fees and charges should reasonably represent the costs of carrying out the function.

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Background papers: None

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APPENDIX ONE

GENERAL PURPOSES LICENSING COMMITTEE FEES & CHARGES 2015/16	2014/15 Charge	2015/16 Charge	Increase/ (Decrease)	Increase/ (Decrease)
	£	£	£	%
Taxi Licensing				
Vehicles				
Hackney Carriage	400.00	400.00	0.00	0.00
Hackney Transfer of Ownership	100.00	100.00	0.00	0.00
Hackney Change of Vehicle	100.00	100.00	0.00	0.00
Hackney Plate Deposit	50.00	50.00	0.00	0.00
Hackney Temporary Vehicle	75.00	75.00	0.00	0.00
Private Hire	262.00	262.00	0.00	0.00
Private Hire Transfer	100.00	100.00	0.00	0.00
Private Hire Change of Vehicle	100.00	100.00	0.00	0.00
Private Hire Plate Deposit	50.00	50.00	0.00	0.00
Private Hire Temporary Vehicle	75.00	75.00	0.00	0.00
Drivers				
Hackney Combined	115.00	115.00	0.00	0.00
Private Hire	101.00	101.00	0.00	0.00
Additional Charges				
Local Knowledge Test	75.00	75.00	0.00	0.00
Local Knowledge Re-Test	75.00	75.00	0.00	0.00
Disability Awareness Course	45.00	45.00	0.00	0.00
CRB check - all driver only, at cost	50.00	50.00	0.00	0.00
DVLA check - for new applicants only, at cost	8.00	8.00	0.00	0.00
Licence badge/replacement badge	10.00	10.00	0.00	0.00
Replacement external plate	25.00	25.00	0.00	0.00
Replacement internal PHV sticker	5.00	5.00	0.00	0.00
Exempt badge/replacement badge	25.00	25.00	0.00	0.00
Replacement internal HC vehicle plate	5.00	5.00	0.00	0.00
Replacement approved fare chart	2.00	2.00	0.00	0.00
Replacement approved no smoking signs (includes VAT)	1.00	1.00	0.00	0.00
Duplicate paper licence (replacement)	2.00	2.00	0.00	0.00
Fixed Penalty Notices Taxis (if and when the Taxi and Private Hire Bill is brought into law)	80.00	80.00	0.00	0.00
Unpaid Cheque Charge	30.00	30.00	0.00	0.00
Amendments to Private Hire Operator Licence	25.00	25.00	0.00	0.00
Charge for Exemption Notice	50.00	50.00	0.00	0.00
Operator's Licence				
Vehicle 3 & under	490.00	490.00	0.00	0.00
Vehicle 4 & over	980.00	980.00	0.00	0.00

GENERAL PURPOSES LICENSING COMMITTEE FEES & CHARGES 2015/16	2014/15 Charge	2015/16 Charge	Increase/ (Decrease)	Increase/ (Decrease)
	£	£	£	%
Road Closures				
Commercial Event Road Closures- Events (under 500 people)	100.00	100.00	0.00	0.00
Commercial Event Road Closures- Market and Street Fairs	250.00	250.00	0.00	0.00
Commercial Event Road Closures- Events (500 or more people)	300.00	300.00	0.00	0.00
Road closure with no commercial element inc street parties	No Fee	No Fee	0.00	0.00
Scrap Metal Dealers				
New Site Licence	1200.00	1200.00	0.00	0.00
Renewal Site Licence	1200.00	1200.00	0.00	0.00
Variation Site Licence	100.00	100.00	0.00	0.00
New Mobile Collector Licence	900.00	900.00	0.00	0.00
Renewal Mobile Collector Licence	900.00	900.00	0.00	0.00
Variation Mobile Collector Licence	100.00	100.00	0.00	0.00
Sex Establishments				
Sex establishment (Sex Shop or Sex Cinema)- New	8360.00	8520.00	160.00	1.91
Sex establishment (Sex Shop or Sex Cinema)- Renewal	8360.00	8520.00	160.00	1.91
Sex establishment (Sex Shop or Sex Cinema)- Variation/ transfer	1150.00	1170.00	20.00	1.74
Sexual entertainment venues new	5750.00	5860.00	110.00	1.91
Sexual entertainment venues renewal	5225.00	5320.00	95.00	1.82
Sexual entertainment variation/ transfer	1150.00	1170.00	20.00	1.74

To: General Purposes Licensing Committee

Date: 27 January 2015

Report of: Head of Environmental Development

Title of Report: Acupuncture, Ear Piercing, Electrolysis & Tattooing, Animal Boarding Establishments, Dangerous Wild Animals, Dog Breeding Establishments, Pavement Cafes, Pet Shops, Riding Establishments, Street Trading Consents and Zoos: Licence Fees & Charges for the 2015/16 financial year

Summary and Recommendations

Purpose of report: To seek agreement of the licence fees for 2015/16 where the Council has discretion over the level of fee charged.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy
Street Trading Policy 2010

Recommendation: That the Committee agree the licence fees and charges for 2015/16 as set out in Appendix A.

Appendix

Appendix A: Proposed Fees & Charges for 2015 / 2016 applicable to the Miscellaneous Licensing functions within the Business Regulation Team

Introduction

1. The purpose of this report is to establish the licence fees and charges that should apply for 2015/16, for those activities where the Council has discretion as administered within the functions of the Business Regulation Team.
2. The fees and charges detailed within this report and found at Appendix A relate solely to the functions of the Business Regulation Team. A further report will be provided to Members in relation to the fees and charges related to the functions of the General Licensing Team.

