

Agenda

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Licensing and Registration Sub Committee

Date: **Tuesday 15 April 2014**

Time: **5.30 pm**

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

For any further information please contact:

Lois Stock, Democratic and Electoral Services Officer

Telephone: 01865 252275

Email: lstock@oxford.gov.uk

Licensing and Registration Sub Committee

Membership

Chair

Vice-Chair

Councillor Van Coulter	Barton and Sandhills;
Councillor Gwynneth Royce	St. Margaret's;
Councillor Mary Clarkson	Marston;
Councillor Rae Humberstone	Blackbird Leys;

HOW TO OBTAIN AGENDA

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AGENDA

Pages

1 ELECTION OF CHAIR

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

Members are asked to declare any disclosable pecuniary interests they may have in any of the following agenda items. Guidance on this is set out at the end of these agenda pages.

4 PROCEDURE TO BE FOLLOWED

7 - 12

Guidance is attached

5 APPLICATION FOR NEW STREET TRADING SITE

13 - 24

Report of the Head of Environmental Development attached.

Mr Muller has applied for a new street trading site outside 119a Walton Street

6 APPLICATION FOR NEW STREET TRADING SITE

25 - 42

Report of the Head of Environmental Development attached.

Mr Popa has applied for a new street trading site outside 93 London Road.

7 MINUTES

43 - 46

Minutes of the meeting held on 10th February attached

8 MATTERS EXEMPT FROM PUBLICATION

If the Sub Committee wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding agenda items it will be necessary for the Sub Committee to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 specifying the grounds on which their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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.

OXFORD CITY COUNCIL

LICENSING and REGISTRATION SUB-COMMITTEE

HEARING PROCEDURES:

Housekeeping Matters

- Mobiles must be switched off
- No smoking throughout the building
- Consumption of food is not permitted

The Meeting

1. The Licensing Casework Sub-Committee will usually consist of four members of the Council (councillors) who are also members of the Council's General Purposes Licensing Committee. With the consent of the Applicant, or person who is subject of the hearing, the Sub-Committee may consist of fewer than four but no fewer than two councillors. At the start of each Sub-Committee meeting a Chair shall be elected from among the members. The Sub-Committee is responsible for reaching a decision upon the application having heard representations and considering all relevant material presented.

The Paperwork

2. Officers of the licensing authority (the City Council) will prepare the paperwork for the application that is to be heard by the Sub-Committee. The paperwork will include:-
 - A summary of the application or matter for determination, the representations received and of any other relevant material
 - A copy of the application and any other supporting material supplied by the applicant
 - Any observations on the application or matter made by the Police or other technical advisor to the Sub-Committee
 - Any representations of objection to the application

Introductions

3. The Chairman will commence the hearing by introducing her or himself and the other Sub-Committee members. The Chair will then ask all of the other parties present to introduce themselves and explain in what capacity they are attending.

Conduct of Proceedings

4. The role of the Chair is to control the proceedings. All questions must be put through the Chair.
5. The Chair will indicate that the members of the Sub-Committee have read and familiarised themselves with the papers and issues. The Chair will stress that the Sub-Committee does not therefore require points to be made or repeated at length.
6. The hearing shall take the form of a discussion. Formal cross-examination shall not be permitted unless the Chairman considers that cross-examination in a particular circumstance would assist. In exercising this discretion to permit cross-examination, the Chairman must have regard to the rules of natural justice and the right to a fair hearing.
7. Members of the Sub-Committee may ask questions to any party to elicit further information. The representative of the licensing authority may also ask questions of any party in order to clarify the evidence and any issues in the case.
8. In considering the application/matter or any representation made by a party the Sub-Committee may take into account documentary or other information relied on by a party in support of their application or representation - provided that copies of the information have been supplied to the Licensing Authority at least seven working days before the hearing or, with the consent of all the other parties, after that time.
9. Where a person attending the hearing is acting in a manner that the Chair considers is disruptive, the Chair may require that the person leave the hearing and may:
 - (a) refuse to permit that person to return; or
 - (b) permit him / her to return only on such conditions as the Sub-Committee may specify.

10. Before the end of the hearing any person who was required to leave the hearing under paragraph 9 may submit in writing any information which they would have been entitled to give orally had they not been required to leave.

Order of Proceedings

11. Any party may be assisted or represented by any person whether or not that person is legally qualified.

The Licensing Authority

12. The representative of the licensing authority shall present the paperwork relating to the application or matter to be heard by the Sub-Committee. The representative shall say who the applicant is, what the application is for and explain the paperwork before the Sub-Committee.

Applicant's case

13. The Applicant will outline their application and present their case and may call witnesses if desired.
14. The Sub-Committee may ask questions of the Applicant.
15. Other parties may ask factual questions of the Applicant. Cross-examination will only be permitted with the consent of the Chair.

Observations of Police and/or Technical advisors

16. Where appropriate the police or technical advisers to the Sub Committee may make their observations.
17. The Sub-Committee may ask questions of the Police and/or technical advisors.
18. Other parties may ask factual questions of the Police and/or technical advisors. Cross-examination will only be permitted with the consent of the Chair.

