

Agenda

www.oxford.gov.uk



Licensing and Registration Sub Committee

Date: **Monday 3 November 2014**

Time: **5.00 pm**

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

For any further information please contact:

Sarah Claridge, Committee and Member Services Officer

Telephone: 01865 252402

Email: sclaridge@oxford.gov.uk

As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

Licensing and Registration Sub Committee

Membership

Councillor Mary Clarkson
Councillor Van Coulter
Councillor Gwyneth Royce
Councillor Dick Wolff

HOW TO OBTAIN A COPY OF THE AGENDA

In order to reduce the use of resources, our carbon footprint and our costs we will no longer produce paper copies of agenda over and above our minimum internal and Council member requirement. Paper copies may be looked at the Town Hall Reception and at Customer Services, St Aldate's and at the Westgate Library

A copy of the agenda may be:-

- Viewed on our website – mycouncil.oxford.gov.uk
- Downloaded from our website
- Subscribed to electronically by registering online at mycouncil.oxford.gov.uk
- Sent to you in hard copy form upon payment of an annual subscription.

AGENDA

	Pages
1 ELECTION OF CHAIR	
The Sub Committee elects Councillor to be the Chair for this meeting.	
2 APOLOGIES FOR ABSENCE	
3 DECLARATIONS OF INTEREST	
4 PROCEDURE TO BE FOLLOWED	1 - 4
Guidance is attached	
5 BREACH OF STREET TRADING CONSENT CONDITIONS - MR ABDUL ALI	5 - 18
The Head of Environmental Development has submitted a report which considers a Street Trading Consent where the street trader has not adhered to the conditions of the Street Trading Policy.	
6 APPLICATION FOR A NEW STREET TRADING SITE: MR BETTERTON	19 - 34
The Head of Environmental Development has submitted a report which details an application from Mr Betterton for a new street trading site opposite 20 Little Clarendon Street.	
7 APPLICATION FOR A NEW STREET TRADING SITE: MR ALAN JOYCE	35 - 50
The Head of Environmental Development has submitted a report which details an application from Mr Alan Joyce for a new street trading site outside Lloyds Bank, Cornmarket.	
8 APPLICATION FOR A NEW STREET TRADING SITE: MRS JULIA ATKINSON	51 - 68
The Head of Environmental Development has submitted a report which details an application from Mrs Julia Atkinson for a new street trading site outside Carphone Warehouse, Cornmarket Street.	

9 MINUTES

69 - 70

Minutes from 13 August 2014

Recommendation: That the minutes of the meeting held on 13 August 2014 be APPROVED as a true and accurate record.

10 DATES OF FUTURE MEETINGS

The Sub Committee NOTES the following future meeting dates:

Monday 8 December 2014 (if necessary)

Monday 26 January 2015 (if necessary)

Monday 9 March 2015 (if necessary)

Monday 20 April 2015 (if necessary)

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.

*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.

This page is intentionally left blank

OXFORD CITY COUNCIL

LICENSING and REGISTRATION SUB-COMMITTEE

HEARING PROCEDURES:

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.

To: Licensing & Registration Sub Committee

Date: 3 November 2014

Report of: Head of Environmental Development

Title of Report: Breach of Street Trading Consent Conditions – Mr Abdul Ali

Summary and Recommendation

Purpose of report: To consider a Street Trading Consent where the street trader has not adhered to the conditions of the Street Trading Policy.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Street Trading Policy
A vibrant and sustainable economy

Recommendation: That the Sub-Committee determine what action to take in relation to Mr Ali's Street Trading Consent, taking into account the details in this report and any representations made at this Sub Committee meeting.

Appendices:

Appendix A – Acceptance Form and Street Trading Consent

Appendix B – Letter from Incomes Officer

Appendix C – Letter from Incomes Officer

Appendix D – Letter from Licensing Officer

Appendix E – Letter from Licensing Officer

Legislative Background/Legal Framework

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 “consents streets”, “licence streets” or “prohibited 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.

2. The Sub-Committee may attach any conditions to a consent that it considers “reasonably necessary”.

Policy Considerations

3. The Street Trading Policy was adopted by Council in July 2010 and came into force on 1st January 2011 for existing traders. Paragraph 5.2 of the Policy states that the Head of Environmental Development is authorised to:

“5.2(c) refer applications to the Licensing and Registration Sub Committee where there has been a complaint about the trader of the trader has broken the conditions of their Street Trading Consent.”

Reason for Referral to Licensing & Registration Sub Committee

4. The Consent has been referred to the Sub-Committee in accordance with paragraph 5.2 of the Policy as Mr Ali has failed to make payments at the agreed quarterly periods and is currently in arrears to the sum of £4,880.00. He is therefore in breach of condition 24 of the General Conditions for Annual Street Trading Consents.