3. The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings, regulation and appeals.
4. Licence fees set by the Council and administered in the Miscellaneous Licensing function consist of Acupuncture, Ear Piercing, Electrolysis & Tattooing, Animal Boarding Establishments, Dangerous Wild Animals, Dog Breeding Establishments, Pavement Cafes, Pet Shops, Riding Establishments, Street Trading Consents and Zoos.
5. A 1.9% inflationary increase to these fees and charges is proposed to the current level of fees and charges to ensure the full cost recovery of the services provided in order to offset the costs of inflation and the local pay deal, with the exception of Street Trading Consents at Events, Street Cafes Permits and Peripatetic Traders which are dealt with separately within this report.

Street Trading Consents Events

6. A change in fee structure is proposed regarding Street Trading Consents granted for those trading at commercial events in order to ensure a full recovery of the costs associated with compliance visits made by Licensing Officers during the event.

Peripatetic Traders

7. It is proposed that a fee is introduced to cover peripatetic traders in Oxford. These traders have minimal impact due to the manner in which they trade therefore a separate fee is required to ensure full cost recovery.

Street Café Permits

8. The annual licence fee of £750.00 was introduced for the 2013/14 financial year. There is no proposed change to this fee as it is subject to review.

Financial Implications

9. The Council is responsible for collecting licence fees for these functions. Predicted income from licence fees is included in the Council's budget estimates for 2015/16.

Legal Implications

10. The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute.
11. The power to levy fees is contained in the legislation relevant to each function or in the Local Government Act 2003 in relation to

discretionary services. Licensing is not a revenue raising function and fees should reasonably represent the costs of carrying out the function.

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General Purposes Licensing Committee	2014/15	2015/16	Increase/ (Decrease)	Increase/ (Decrease)
Fees & Charges 2015/16	Charge	Charge	(Decrease)	(Decrease)
	£	£	£	%
Street Trading Consents				
City Centre & Late Night Traders				
NEW Application Fee (where consultation is required)		300.00		
Annual consent (Pro Rata for period of Consent)	7640.00	7580.00	59.80	0.78
Weekly Consent (Weekly Rota)	168.00	170.00	1.70	1.01
Outside the City Centre Traders				
NEW Application Fee (where consultation is required)		300.00		
Annual consent (Pro Rata for period of Consent)	2715.00	2560.00	155.24	5.72
Peripatetic Street Traders				
NEW Application fee		100.00		
NEW Annual consent (Pro Rata for period of Consent)		1350.00		
General Charges				
Replacement Consent	26.00	30.00	4.50	17.65
Identification badge (per badge)	27.50	30.00	2.70	10.99

General Purposes Licensing Committee	2014/15	2015/16	Increase/ (Decrease)	Increase/ (Decrease)
Fees & Charges 2015/16	Charge	Charge	(Decrease)	(Decrease)
	£	£	£	%
Events				
NEW Street Trading at an event of up to 5 days for commercial benefit		25.00		
NEW Street Trading at an event of 6 - 14 days for commercial benefit		40.00		
Street Trading at event for community / charity benefit	No Fee	No Fee	0.00	0.00
Street Café Licenses				
Annual Fee (one off payment per annum)	750.00	750.00	0.00	0.00
Miscellaneous Licensing				
Acupuncture, ear piercing, electrolysis & tattooing (only payable on first registration - INDIVIDUAL)	109.00	111.00	1.86	1.70
Acupuncture, ear piercing, electrolysis & tattooing (only payable on first registration - PREMISES)	217.00	221.00	3.74	1.72
Animal Boarding Establishment (not incl. vet fees)	173.00	177.00	3.60	2.08
Dangerous Wild Animals (not incl. vet fees)	395.00	402.00	7.26	1.84
Dog Breeding Establishment (not incl. vet fees)	173.00	177.00	3.60	2.08
Pet Shop (not incl. vet fees)	173.00	177.00	3.60	2.08
Riding Establishment (not incl. vet fees)	401.00	408.00	7.14	1.78
Zoo (not incl. vet fees)	401.00	408.00	7.14	1.78

To: General Purposes Licensing Committee

Date: 27 January 2015

Report of: Head of Environmental Development

Title of Report: Review of the Street Trading Policy and Policy Consultation Responses

Summary and Recommendations

Purpose of report: To report to Committee on the responses to the public consultation on the Street Trading Policy review 2014. To seek Committee's agreement to the revised Street Trading Policy and to recommend the revised Policy to Council.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy
Street Trading Policy 2010

Recommendations: That the Committee:

1. Approves the revised Street Trading Policy 2015
2. Recommends to Council the adoption of the Street Trading Policy 2015.

Appendices:

Appendix A – Copy of responses to the consultation

Appendix B – Copy of the proposed Street Trading Policy

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 its meeting on 10th June 2014, General Purposes Licensing Committee received a report on the Street Trading Policy review 2014. Committee resolved to carry out public consultation on a revised Street Trading Policy. This report summarises the responses to the consultation and gives comments from officers.

Consultation

3. The Council has completed an eight week consultation on the review of its Street Trading Policy and General Conditions. The consultees included the following:
 - 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
 - Relevant departments within Oxford City Council
4. 58 people responded to the consultation document. The responses were generally positive and in support of all the proposed changes.
5. Copies of the comments received are provided at Appendix A.
6. A copy of the draft Street Trading Policy and conditions is provided in Appendix B.
7. Members are asked to review the comments made during the consultation period and consider any additional amendments to the policy.