Objector's case

19. Where written representations of objection have been received the Sub-Committee will have regard to those representations. Any

Objectors attending the hearing may make oral representations in support of their objection and call witnesses if they wish. However, the Sub Committee will not require repetition of points already made in written representations.

20. Where a number of objectors have made representations which are similar in nature the Sub-Committee will expect a spokesperson to be appointed to represent the group.
21. The Sub-Committee may ask questions of any objector.
22. Other parties may ask factual questions of any objector. Cross-examination will only be permitted with the consent of the Chair.

Closing submissions

23. All parties will then be given the opportunity to summarise briefly their key points. The order shall be:-
 - Objectors
 - Police and/or technical advisors
 - Applicant

Determinations

24. At the end of the submissions, the Chair will announce that the hearing is adjourned while the Sub-Committee deliberate in private. The Sub-Committee will be accompanied by the Committee Clerk and Legal Advisor during their deliberations.
25. If it is necessary to recall any party for clarification of any point, then all parties should be recalled.
26. The Chair will either:
 - Announce the decision of the Sub-Committee and confirm that a written determination with reasons will be sent to the parties by a given date.
 - or
 - Close the hearing and confirm that once a decision has been made a written determination with reasons will be sent to the parties by a given date.

27. In any event a written determination setting out the reasons for the decision will be sent to the parties within five working days of the hearing.

Closed hearing

28. The hearing shall normally take place in public. However, the Sub-Committee may exclude the press and the public from all or part of a hearing where exempt information (*section 100A(4) Local Government Act 1972*) is concerned and the Sub Committee considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

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To: Licensing & Registration Sub Committee

Date: 15th April 2014

Report of: Head of Environmental Development

Title of Report: Application for a new street trading site – Mr Erik Muller

Summary and Recommendations

Purpose of report: To seek determination of an application proposing a new street trading location.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Street Trading Policy
A vibrant and sustainable economy

Recommendation(s):

Licensing and Registration Sub Committee is recommended to determine the application received and decide whether to grant a Street Trading Consent, taking into account the details in this report and any representations made at this Sub Committee meeting.

The Application

1. The Miscellaneous Licensing Team have received an application for Street Trading Consent from Mr Erik Muller. Mr Muller has applied to trade from a new proposed site outside 119a Walton Street, Oxford.
2. A full copy of Mr Muller application can be found at Appendix A of this report. Mr Muller has attached photographs of the proposed site, a site map and further information about his street trading venture.

Legislative Background/Legal Framework

3. 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”. All streets within Oxford are currently designated as “consent streets”. The Sub-Committee may grant a Consent if it “thinks fit”. When exercising this general power Members should only take into account relevant considerations; must give each applicant a fair hearing and should give reasons for their decision.
4. The Sub Committee may attach any conditions to a Consent that it considers “reasonably necessary”.

Policy Considerations

5. The Street Trading Policy was adopted by Council in July 2010 and came into force on 1st January 2011 for existing traders. Delegation is laid out in the Council’s Constitution. Paragraph 5.2 of the Policy states that the General Purposes Licensing Committee appoints a Licensing and Registration Sub Committee to decide street trading applications that are longer than three months.
6. Paragraph 5.4 of the Street Trading Policy states:

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

 - (a) Public Safety
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
 - (b) Public Order
Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.
 - (c) The Avoidance of Public Nuisance
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
 - (d) Appearance of the stall or vehicle
The stall or vehicle must be of smart appearance and meet criteria, including size, laid down in the standard consent conditions. Photographs or sketches, including dimensions, must be provided with all new applications and requests for approval of changes to or replacement of a stall or vehicle.

(e) Needs of the Area

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

(f) Environmental Credentials

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

(g) Food Traders

Applicants to trade in hot or cold food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, or The Royal Society of Health, or The Royal Institute of Public Health and Hygiene.

(h) Highway

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

Reason for Referral to Licensing & Registration Sub Committee

7. This matter has been referred to Licensing & Registration Sub Committee as Mr Muller has approached the Council with a new site proposal. Mr Muller has applied for a 12 month Consent.
8. The application is to sell freshly made wood fired pizza.
9. Mr Muller wishes to trade from the area as per Appendix A in the parking bay outside number 119 Walton Street, Monday to Sunday 1700 to 2300.
10. Upon receiving the application, Miscellaneous Licensing carried out a consultation with Thames Valley Police, Oxfordshire County Council Highways Authority, Environmental Health, Planning and Ward Councillors.
11. During the 14 day consultation comments were received from officers of Oxfordshire County Council Highways Authority and Thames Valley Police. Thames Valley Police and Oxfordshire County Council Highways Authority had no objections to the application. A Ward Councillor consulted with local traders and received one response which was in support of the application, providing that there was no sale of glass. A second Ward Councillor queried the loss of a parking bay, this factor will have been considered by the Highways Authority and they have no objections.

Financial Implications

12. The Council collects fees for the Street Trading function. Predicted income from licence fees are included in the Council's budget.