“24 Installments are required quarterly, in advance. On or before the following dates 1st April, 1st July, 1st October and 2nd January. Annual fees may be paid in advance.”

5. Mr Ali signed and dated an acceptance form to agree to pay the street trading fees in 4 payments of £1,910.00 (Appendix A).
6. Glynis Thompson, Incomes Officer, wrote to Mr Ali on 15th April 2014 in respect of the arrears on his account for missing his first quarterly instalment (See Appendix B) giving him 7 days to clear the account. The letter was returned marked ‘not at this address’. However on 3rd of June 2014 Mr Ali made a payment of £350.00.
7. Ms Thompson wrote to Mr Ali again on 8th July 2014 in respect of arrears on his account for missing the first and second quarterly instalments giving him a further 7 days to clear the account (see Appendix C). The letter was also returned marked ‘not at this address’. Ms Thompson made several attempts to call Mr Ali on the mobile number provided by him to the Business Regulation Team. These calls were unsuccessful as the person answering either hung up or claimed not to be Mr Ali.
8. Samantha Howell, Licensing Officer, wrote to Mr Ali on 15th September 2014 in respect of the arrears on his account giving him 7 days to clear the account and that failure to do so would result in the Council considering the revocation of his Street Trading Consent (see Appendix D).
9. Ms Howell wrote to Mr Ali again on 16th October 2014 in respect of the arrears on his account giving him 7 days to clear the account and

informing him that a Committee meeting was in the process of being arranged (see Appendix E).

10. Mr Ali did contact the Business Regulation Team following the letter from Ms Howell. Mr Ali explained over the phone that he had made a payment of £1,000.00 and would clear the remaining balance as a matter of urgency. On 24th September Mr Ali made a payment of £500.00. At the time of writing this report no further payments have been received. Mr Ali's account remains in arrears of his first two quarterly instalments to the amount of £4,880.00.

Financial Implications

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

Legal Implications

12. Street trading consents may be revoked with good reason at any time. Any breach of condition, including the condition to pay the appropriate fee, may be a reason for revocation. 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 terminate Street Trading Consents may be subject to a judicial review and if termination is held to be unreasonable then compensation may result.
13. Any decision to revoke a Consent or refuse a renewal application must be proportionate taking into account all relevant circumstances and the consent holder's right to a fair hearing. A Consent should not be revoked nor an application refused arbitrarily and without clear reasons.

Human Rights Act Considerations

14. Article 1 of the first Protocol of the European Convention on Human Rights provides that every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. However, a Street Trading Consent is not considered a possession in law and the protection in Article 1 is therefore not directly engaged.
15. Nevertheless, with the advice of Law & Governance and in the interests of fairness, the Licensing Officer has taken the Human Rights Act 1998 into account and considers that the potential interference with the rights of the applicant would be proportionate, in the public interest and subject to the conditions provided for by law.

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

This page is intentionally left blank

OXFORD CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONSENT - ACCEPTANCE FORM

I wish to accept the Street Trading Consent and schedule of payment set out in this acceptance form to trade at the location specified below. I also accept the General Conditions attached to this particular consent.

Site known as: Street Trading Site 16 Outside No 32
St Ebbe's Street
Oxford

Period: From 1st April 2014 to 31st March 2015

Trading in: Hot Food and Soft Drinks

Fees: From 01.04.2014 to 31.03.2015 - £7,640

Payment period is 01/04/2014 until 30/06/2014
Payment of £1,910 is payable on or before 01/04/2014

Payment period is 01/07/14 until 30/09/14
Payment of £1,910 is payable on or before 01/07/14

Payment period is 01/10/14 until 31/12/14
Payment of £1,910 is payable on or before 01/10/14

Payment period is 01/01/15 until 31/03/2015
Payment of £1,910 is payable on or before 01/01/15

Payment can be made by Direct Debit or by using the barcode invoice system at a Post Office or Paypoint. We also accept payment via debit or credit card (please note a 1.5% surcharge will apply if payment is made by credit card) either via the payment line 01865 25 2609 (option 5) or over the phone in the incomes section. Payment can also be made online via the Council's website. www.oxford.gov.uk/payments

Signed..........