Legal Implications

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

Financial Implications

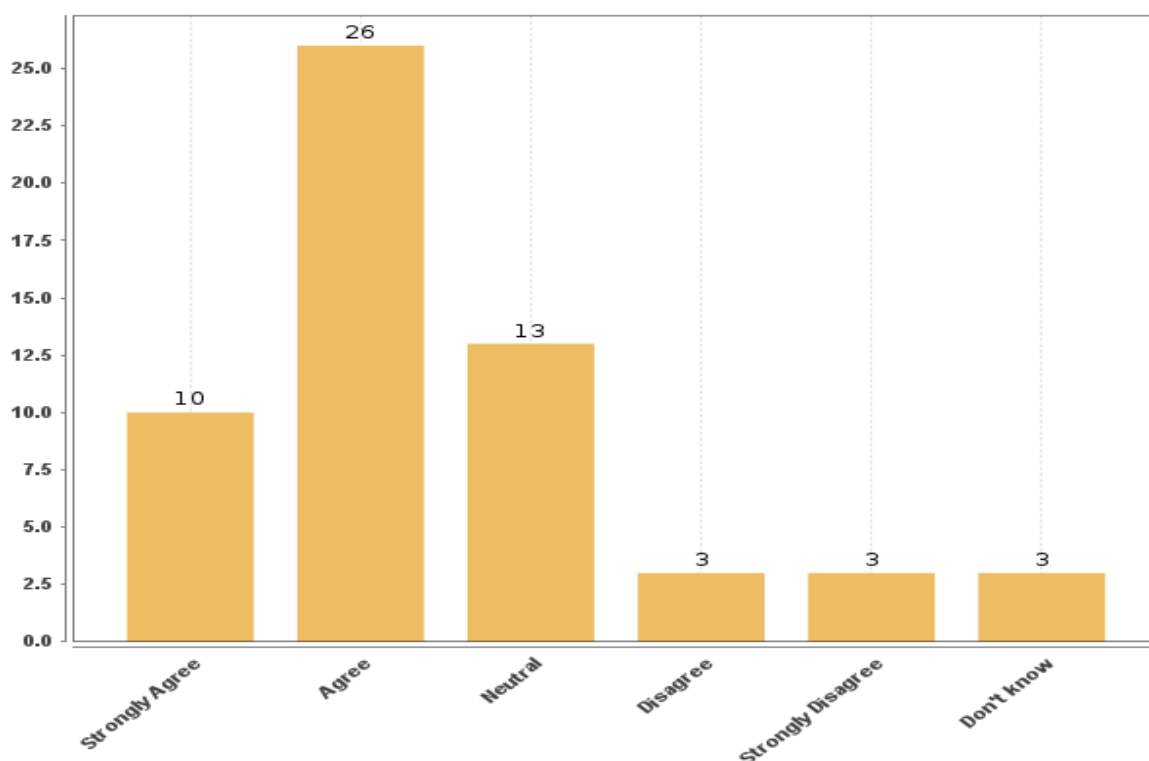
9. There are no financial implications attached to this report

Name and contact details of author: **Samantha Howell**
Licensing Officer
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Street Trading Policy 2014 Consultation Responses

The following responses were received; where necessary, comments from the Licensing Team follows in bold black italic font:

1) To what extent do you agree with the proposed consultation process for new applications?



“I agree with the inclusion of food hygiene and environmental impact standards. However the fees are already so high that street trading is inaccessible to entrepreneurs or start-ups, and the inclusion of more regulations will only increase this exclusion. The 'appearance' seems subjective and likely again to possibly exclude traders who don't have a large amount of capital from being able to trade in Oxford. Waivers, discounts or longer-term payment options would make the local economy stronger.”

“I think the fees should be on a sliding scale that reflects the true commercial value of the trading event. e.g. the Cocoa Cola marketing event in Broad Street last Christmas must have a premium commercial value. Multinational conglomerates should pay more than local small traders!”

For legal reasons, we are not permitted to set street trading fees in this way.

“The current consultation process does not involve small trader tenants of Oxford City Council, who could be highly affected by street trading and ad hoc markets.”

Relevant amendments to the process have been made to address this.

“There is considerable scope across Oxford for more street traders. They broaden the portfolio away from boring chain stores and offer more local employment and sourcing (environmental).”

“To demonstrate a commitment to the promotion of healthy alternatives food handlers could be required/ incentivised to take a healthy eating qualification, such as the CIEH Level 2 Award in Healthier Food and Special Diets.”

“It seems inappropriate for small street traders to be regulated as though they were large fixed-site businesses. How many can jump these hurdles?”

“Try to make the process as smooth and easy as possible. Oxford could really benefit from street trade.”

“We feel that there should be opportunity for members of the public to comment on applications - this would allow both landowners and business occupiers within the vicinity to make representations on the proposals which should form part of any consideration of street trader applications. The Town Centre Manager should be consulted on any applications within the town centre.”

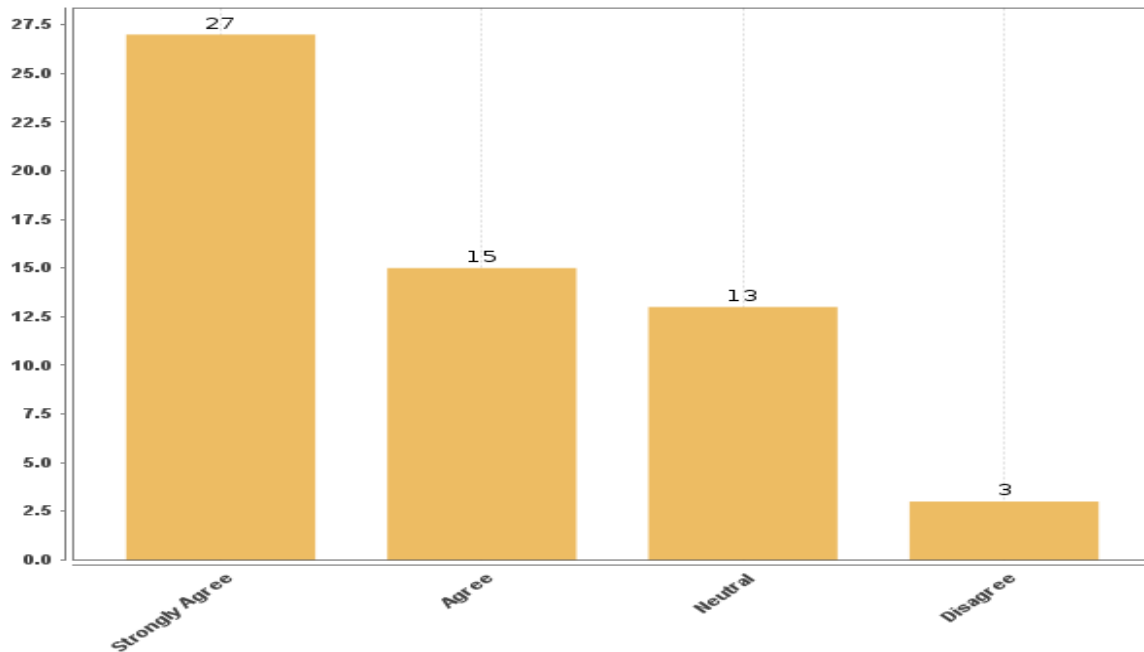
Relevant amendments to the process have been made to address this.