Legal Implications

13. The Sub Committee may grant a Street Trading Consent if it 'thinks fit', see paragraph 3 above. Consent may be revoked at any time. A Street Trader cannot be said to enjoy security of tenure and there is no requirement for the Council to give compensation for the loss of any Consent (other than any refund of Consent fees paid in advance). However, any decision to refuse an application or terminate Street Trading Consents may be subject to a judicial review and if held to be unreasonable then compensation may result.
14. Any determination of an application for Consent must be proportionate taking into account all relevant circumstances and the Consent holder's right to a fair hearing. An application should not be refused arbitrarily and without clear reason.

Human Rights Act Considerations

15. Article 6 of the European Convention on Human Rights provides that every person is entitled to a fair hearing in determination of a civil right or obligation. Applicants should be given a fair opportunity to present their case and respond to any representation against them.

Name and contact details of author: Samantha Howell
Tel: 01865 252558
Email: sjhowell@oxford.gov.uk

Background papers:

Appendix A – Application from Mr Erik Muller

Version number: 2

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Application for a Street Trading Consent
Local Government (Miscellaneous Provisions) Act 1982

All data contained in this form will be handled in accordance with the Data Protection Act 1998.
 Information about how Oxford City Council will handle this data can be found at www.ico.gov.uk and
 also on www.oxford.gov.uk.

Note: Please refer to the checklist attached before you send in your application form.

Full Name	ERIK Mullen
Trading Name (if any)	Rico's Pizza Shack Ltd
Home Address	<div style="border: 1px solid blue; padding: 5px; width: fit-content;"> Environmental Department Oxford City Council RN 11/12/2014 eived </div>
Postcode	
Telephone Numbers	Home: _____ Mobile: _____
Email address	
Date of Birth	
Country of Birth	
Applicants National Insurance number	
Description of articles to be sold	wood fired pizzas

If you intend to sell food & drink what is the address where the vehicle/trailer will be stored when not in use	
Is this an existing site? If Yes please state site No. If the answer is No please provide a map in accordance with the checklist (see attached)	Yes or <u>No</u>
Proposed days and times of trading	Days: <u>7 days a week</u> Times: <u>5pm</u> <u>11pm</u>
Vehicle registration number, make and model - if applicable	<u>BG07</u> <u>NYT</u>
Will you be the sole operator of the vehicle or stall? If the answer is No please complete an employee form for each member of staff (see attached)	Yes or <u>No</u>
Please read page 4, paragraphs 5.4 and 5.5 of the Street Trading Policy and describe how you are going to meet the following factors in boxes (a)-(h) below	
Public Safety	(a) <u>Following the steps carried out in Summertown common sense, risk assessment of the area between trading times</u>
Public Order	(b) <u>make sure we have the correct measures in place by leaving till 11pm.</u>
The avoidance of public nuisance	(c) <u>our product doesn't attract customers who would loiter, as they would take home to eat.</u>

Appearance of the stall or vehicle	(d) please see attached
Needs of the area	(e) 6m by 2.1 m parking Bay
Environmental Credentials	(f) silent generator, wood fired pizza oven.
Food Traders	(g)
Highway	(h) parking within the Bay already existing
What is your Premises Licence reference number? Note: If you are providing hot food or drink between 23:00 and 05:00 this will apply.	N/A .
Do you agree to comply with the Street Trading policy?	<input checked="" type="radio"/> Yes or No



The company started in September 2010 from then on it has been such a resounding success that I needed to give up my day job and concentrate all my efforts on this amazing street food scene. Rico's trades in the rural villages and towns where decent food is just so hard to get hold of or the prices are not worth the end result. At Rico's we are presenting freshly made wood fired pizzas, most of our clientele will phone ahead and pre order for a specific time to collect, this way we control the times and you have a great pizza to take home, of course one can just walk by and be tempted and just order at one of the Shacks. I have 3 shacks that do 17 different villages and towns, we trade in the village or towns once a week at a designated site, and this has proved to be well supported by all who visit us so much so that we are now in full swing for private events. Children's parties and high society venues for the glamorous and well heeled. The corporate side of Rico's is where we have made a good name and reputation for smooth painless events for our clients. In the process of building our business in the last 30 months we had a nomination from one of a very happy customer who put our hat in the ring for "the best take away" at Radio 4 Food & Farming awards, Richard Campion was our judge along with a few others, we cooked pizzas all evening long and ate and they judge us on full bellies. We got to the finals what an achievement in such a short space of time. The set up at head office, and we now employ 7 full time staff with entourage of 6 part-time. The Team at Rico's are proud and take the highest pride in what they do so much so that they eat pizzas every night and experiment with new toppings and option. Unlike our competitors our pizzas are thin Neapolitan style and the topping are from the very best sources that I get in this country, they import from Italy, Spain and France. We have tried to use locally sourced products but we don't have Anchovies nor do we have Olives but perhaps one day we will!

The Shacks:

We have originally started with the trailer bought on eBay, did a total refit in spring of 2010 while holding down a full time job, ready for August. We have now moved on, with our own designed shacks (vans) we started with one and have now progressed to 3 and working on our 4th.