Date... 10/03/2014

Name: Abdul Monaf Ali
Address:

Please sign and return this form to Oxford City Council, Environmental Development, Miscellaneous Licensing, St Aldates Chambers, 109 St Aldates, Oxford, OX1 1DS or alternatively scan and email to street_trading@oxford.gov.uk

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:

Consent Holder: Abdul Monaf Ali

Consent Number: 14/00281/STREET

Consent Issued: 17th March 2014

Valid From: 1st April 2014

Valid To: 31st March 2015

Fee: £7640

Vehicle/Stall Details: G144 WKJ (Mercedes)

Area/Site: Street Trading Site 16 outside No 32 St Ebbe's Street, Oxford

Permitted Trading Days and Hours:

Trading only between the hours of 18:30 and 03:00 Sunday – Thursday

Trading only between the hours of 18:30 and 04:00 Friday and Saturday

Articles Sold: Hot Food and Soft Drinks

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


Head of Environmental Development

STCONS



John Copple
Head of Service

General Conditions for Annual Street Trading Consents

1. No trading to which the attached consent relates shall take place except between the dates of 1st April 2014 to 31st March 2015.
2. The operational hours shall be:
Between the hours of 18:30 and 03:00 on Mondays
Between the hours of 18:30 and 03:00 on Tuesdays
Between the hours of 18:30 and 03:00 on Wednesdays
Between the hours of 18:30 and 03:00 on Thursdays
Between the hours of 18:30 and 04:00 on Fridays
Between the hours of 18:30 and 04:00 on Saturdays
Between the hours of 18:30 and 03:00 on Sundays
3. The street trading consent relates to the following area/site only: Street Trading Site 16, Outside number 32, St Ebbe's Street, Oxford.
4. The street trading consent relates to the following vehicle/stall only: G144 WKJ
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.

Payments & Income Team
Direct Line: 01865 252863
Fax: 01865 252458
E-mail: incomes@oxford.gov.uk

Finance - Revenues
PO Box 10
Oxford OX1 1EN
Central Number: 01865 249811

Appendix B



Mr Addul Ali

15 April 2014
Your Ref:
Please ask for: Revenues
Direct no 01865 2252504

Dear Mr Ali

Total Balance Outstanding: £1,910.00

Street Trading Fee 01/04/14-30/06/14

You have failed to pay the above account in respect of:£1,910.00

Please pay this sum within 7 days of the date of this letter. If the amount remains outstanding Court action will be taken to recover the amount due, without further notice. Licensing will also be informed as this may affect your street trading consent

You should be aware that the issue of Court proceedings will result in costs and interest which will be added to the amount outstanding.

Please see enclosed sheet for details of **'How and Where to pay'**

Please quote the customer number given at the top of this letter when making payment. **Please do not send payments of cash by post.**

Yours Sincerely

For Head of Finance

Payments & Income Team
Direct Line: 01865 252863
Fax: 01865 252458
E-mail: incomes@oxford.gov.uk

Finance - Revenues
PO Box 10
Oxford OX1 1EN
Central Number: 01865 249811

Mr Addul Ali

8 July 2014
Your Ref:
Please ask for: Revenues
Direct no 01865 2252504

Dear Mr Ali

Total Balance Outstanding: £2,970.00

Street Trading Fee -01/07/14-30/09/14

You have failed to pay the above account in respect of:£2,970.00, despite previous reminders being sent.

Please pay this sum within 7 days of the date of this letter. If the amount remains outstanding Court action will be taken to recover the amount due, without further notice. Licensing will also be informed as this may affect your street trading consent

You should be aware that the issue of Court proceedings will result in costs and interest which will be added to the amount outstanding.

Please see enclosed sheet for details of **'How and Where to pay'**

Please quote the customer number given at the top of this letter when making payment. **Please do not send payments of cash by post.**

Yours Sincerely

For Head of Finance

Environmental Development
Direct Line: 01865 252558
Fax: 01865 252344
E-mail: street_trading@oxford.gov.uk

St Aldate's Chambers
109-113 St Aldate's
Oxford OX1 1DS

Central Number: 01865 249811

www.oxford.gov.uk



Mr Abdul Monaf Ali

10th September 2014
Our ref: 14/00281/STREET

Dear Mr Ali,

Local Government (Miscellaneous Provisions) Act 1982
Street Trading - Consent Fee Arrears

It has been brought to my attention by our finance team that you have fallen into arrears regarding your street trading consent to the amount of **£3,120**. As you are aware you have signed an agreement with Oxford City Council for quarterly payments of your consent fee. You are now in breach of that agreement.

If you fail to bring your payment schedule up to date by **Friday 19th September** we will be forced to look at revoking your current street trading consent. Such revocation may affect any future applications we receive from you.

If you wish to discuss this matter further, please contact me on the above contact details.