“5.3g would be over onerous if it applies to all traders in for example a street market or street fair.”

Small community events are exempt under the proposed policy.

“In general we wish to reduce litter and ensure high levels of hygiene are maintained in the serving of ready to consume food to the public. We welcome the consultation but do not agree in the proposal to limit vendors to specific packaging.”

2) To what extent do you agree with the proposed condition regarding Street Trading Consent not normally being granted within 100 metres of any school or college between the hours of 07:30 and 18:00?



“100m may not be enough.”

“Disagree if college includes any Oxford University College or any other establishment where the students are over 18.”

The proposed condition relates to colleges of higher education for under 18s. It does not refer to University or further education establishments.

“I agree providing we are talking about a school or college that has U18s present. If there are no U18s present then I fail to see the need for the restriction.”

“How can 'not normally' be circumvented? Also is 100 yards enough?”

The purpose of this condition is to help prevent children from eating at unhealthy fast food outlets in the school fringe in recognition that food takeaway diets can be a contributing factor in the rise of childhood obesity and other major health problems. This condition would not apply to applications for traders selling exclusively healthy options.

“Does this include Oxford University?”

“School yes, college no.”

“I see no reason why in the case of higher education institutions this policy should not be extended to midnight. There are two vans stationed in St Aldate's, one outside Christ Church and one outside Pembroke College. They create unnecessary congestion, smell and noise as well as obscuring site lines at both colleges' entrances. Moreover they do not assist

crossing what is an extremely busy street. In addition they sell food which could not be described as healthy.”

“This restriction makes the assumption that all street traders sell unhealthy food and will always continue to do so. If a street trader only sells unhealthy food consideration should be given to extending the exclusion zone around schools and colleges. Alternatively, if some street traders can be incentivised to sell only healthy food and drink they should be exempt from this restriction.”

“This should be left so that that individual cases are decided entirely on their own merits. It does not require a blanket policy.”

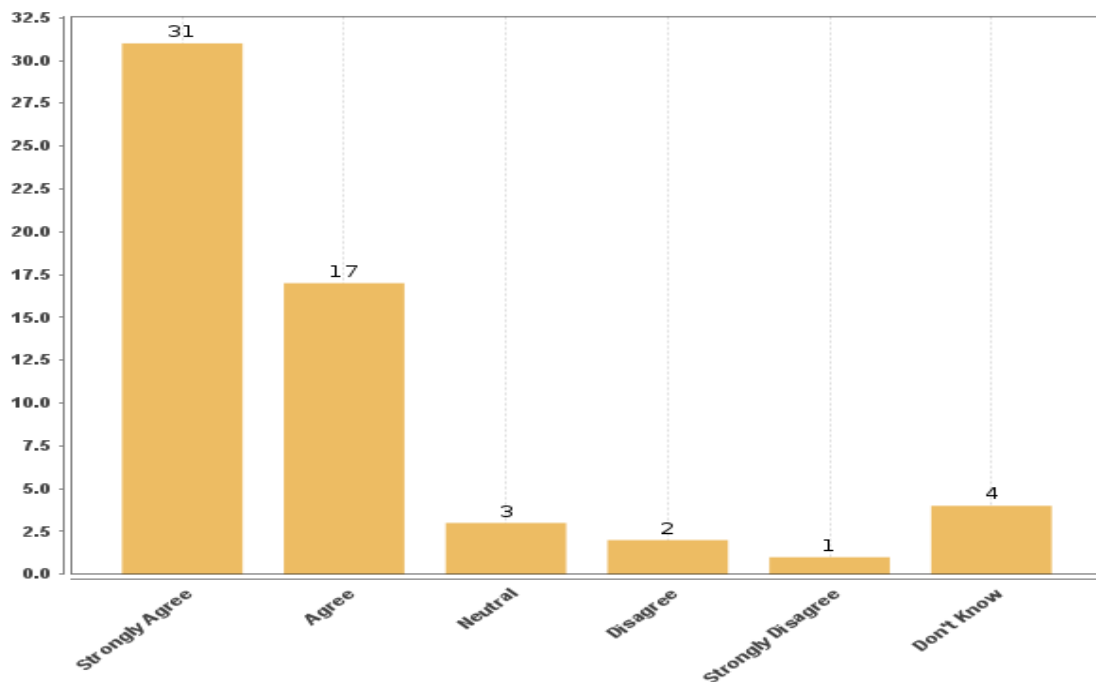
“100 metres is insufficient, suggest 250 metres minimum.”

A 100 metre distance is in line with the practice adopted by other Local Authorities for this type of condition.

“100m is no distance at all - to be meaningful would need to be greater than this.”

“I would caveat by saying that I would not necessarily object if the street trader in question was offering healthy food - the objection is to fast food operators close to schools offering unhealthy food.”

3) To what extent do you agree with the proposed condition that requires food businesses to achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory' under the Food Hygiene Rating Scheme?



“I'm still not going to eat them.”

“I think the minimum Food Hygiene Rating should be higher.”