I am trying always push the boundaries of innovation and be part of reducing carbon emissions, I know that our wood fired ovens comply to white smoke clearance but the shacks are using generators to power all the on board equipment. I am glad to announce that we have now produced a totally green way of operating our shacks with solar power and leisure batteries; this will allow for our shacks to trade up to 10 hours per day without the use of generators or land line power. If the British weather allows sun shine we go on forever. I think we are the only street trader to be in this situation at the moment. We will now in the next year convert all existing shacks to solar and battery power.

Rico's People:

I started on my own with a part timer to help on busiest days, those days became more frequent. We have now entourage of 6 full timers and 7 part timers, so the team has increased in size quite quickly. This has its own challenges. 4 of the employees are on apprentice schemes doing business management and business administration. If I invested so much time and effort into the company I felt it right that we give the opportunity to the young staff that is so keen to work with the street food scene. I also wanted them to learn the pizza skills and everything that goes with street trading but most importantly what I wanted is young business people to understand how a company works all aspects.

Founder:

Erik Muller

DECLARATION

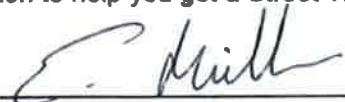
This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>.

The data you provide will assist in preventing crime and ensuring public safety. When you sign this application you are consenting to the sharing of this data with other Government Agencies in their efforts to combat crime.

I am aware that if any person knowingly or recklessly makes a false statement or omits any material, particular in giving information on this form, that person shall be guilty of an offence.

This means that if you as the applicant or anyone else gives false information or leaves out any information to help you get a Street Trading Consent, you and/or they can be prosecuted in court.

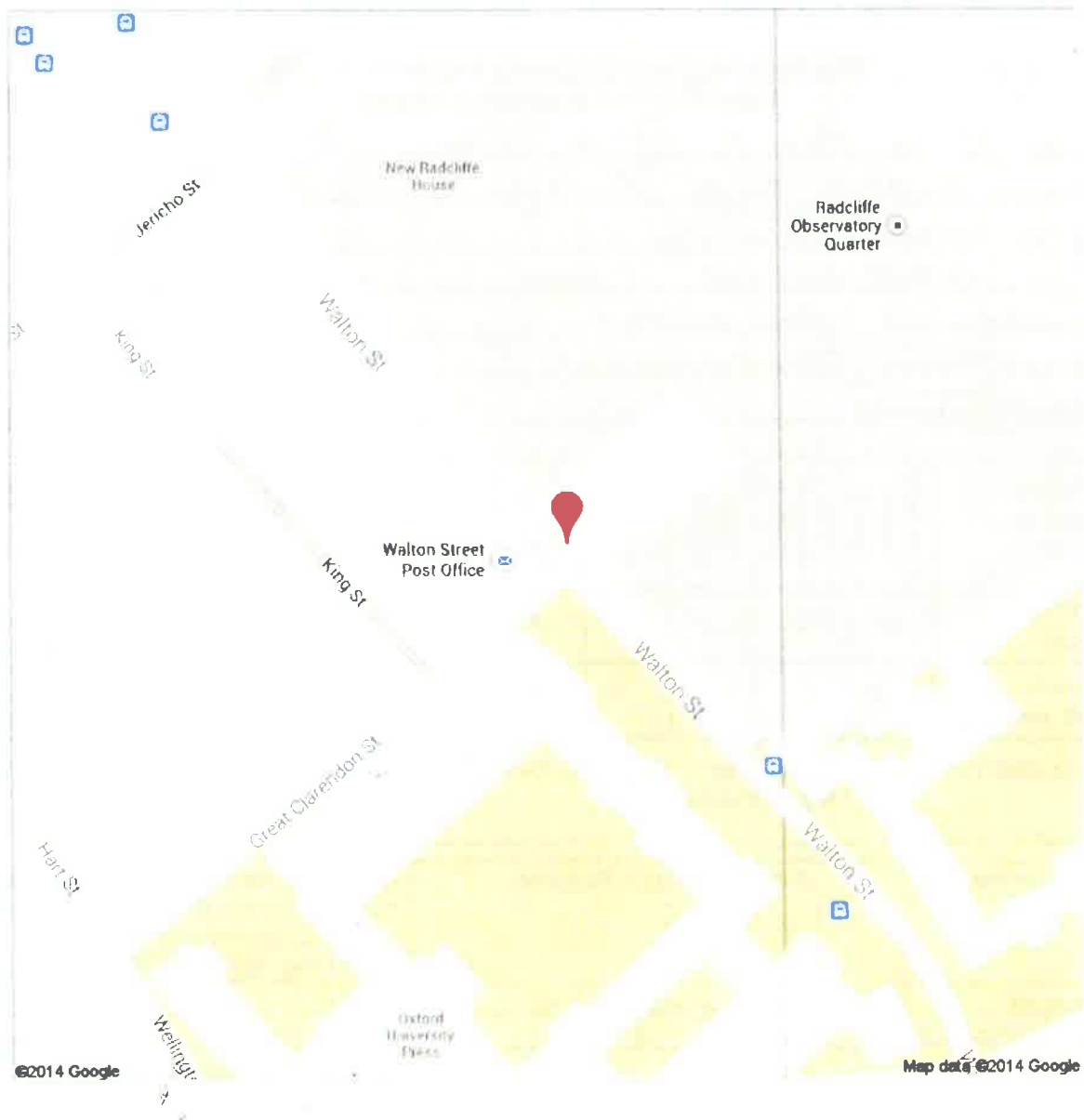
Signed



(The declaration must be signed by the applicant)



Address **119 Walton St**
Oxford, Oxfordshire OX2 6AD, UK





Address **119 Walton St**
Oxford, Oxfordshire OX2 6AD, UK



To: Licensing & Registration Sub Committee

Date: 15th April 2014

Report of: Head of Environmental Development

Title of Report: Application for a new street trading site – Mr Daniel Popa

Summary and Recommendations

Purpose of report: To seek determination of an application proposing a new street trading location.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Street Trading Policy
A vibrant and sustainable economy

Recommendation(s):

Licensing and Registration Sub Committee is recommended to determine the application received and decide whether to grant a Street Trading Consent, taking into account the details in this report and any representations made at this Sub Committee meeting.

The Application

1. The Miscellaneous Licensing Team have received an application for Street Trading Consent from Mr Daniel Popa. Mr Popa applied to trade from a new proposed site outside 93 London Road, Headington, Oxford. Mr Popa was initially granted a three month Street Trading Consent by the Head of Environmental Development under the delegation of functions in the Street Trading Policy. The site has been a success for Mr Popa and he wishes to extend the Street Trading Consent to a full 12 months.
2. A full copy of Mr Popa's application and current Street Trading Consent can be found at Appendix A of this report. Mr Popa has included a site map, photos of his vehicle and additional information about his street trading venture.

Legislative Background/Legal Framework

3. 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”. All streets within Oxford are currently designated as “consent streets”. The Sub-Committee may grant a Consent if it “thinks fit”. When exercising this general power Members should only take into account relevant considerations; must give each applicant a fair hearing and should give reasons for their decision.
4. The Sub Committee may attach any conditions to a Consent that it considers “reasonably necessary”.

Policy Considerations

5. The Street Trading Policy was adopted by Council in July 2010 and came into force on 1st January 2011 for existing traders. Delegation is laid out in the Council’s Constitution. Paragraph 5.2 of the Policy states that the General Purposes Licensing Committee appoints a Licensing and Registration Sub Committee to decide street trading applications that are longer than three months.
6. Paragraph 5.4 of the Street Trading Policy states:

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

 - (a) Public Safety
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
 - (b) Public Order
Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.
 - (c) The Avoidance of Public Nuisance
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
 - (d) Appearance of the stall or vehicle
The stall or vehicle must be of smart appearance and meet criteria, including size, laid down in the standard consent conditions. Photographs or sketches, including dimensions, must be provided with all new applications and requests for approval of changes to or replacement of a stall or vehicle.

(e) Needs of the Area

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

(f) Environmental Credentials

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

(g) Food Traders

Applicants to trade in hot or cold food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, or The Royal Society of Health, or The Royal Institute of Public Health and Hygiene.

(h) Highway

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

Reason for Referral to Licensing & Registration Sub Committee

7. This matter has been referred to Licensing & Registration Sub Committee as Mr Popa is nearing the end of his three month Street Trading Consent and wishes to extend it to a full 12 month Consent.
8. The current Consent allows Mr Popa to sell wood fired pizza from a purpose built vehicle.
9. Mr Popa wishes to continue to trade from the area as per appendix A, 93 London Road, Headington, Monday to Saturday 1830 to 2300.
10. Upon receiving the application, Miscellaneous Licensing carried out a consultation with Thames Valley Police, Oxfordshire County Council Highways Authority, Environmental Health, Planning and Ward Councillors.
11. During the 14 day consultation comments were received from officers of Oxfordshire County Council Highways Authority, Thames Valley Police and local Councillors. Thames Valley Police had no objections to the application. Oxfordshire County Council Highways Authority did raise initial concerns about the use of a further parking space on London Road Headington. As a result Mr Popa was granted a three month Street Trading Consent as a trial to ensure no parking issues arose.
12. Oxfordshire County Council Highway Authority have been contacted following the initial 3 month Street Trading Consent. They have

confirmed that there were no issues during the trial period and they are happy for Mr Popa to continue trading and to be issued a 12 month Consent.

Financial Implications

13. The Council collects fees for the Street Trading function. Predicted income from licence fees are included in the Council's budget.

Legal Implications

14. The Sub Committee may grant a Street Trading Consent if it 'thinks fit', see paragraph 3 above. Consent may be revoked at any time. A Street Trader cannot be said to enjoy security of tenure and there is no requirement for the Council to give compensation for the loss of any Consent (other than any refund of Consent fees paid in advance). However, any decision to refuse an application or terminate Street Trading Consents may be subject to a judicial review and if held to be unreasonable then compensation may result.
15. Any determination of an application for Consent must be proportionate taking into account all relevant circumstances and the Consent holder's right to a fair hearing. An application should not be refused arbitrarily and without clear reason.

Human Rights Act Considerations

16. Article 6 of the European Convention on Human Rights provides that every person is entitled to a fair hearing in determination of a civil right or obligation. Applicants should be given a fair opportunity to present their case and respond to any representation against them.