“It has to be a 5 or they will work at a 3 level. Keep it tight. Far too important to allow a low minimum.”

“Of course food traders should be properly trained.”

“Generally Satisfactory doesn't sound very good to me!”

“To allow customers to make an informed choice about food safety standards all street traders should be required to prominently display an up to date Food Hygiene Rating Sticker.”

“I would prefer the requirement to be higher than this, but this is a workable minimum provided it is properly enforced.”

“5 would not be unachievable. Premises manage it.”

“Agree so long as this is the same standard for someone to trade from a fixed shop premises - wouldn't be fair to have a different standard.”

Compliance of food businesses with food hygiene law is measured on a 0-5 scale. Achieving a rating of 3 – Generally Satisfactory (or above) means that a business is considered to be 'broadly compliant' with the legal requirements. The council is committed to Building a World Class City and uses its regulatory influence wherever possible to raise standards. National legislation does not permit us to impose these standards on fixed premises. Any food business that fails to meet this standard (0-2 rating) is targeted for enforcement to improve their standards.

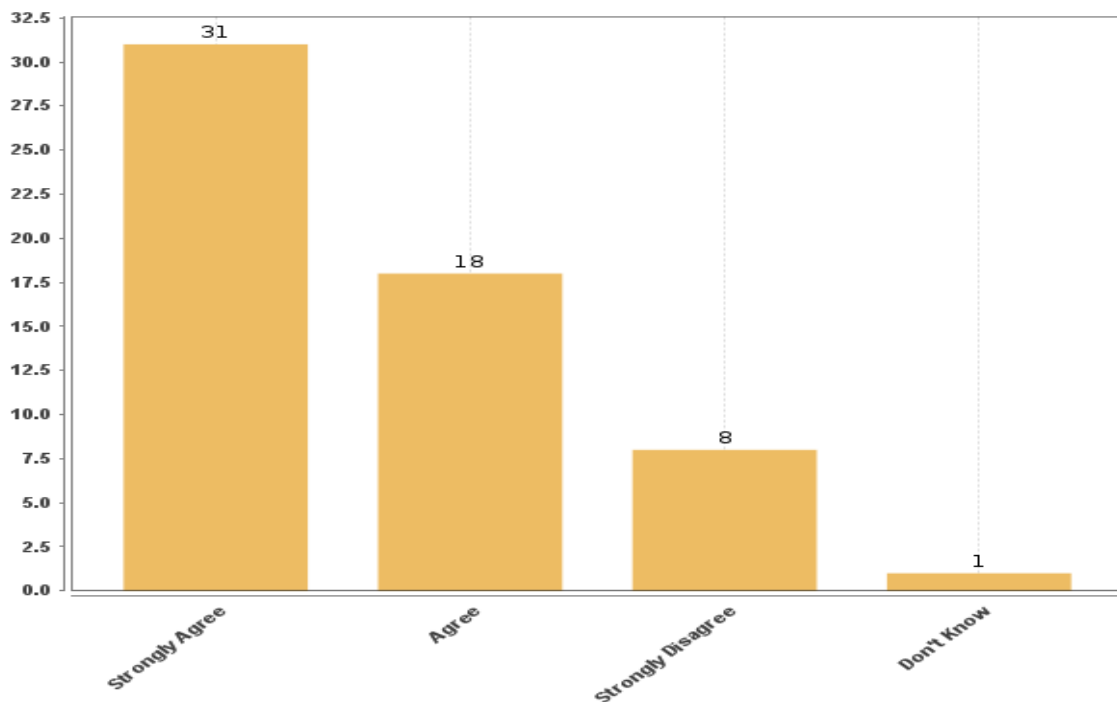
“This rule should also apply to traditional restaurants and cafés. No one should be able to trade with 0 or 1 hygiene rating.”

“Should be far better than that.”

“Should be higher.”

“Current Extruded Polystyrene (EPS) packaging is extremely hygienic and safe with evidence to prove so. This is why it used to a very large extent by the NHS.”

4) To what extent do you agree with the proposed condition for food traders which requires all packaging and utensils for use by customers to be made of biodegradable or recyclable materials?



“This will not prevent litter and will cause more problems. BIODEGRADABLE materials do not degrade overnight so need to be cleared away. Some people think it's acceptable to litter degradable items so litter may increase. RECYCLABLE materials need to be collected. Irresponsible people who do not use a bin are very unlikely to look for a recycling bin. Polystyrene (EPS) trays keep food hot so less chance of food waste. EPS is 98% air, has lowest carbon footprint of any plastic is recyclable.”

“There is no reason for street traders to have be treated differently to Marks and Spencers.”

As previously, the Council takes the opportunity to improve standards wherever it is possible to do so.

“A lot of 'biodegradable' materials are not very biodegradable. More exact standards would help. Although anything to lessen polystyrene is a start!”

“The policy should be specific in defining the terminology for and recyclable and biodegradable. In addition, compostable packaging should also be considered and mandating that packaging is certified to a standard e.g. BS EN 13432 Packaging: requirements for packaging recoverable through composting and biodegradation.”

“The environment is not a fringe issue. It has the potential to cause business real money and though perceived as indirect costs, this does not make them any less real. Environmental costs will be borne by someone. There is also a common misconception that bio material is more expensive. Depending on volume, this is not necessarily the case. Switching to bio-packaging allows business to leverage sustainability to enhance reputational value, reduce costs and secure their license to operate.”

"I support the direction, biodegradable and recyclable are 2 different things and you need to think hard about how all the waste does NOT end up in landfill. Disposal instructions must be included."

The council is committed to reducing waste sent to landfill year on year and to increasing the amount of waste we recycle. As a waste collection authority, the Council does not currently have the facilities to process biodegradable waste.

"If the Council is going to impose this cost on traders, in turn it should promote the traders as being sustainable and local sourced food."

"But this won't reduce litter nuisance: biodegradable/recyclable litter will still need to be collected and dealt with."