Name and contact details of author: Samantha Howell
Tel: 01865 252558
Email: sjhowell@oxford.gov.uk

Background papers:

Appendix A – Application from Mr Daniel Popa and current Street Trading Consent

Version number: 1

www.oxford.gov.uk



Application for a Street Trading Consent
Local Government (Miscellaneous Provisions) Act 1982

All data contained in this form will be handled in accordance with the Data Protection Act 1998.
 Information about how Oxford City Council will handle this data can be found at www.ico.gov.uk and
 also on www.oxford.gov.uk.

Note: Please refer to the checklist attached before you send in your application form.

Full Name	IONUT-DANIEL POPA	
Trading Name (if any)	SOLE LUNA	
Home Address		
Postcode		
Telephone Numbers	Home:	—
	Mobile:	
Email address		
Date of Birth		
Country of Birth		
Applicants National Insurance number		
Description of articles to be sold	WE SELL FRESH WOOD FIRED PIZZA MADE PER ORDER IN FRONT OF THE CUSTOMER.	

If you intend to sell food & drink what is the address where the vehicle/trailer will be stored when not in use	
Is this an existing site?	Yes or <u>No</u>
If Yes please state site No.	
If the answer is No please provide a map in accordance with the checklist (see attached)	
Proposed days and times of trading	Days: MON, TUE, WED, THURS, FRID, SAT. Times: 6pm - 11pm
Vehicle registration number, make and model - if applicable	OV13 WING, CITROEN RELAY ENTERPRISE
Will you be the sole operator of the vehicle or stall? If the answer is No please complete an employee form for each member of staff (see attached)	<u>Yes</u> or No
Please read page 4, paragraphs 5.4 and 5.5 of the Street Trading Policy and describe how you are going to meet the following factors in boxes (a)-(h) below	
Public Safety	(a) we do a risk assessment before we start trading, we provide a fire extinguisher, fire blanket & daily records of our cleaning schedule and temperature control. All these are kept in a special book.
Public Order	(b) we believe our business runs in a safety way and we try to avoid any potential hazards. We do our best to keep the risks away and for this we are open to discuss any problems with the local authorities.
The avoidance of public nuisance	(c) The area which I choose to trade is not a residential area, and around are many shops and I don't think the public will have any objections about the noise because any way that road is busy until late.

Appearance of the stall or vehicle	(d) we use a brand new CITROEN Relay build after our special requirements including new fridge, freezer, dough ball fridge, shelves, sinks with hot and cold running water, containers for food preparation and a professional wood fired oven
Needs of the area	(e) i choose to trade in Headington because is a very busy area with lots of students and the choices for food are very poor. As well i think they need a healthier option in this area.
Environmental Credentials	(f) i don't think will be any bad impact on the local environment because we will provide bins for waste and at the end of the service we will inspect and clean any remaining waste, trying to encourage the people to use the bin.
Food Traders	(g) i am a member of NCASS with a membership no. 9727 and they provide for us all the certificates and training helping us to get the right informations and qualifications. i hold a Level 2 food and safety
Highway	(h) The place where i would like to trade is off the main road in a lay bay and the hours are between 6pm - 11pm, and can be easily accessed by people, and is not an obstruction for the other vehicles or people.
What is your Premises Licence reference number? Note: If you are providing hot food or drink between 23:00 and 05:00 this will apply.	
Do you agree to comply with the Street Trading policy?	Yes or No

Any additional information to add to this application form - please write here.

I would like to let you know as well that this kind of business is quite new on the market and the people are very surprised when they see us on the street and they encourage selling us what a good idea and interesting is to sell wood fired pizza from a van.

We been participating to a few festivals and events in the last month and the people really enjoyed the pizza from our van. We been in London (Fulham Palace) for a 3 weeks film festival and we had an amazing success. We been as well in Surrey for an event (family day out) and all families and kids loved our pizza.

Our brand new van is fitted with the last generation of equipment and a professional wood fired oven build specially for us.

I chose the Headington area because I have a lots of friends who are studying and living in Headington, I told them about my idea and they "push me" to get a place in Headington. This area don't give many choices to buy food and I personally think the pizza which we make it is a healthy option for students than the kebab van and all the fast food which is on the streets in this days. Our pizza ~~have~~ is made from fresh ingredients and is cooked in 45 seconds in a wood fired oven.

I hope you can help me to get into the business and have the chance to serve the customers with my best food and service.

If you need any references I will provide them with no problems.

Kind regards
IONUT-DANIEL POPA

DECLARATION

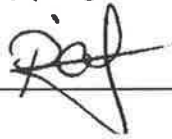
This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>.

The data you provide will assist in preventing crime and ensuring public safety. When you sign this application you are consenting to the sharing of this data with other Government Agencies in their efforts to combat crime.

I am aware that if any person knowingly or recklessly makes a false statement or omits any material, particular in giving information on this form, that person shall be guilty of an offence.

This means that if you as the applicant or anyone else gives false information or leaves out any information to help you get a Street Trading Consent, you and/or they can be prosecuted in court.

Signed

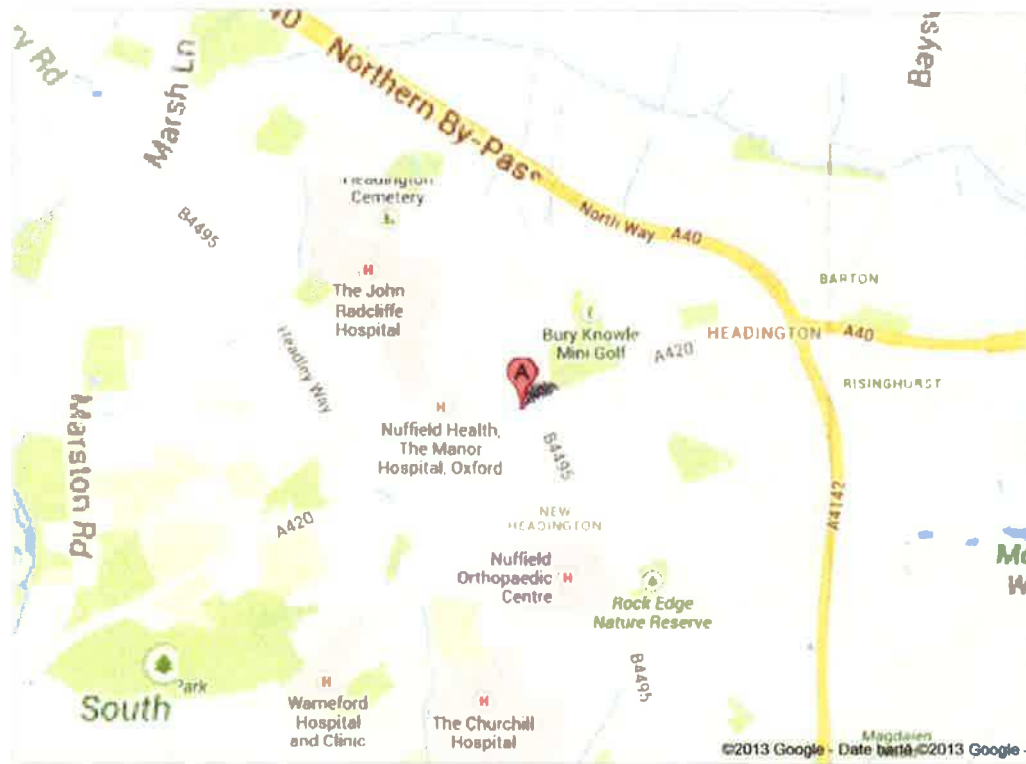
A handwritten signature in black ink, appearing to be 'Raf', written over a horizontal line.

(The declaration must be signed by the applicant)



Brambles, lângă London Rd, Oxford, Regatul
Unit al Marii Britanii și al Irlandei de Nord

A. **Brambles**
93 London Rd, Oxford OX3 9AE
01865 762695



This is the place where i would like
to trade. i put BRAMBLES adress because
the place is just in front of this shop.



Chartered
Institute of
Environmental
Health

Level 2 Award in Food Safety in Catering

Ionut Daniel Popa

has successfully completed a programme of training
and an assessment which concluded the course

Course Director

Graham Jukes
Chief Executive
Chartered Institute
of Environmental Health

Date **01 November 2010**

CIEH recommends you refresh your training by **01 November 2013**

Centre **FF21245**

Certificate number **8061981**

Qualification Administration Number: 160/589/1

PASS



Uywodraeth Cymru
Welsh Assembly Government







Environmental Development

St Aldate's Chambers, 109 St Aldate's, Oxford OX1 1DS

Switchboard: 01865 249811

Fax: 01865 252344

www.oxford.gov.uk



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1982
CERTIFICATE OF STREET TRADING CONSENT**

Oxford City Council grant a Street Trading Consent to:

Licence Holder: Ionut-Daniel Popa T/A Sole Luna

Consent Number: 13/02725/STREET

Consent Issued: 16th December 2013

Valid From: 16th December 2013

Valid To: 17th March 2014

Fee: £1872.50

Vehicle/Stall Details: OV13 WNG Citroën Relay Enterprise

Area/Site: Outside of 93 London Road, Headington, Oxford

Permitted Trading Days and Hours: Trading between the hours of 18:30 – 23:00 Monday to Saturday

Articles Sold: Fresh Wood Fired Pizza

This certificate of Street Trading Consent is issued subject to the standard street trading conditions and any other additional conditions attached to this certificate.

Possession of this document does not guarantee that the consent is in force. Its validity may be established by referring to the Councils Licensing Department.

Conditions of Consent are attached to this certificate.