"Packaging and utensils should be functional and recyclable. Foam foodservice products are 100% recyclable, cost effective and have a low environmental impact. If compostable products are mandated, the city must have an existing, functional municipal wide composting operation that accepts foodservice containers. One cannot dispose of compostable products in a landfill or just toss away as litter as they will not compost. To properly dispose of them requires an industrial composting facility."

"It would be better if all packaging and utensils had to have vendor's name and then fines imposed when any bit of rubbish found. I live on a road where a lot of rubbish is tossed - it's not going to biodegrade in 10 minutes is it?"

"Yes packaging should be biodegradable and or recyclable and have printed on it PLEASE BIN ME, or something to that effect as nudges do work on the general public."

"But it still should not require local Council Tax payers to pay for cleaning up the streets. This cost should be levied on the street traders."

Legislation dictates that the cost of street cleansing cannot be levied on the street traders.

"The Polystyrene (EPS) trays currently used keep food hot thus minimising food waste. EPS is a good example of the efficient use of natural resources as it is 98% air. It is also recyclable. Biodegradability is a very complex field. Whilst there are some excellent applications for these materials, they can contaminate recycling streams and may actually encourage littering. Biodegradable materials require specific conditions to degrade - they will not simply disappear in the open environment."

"Polystyrene packaging is recyclable. Banning it will not reduce litter. Biodegradable packaging takes time and the correct conditions to biodegrade and can be an encouragement to litter. The effect will be to substitute one form of litter for another. EPS uses less resources in its creation than other materials so has a lower Co2 footprint."

5) Do you have any other comments in respect of the draft policy?

“Ensure the area where there stall is kept clean and tidy.”

This is already a general condition of consent.

“No. Well done.”

“INCPEN shares concerns about litter and we have worked with litter abatement bodies to prevent it. We would welcome the opportunity to meet with Oxford CC to discuss how we can help tackle the problem in Oxford.”

“We share concerns about our products & litter and we have already worked with litter abatement bodies to prevent it. We would welcome the opportunity to meet with Oxford CC to discuss this issue further.”

5.14 Who will the council consult with re nuisance complaints? Is there consistent checking procedure in place to confirm all stalls have been included in an application?

The Council refers any nuisance complaints to the Environmental Health Service. There is already a consistent procedure in place for checking applications.

“Biodegradable vs. Compostable. Compostable plastics are a subset of biodegradable plastics that biodegrade within the conditions and timeframe of the composting process. Compostable is always biodegradable. Biodegradable is not always compostable. For example the following are all of the following are biodegradable when they are scattered about as litter: cotton rags 1-5 months, paper 2-5 months, rope 3-14 months, orange peels 6 months, wool socks 1 to 5 years, cigarette butts 1 to 12 years, plastic coated paper milk cartons 5 years, leather shoes 25 to 40 years, nylon fabric 30 to 40 years, plastic 6-pack holder rings 450 years.”

“Fast food traders must provide bins and there should be strong enforcement to ensure that they are used. If there is rubbish in the street the next morning traders' licence should be reviewed (if necessary removed for persistent & offenders).”

“AOK to me, but we don't need any more street traders of any kind in the town centre.”

“Exempted community events should include the Cowley Rd Carnival?”

The proposed exemption regarding events is for small community events. As with any larger event, commercial stalls at the Cowley Road Carnival will be subject to a street trading fee.

“Oxford City Council has the opportunity to lead the way and set a positive benchmark for other councils to follow with regard to switching to bio-packaging material. There is a real push from smart business and the ethically minded consumer for councils to promote sustainable development and in a world of ever increasing extreme weather events, this pressure is only going to increase. Making the switch to bio-material has other exciting benefits, as well as offsetting environmental damage. With compostable bio-packaging, users have the opportunity to close the loop on this waste stream, a strategy London Bio Packaging specialises in. By closing the loop and ensuring used packaging is properly disposed of through the correct waste stream at its end of life, you eliminate waste altogether, as the bio-packaging material becomes the raw material supply for the another (composting) industry. Such an achievement would be totally possible for the Oxford area.”

“We suggest that pedlars should be only granted permission to trade in designated areas. Cornmarket Street is currently overrun with pedlars. We also suggest that buskers and entertainers be regulated with specific pitches. We suggest that Oxford City Council re-gain control of its only market square, Gloucester Green, which is currently as we understand being rented to a private company. We suggest that all ad hoc markets in Oxford City, should take place in areas that are designed for markets with proper power facilities. Currently markets are being held in inappropriate places, which is greatly affecting local small businesses. We also suggest that Oxford City Council devise a long term marketing strategy for utilising spaces which are currently under occupied, such as The Castle and Gloucester Green, rather than quick-fix flooding the city with events to increase footfall.”

Pedlars, buskers, Gloucester Green chartered market and farmers markets fall outside the scope of the Street Trading Policy.

“It seems to try to address some of the key issues of our time - obesity, type 2 diabetes, waste and landfill.”

The Council should be encouraging diversity of sourcing and small business provision (UK Government Treasury Policy). Street traders add life and vitality to Oxford and provide for a different market. I am concerned by the unqualified statements in the policy which are open to significant interpretation on adequacy of provision. That could only be tested by the market, not Council officials. The Council should be looking to international best practice such as street traders in Germany or Portland Oregon which promotes its thousands of food carts and they draw in tourists to the city.

“Rightly, the new policy places great emphasis on seeking to ensure that any food sold is microbiologically safe to eat and that consumers are in a position to make an informed choice about the safety of their food. In much the same vein the policy could easily be used to promote and incentivise healthy alternatives. To allow people to make more informed choices about the longer term health impacts of eating particular foods, all menu items including fizzy drinks could clearly state how many calories are contained in a single portion. Healthier choices could be prominently highlighted on the menu and a health rating score/award could be provided. Standards could be devised to control the amount of hidden fat, sugar and salt in condiments and sauces. To incentivise street traders to obtain a healthy eating qualification and provide healthier choices those meeting specified health promoting standards could be offered a reduced annual fee.”