Authorised Officer

JC 15/12/12


Head of Environmental Development

STCONS

General Conditions for Annual Street Trading Consents

1. No trading to which the attached consent relates shall take place except between the dates of: 16th December 2013 to 17th March 2014
2. The operational hours shall be:
Between the hours of 18:30 and 23:00 on Mondays
Between the hours of 18:30 and 23:00 on Tuesdays
Between the hours of 18:30 and 23:00 on Wednesdays
Between the hours of 18:30 and 23:00 on Thursdays
Between the hours of 18:30 and 23:00 on Fridays
Between the hours of 18:30 and 23:00 on Saturdays
No trading on Sundays.
3. The street trading consent relates to the following area/site only: Outside of 93 London Road, Headington, Oxford.
4. The street trading consent relates to the following vehicle/stall only: OV13 WNG Citroën Relay Enterprise.
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. Any changes to or replacement of the stall or vehicle must be approved by the Head of Environmental Development.
6. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work Act, 1974, the Food Safety (General Food Hygiene) Regulations 1995. Advice on these requirements is available from the Environmental Health Department. The Consent Holder shall not drive or park a vehicle on any part of a footway. (It is an offence to drive other than on a road)
7. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or the Oxford City Council. Consent Holders shall have special regard to and must take positive action to prevent excessive noise.
8. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade in a certain manner. The Consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent Holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
9. Consent Holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent holder shall be

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

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

Failure to comply with these conditions

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

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Agenda Item 7

LICENSING AND REGISTRATION SUB COMMITTEE

Monday 10 February 2014

COUNCILLORS PRESENT: Councillors Coulter, Royce and Clarkson.

OFFICERS PRESENT: Daniel Smith (Law and Governance), Samantha Howell (Licensing Officer), Mathew Metcalfe (Democratic and Electoral Services) and Lesley Rennie (Business Regulation Team Manager)

45. ELECTION OF CHAIR

The Sub-Committee agreed to elect Councillor Van Coulter as the Chair of this Sub-Committee for this meeting only.

46. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rae Humberstone.

47. DECLARATIONS OF INTEREST

None made.

48. PROCEDURE TO BE FOLLOWED

The Sub-Committee agreed to note the procedure to be followed.

49. APPLICATION FOR NEW STREET TRADING SITE - MR ANTHONY PAGE

The Head of Environmental Development submitted a report (previously circulated, now appended) detailing an application for a new street trading site outside of 65 St. Giles, Oxford.

Samantha Howell (Environmental Development) introduced the report.

Tony Page, the applicant, attended the meeting to present his case.

At this point the Sub-Committee withdrew to deliberate and make its decision in private, accompanied by its Legal Advisor and Committee Clerk.

The Sub-Committee then returned and having taken into account all of the evidence before it, both written and oral, Councillor Coulter announced that the new Street Trading location outside of 65 St. Giles, Oxford had been granted.

Members of the Sub-Committee felt the application met the criteria in the Street Trading Policy and in the absence of any representations against, it should be granted.

The Sub-Committee resolved to grant the application as applied for subject to the Oxford City Council general conditions applicable to street trading consents.

50. APPLICATION FOR A NEW STREET TRADING SITE - MR HUSEYIN CANCAN

The Head of Environmental Development submitted a report (previously circulated, now appended) which detailed an application for a new street trading site outside of 42/44 High Street Oxford.

Samantha Howell (Environmental Development) introduced the report.

Huseyin Cancan, the applicant, and Richard John's, attended the meeting to present the case.

At this point the Sub-Committee withdrew to deliberate and make its decision in private, accompanied by its Legal Advisor and Committee Clerk.

The Sub-Committee then returned and having taken into account all of the evidence before it, both written and oral, Councillor Coulter announced that the new Street Trading location outside of 42/44 High Street, Oxford had been granted.

Members of the Sub-Committee felt the application met the criteria in the Street Trading Policy and in the absence of any representations against, it should be granted.

The Sub-Committee resolved to grant the application as applied for subject to the Oxford City Council general conditions applicable to street trading consents with an operating time of 6.30pm to 3.00am.

51. APPLICATION FOR A NEW STREET TRADING SITE - MR DAN BETTERTON

The Head of Environmental Development submitted a report (previously circulated, now appended) detailing an application for a new street trading site outside Barclays Bank, 105 London Road, Headington, Oxford.

Samantha Howell (Environmental Development) introduced the report.

Dan Betterton, the applicant, attended the meeting to present his case.

Councillor Van Coulter informed the Sub-Committee that he had formerly been in a management position of the Headington Farmers Market. In response Daniel Smith said that this was not a disclosable pecuniary interest.

At this point the Sub-Committee withdrew to deliberate and make its decision in private, accompanied by its Legal Advisor and Committee Clerk.

The Sub-Committee then returned and having taken into account all of the evidence before it, both written and oral, Councillor Coulter announced that the new Street Trading location outside of Barclays Bank, London Road, Headington, Oxford had been granted.

Members of the Sub-Committee felt the application met the criteria in the Street Trading Policy and in the absence of any representations against, it should be granted.

The Sub-Committee resolved to grant the application as applied for subject to the Oxford City Council general conditions applicable to street trading consents.

52. MINUTES

The Sub-Committee agreed to approve the minutes of the meeting held on 16th December 2013.

53. MATTERS EXEMPT FROM PUBLICATION

There were no exempt matters, but in accordance with licensing procedures, the Sub-Committee held its deliberations in private.

The meeting started at 5.30 pm and ended at 6.45 pm

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