“I should like to see the introduction of licence streets to raise the barrier to shorter hours for the evening sale of hot food (3am is unnecessarily late; 1am would be late enough) in order to reduce both litter nuisance and noise nuisance by removing incentives for people to hang around in the City centre in the small hours.”

The current scheme allows us to amend hours where necessary.

“It is important to achieve a balance which allows street trading to flourish where it is appropriate, and does not regulate it out of existence.”

“I would like to offer an invitation to council officers to use the CCTV suite for monitoring and enforcement opportunities with regards to breaches of licence.”

“How does this policy relate to community markets? Currently the Headington Farmers market is exempted from street trading fees. Our reading of the draft policy is that fees would apply. A £25 charge per trader would mean that Headington Action would no longer be able to run the market.”

The revised policy does not include community farmers' markets.

"I question the benefit of street vendors to the local economy and the fact they add to the character of the area. In a historic city such as Oxford I feel strongly that they detract from the overall streetscape and compete with existing traders who pay significantly more in rent and rates for the privilege. They have a place in controlled shopping centre environments but otherwise surely detract from the retail/ visitor experience."

"Litter is a social problem and not a material specific issue - plastic packaging products do not litter, people do. The British Plastics Federation (BPF) is committed to increasing plastics recycling and helping to reduce the wide social problem of litter. We would welcome the opportunity to meet with Oxford City Council to discuss how we can help tackle these issues in Oxford."

"The decision should include some consideration of the impact on the historic environment and conservations areas - it cannot be right to have vans like this outside tom Tower at Christ Church, for instance. We cannot support Broad street, High Street, St Aldates therefore should include the Castle which is allowed market trading 7.2 please add Oxford Open Doors/OPT."

"As the trade association representing the manufacturers and distributors of packaging used by the foodservice industry we are very committed to reducing litter and are working with Keep Britain Tidy, Defra and foodservice retailers to find ways of discouraging litter. Packaging manufacturers and most foodservice operators are not to blame for litter however there is much we can do together to discourage littering. Used EPS packaging has a value so we need to support an increase in bins designed to encourage the public to use them. We need to work together to educate the public and modify the behaviour of those who litter. In Oxford we need to work with vendors to help get the message across about disposing of packaging correctly. This could include labelling on packs and signs. We believe the most successful LA's with regard to waste are those who treat it as a resource and not a cost and so our industry needs to work with you to achieve this."

"Perhaps experience of a food trader outside 66 St Giles makes us feel that the use and sighting of generators needs to be included in the street trading policy."

Advice is already provided to applicants regarding the use of generators. The use of a generator is considered by relevant departments during the application process.

"In 5.6 - we wonder if 'immediate vicinity' needs further definition - what does this mean in practice?"

This wording is best practice amongst Local Authorities. The wording at 5.6 is provided as guidance for new applicants to consider.

In 5.8 (c) - nuisance from noise and odours can be caused to businesses as well as residents and this should be provided for.

Control of nuisance from noise and odours affecting businesses is dealt with under other legislation enforced by the Environmental Health Service.

In 5.8 (d) last sentence - "the unit will not detract from the appearance of the surrounding area" - we believe that the words "or character" need to be added in after the word 'appearance' - whilst appearance is important, different streets have very different characters and this should also be a factor in considering whether a trader is appropriate.

5.8 generally - the compatibility of the trader with the businesses in the immediate vicinity should be a factor in considering applications, to avoid incompatibility of uses e.g. fast food vans outside fine art galleries.

There should be consideration given to a healthy food policy in relation to food traders, to limit the amount of overall fast food vans in any one area and generally within the district. Ties in with Corporate Objectives - promoting healthy living.

The policy suggests that renewals of consents once granted will be virtually automatic, other than where there have been complaints or breaches of condition. We think that the original factors should be reconsidered at renewal to take account of changes, such as the changing nature of streets and environments, e.g. following development or pedestrianisation. What was once appropriate may no longer be so.

Traders must apply for Street Trading Consent annually. There is no automatic renewal. The original factors are reconsidered and where necessary, applications are referred to the Licensing Committee for a decision.

The street trading policy could be expanded to regulate the advertising on streets that currently takes place illegally e.g. the use of A boards and bikes and the like to advertise businesses, markets etc - it is unclear who currently enforces or controls these aspects. A formal policy and a clear consent process with enforcement powers is needed to tackle these issues.

The street trading legislation does not give powers to the Council to regulate advertising in the form of A Boards or bikes. There is other legislation in place to deal with these issues, e.g. the Highways Act 1980.

As regards Broad Street where the Council owns the main retail parade from no 1 to 23/25 - the allocation of 2 daytime sites outside no 14 and no 17 has caused controversy with some of the Council's tenants who trade from the retail units. From a property landowning perspective, we have a vision for Broad Street retailing to attract high quality tenants to form an alternative destination to the High Street, building on the historic character of the street. The presence of fast food street traders conflicts with that vision and there is already an incompatibility of uses e.g. outside no14. We would wish that no further sites be allocated in Broad Street and that the present allocation of daytime sites be reviewed."

"It is the City Council's proposal that environmental credentials will be considered when assessing applications for the grant or renewal of a Street Trading Consent that is of interest to us: specifically clause 31 within the general policy conditions that requires street traders to ensure that "all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials."

We believe that this policy is a really positive step by the City Council and may be the first of its kind. Not only will this help tackle litter at source, but the policy will also increase the recyclability of any litter generated, reducing the prevalence of materials such as Styrofoam that are difficult to recycle.

A key consideration should be that any recyclable packaging distributed by street traders should be compatible with the Council's local recycling facilities; particularly with the on-street recycling bins located within the city centre. Some simple guidance to street traders on suitable packaging materials and advice on where these may be sourced would be beneficial.

We believe that it is preferable to specify recyclable packaging over biodegradable packaging. Generally, the term "biodegradable" is poorly understood by members of the public, whereas "recycling" has in recent years become a main stream activity that people

have grasped. Limiting the materials to recyclable (rather than biodegradable) will simplify the policy and improve public understanding.”

Biodegradable disposables. Reasonable choice of healthy eating options (e.g. not only fried foods) also healthy drink options (not only sweet fizzy drinks). Water always available. Site visits. Language and written skills of all employees at site to be of sufficient standard (e.g. to read instructions, labels etc., to deal with emergencies, to interface properly with public and inspectors, to understand any paper work they may have to deal with).

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BUILDING PRIDE IN OUR CITY

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.

Introduction

Regeneration of the city centre is a key element in the Council's vision for Building a World Class City. Street trading in the City forms part of this picture and is expected to change in line with the development that will take place over the next few years.

In recognition of this, the following is an interim policy that will be reviewed and updated as necessary to reflect our plans for a high quality, vibrant and successful city centre.

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.

The Head of Environmental Development does everything else.

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) A valid Waste Transfer Note.
 - (h) Proof of the applicant's and any prospective employee's right to work in the UK.
 - (i) 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 telephone 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	Commarket 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 Leys Play Day
- Headington Festival and Sports Day
- Littlemore Play Day
- Active Cutteslowe
- Friends of Florence Park
- Headington Fun Day
- Leys Festival
- West Oxford Fun Day

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GENERAL PURPOSES LICENSING COMMITTEE

Tuesday 10 June 2014

COUNCILLORS PRESENT: Councillors Cook, Coulter, Lygo, Kennedy, Gant, Royce and Wolff.

OFFICERS PRESENT: Ian Wright (Environmental Development), Julian Alison (Licensing Team Leader), Samantha Howell (Licensing Officer), Lyndsey Key (Environmental Health Officer), Daniel Smith (Law and Governance) and Sarah Claridge (Committee and Member Services Officer)

1. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2014/15

The Committee resolved to elect Councillor Mary Clarkson to be the Chair for the Council Year 2014/15.

In the absence of the Chair, Councillor Van Coulter was appointed to chair the meeting.

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

The Committee resolved to DEFER the election of the Vice Chair for the Council Year 2014/15 to the next meeting.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received by Cllr Clarkson.

4. DECLARATIONS OF INTEREST

None

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

The Head of Law and Governance submitted a report (previously circulated, now appended) that established Sub-Committees for the 2014-15 Council Year; to deal with the casework flowing from the Committee's own responsibilities.

The following corrections to the report were made:

1. Paragraph 1: report should read "for the 2014/15 council year"
2. Paragraph 5: the committee is asked to continue with the current convention of 2 member sub-committees requiring the consent of the person appearing before it.
3. Paragraph 7: The Licensing and Registration Sub-Committee should consist of the following political makeup: 2 Labour, 1 Liberal Democrat and 1 Green member.

The Committee resolved to:

- (1)(a) Establish a Hackney Carriages and Private hire Licensing Sub-Committee for the Council Year 2014-15, agree its powers and duties and to appoint Cllrs Clarkson, Cook and Royce 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, but that the Sub-Committee can only proceed on this basis if the person appearing before the Sub-Committee agrees;
 - (c) Agree that the meetings of the Hackney Carriages and Private Hire Licensing Sub-Committee would begin at 5.30 pm.
- (2)(a) Establish a Licensing and Registration Sub-Committee for the Council Year 2014-15, agree its powers and duties and to appoint Cllrs Clarkson, Coulter, Royce and Wolff to it on the basis of political balance;
 - (b) Note that the quorum for the Licensing and Registration Sub-Committee is two, but that the Sub-Committee can only proceed at quorum or with three members if the person appearing before the Sub-Committee agrees;
 - (c) Agree that the meetings of the Licensing and Registration Licensing Sub-Committee would begin at 5.00 pm.
- (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

The Head of Environmental Development submitted a report (previously circulated, now appended) which informed the Committee of the progress made by the Taxi Licensing Function during the Council Year 2013/14.

The following comments were made:

- The delays in court prosecutions are mainly due to the court listings.
- A one page information sheet to increase awareness of child sex exploitation with be inserted in the Hackney Carriage and Private Hire Drivers application pack.

The Committee resolved to NOTE the contents of the report.

7. STREET TRADING POLICY REVIEW

The Head of City Development submitted a report (previously circulated now appended) which detailed a report on the draft Street Trading Policy 2014.

The following comments were made:

- Welcomed the condition for all food packaging to be biodegradable once traders have used up their current supply.

- Concern was raised about statutory consultees not replying during consultations and the default being that this implied consent. Officers explained the process they went through to encourage consultees to respond.
- Better for the draft policy to restrict street trading consents near schools, by stating a set distance from schools rather than the broader “on the school route”
- Restrictions of A-Boards have not been included in the draft policy because A-Boards are a planning control issue.
- The new condition requiring street traders to have at least a 3 star food hygiene rating is the best way to make sure food preparation is safe. Food Safety Officers do frequent checks of street traders to make sure food hygiene standards are maintained.

The Committee resolved to:

1. NOTE the content of the report and approve the draft Street Trading Policy;
2. AUTHORISE the Head of Environmental Development to undertake a public consultation on the reviewed Street Trading Policy.

8. MINUTES

The Committee resolved to APPROVE the minutes of the meeting held on 21 January 2014 as a true and accurate record.

9. DATES OF FUTURE MEETINGS

The Committee resolved to NOTE the following dates on which it is scheduled to meet and to confirm the start time of 6.15pm for the remainder of the Council Year 2014/15.

Tuesday 23 September 2014
 Tuesday 27 January 2015

The meeting started at 5.30 pm and ended at 6.30 pm

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