Yours sincerely,

P.P. Samantha Howell
Licensing Officer



INVESTORS
IN PEOPLE



Environmental Development
Direct Line: 01865 252558
Fax: 01865 252344
E-mail: street_trading@oxford.gov.uk

St Aldate's Chambers
109-113 St Aldate's
Oxford OX1 1DS

Central Number: 01865 249811

www.oxford.gov.uk



Mr Abdul Monaf Ali

16th October 2014
Our ref: 14/00281/STREET

Dear Mr Ali,

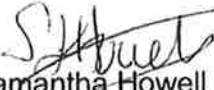
Local Government (Miscellaneous Provisions) Act 1982
Street Trading - Consent Fee Arrears

Further to my previous letter dated 10th September 2014, it has been brought to my attention by our finance team that you have fallen further into arrears regarding your street trading consent to the amount of **£4,880**. As you are aware you have signed an agreement with Oxford City Council for quarterly payments of your consent fee. You are now in breach of that agreement.

As you have failed to clear the arrears on your account you will now be referred to Licensing & Registration Sub Committee. In accordance with the Street Trading Policy, a panel will be convened to review your Street Trading Consent. You will receive a letter informing you of the date of the meeting in due course.

If you wish to discuss this matter further in the meantime, please contact me on the above contact details.

Yours sincerely,


Samantha Howell
Licensing Officer



INVESTORS
IN PEOPLE



This page is intentionally left blank

To: Licensing & Registration Sub Committee

Date: 3 November 2014

Report of: Head of Environmental Development

Title of Report: Application for a new street trading site – Mr Betterton.

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: That the Sub Committee determines 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.

Appendix A – Application from Mr Dan Betterton and current Street Trading Consent

The Application

1. The Business Regulation Team have received an application for Street Trading Consent from Mr Dan Betterton. Mr Betterton applied to trade from a new proposed site opposite 20 Little Clarendon Street, Oxford. Mr Betterton was granted a three month Street Trading Consent by the Head of Service for Environmental Development under the delegation of functions in the Street Trading Policy. The site has been a success for Mr Betterton and he wishes to extend the Street Trading Consent to a full 12 months.
2. A full copy of Mr Betterton's application and current Street Trading Consent can be found at Appendix A of this report.

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 Betterton 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 Betterton to sell locally grown organic fruit and vegetables, jam, bread and eggs.
9. Mr Betterton wishes to continue to trade from the area as per appendix A, opposite 20 Little Clarendon Street, Oxford on Fridays 11:00 - 14:00 hours.
10. Upon receiving the application, Business Regulation carried out a consultation with Thames Valley Police, Oxfordshire County Council Highways Authority, Environmental Health, Planning and Ward Councillors. During the 14 day consultation, comments were received from officers of Oxfordshire County Council Highways Authority, Thames Valley Police and local Councillors.
11. Thames Valley Police had no objections to the application. Oxfordshire County Council Highways Authority initially had concerns but supported a trial Consent period.
12. Mr Betterton has traded from the site during the trial period and no complaints have been received. Oxfordshire County Council Highways are in support of Mr Betterton being granted a full 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: None

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	DAN BETTERTON
Trading Name (if any)	CULTIVATE OXFORD / THE VEGVAN
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	FRESH FRUIT + VEGETABLES LOCALLY GROWN / ORGANIC SOME ADDITIONAL ITEMS E.G. JAMS, BREAD, EGGS

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 No PLEASE SEE ATTACHED MAP. PROPOSED SITE IS THE PARKING BAYS IN FRONT OF THE UNIVERSITY OFFICES, OPPOSITE 'BLUE AMIGO' AT NO 20 LITTLE CLARENCE STREET, OX1 2HP
Proposed days and times of trading	Days: FRIDAY Times: 11 AM - 2 PM
Vehicle registration number, make and model - if applicable	LT 08 WVZ
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 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) A RISK ASSESSMENT HAS BEEN CARRIED OUT AND STEPS TAKEN TO MINIMISE RISKS E.G. NON-SLIP FLOOR / GRAB HANDLES - REGISTERED WITH FOOD HYGIENE, NO MEAT / DAIRY PRODUCTS
Public Order	(b) NO KNOWN ISSUES
The avoidance of public nuisance	(c) NO KNOWN ISSUES. THE VEHICLE HAS BEEN TRADING IN SIMILAR AREAS FOR 15 MONTHS WITHOUT COMPLAINT. NO GENERATOR = NO NOISE

Appearance of the stall or vehicle	(d) DIMENSIONS LENGTH 5.9m WIDTH 2m HEIGHT 2.7m VAN EXTERIOR COMMISSIONED AND HAND PAINTED BY LOCAL ARTIST
Needs of the area	(e) DEMAND FOR LOCAL FOOD IS GROWING, AND HIGHER THAN CURRENT SUPPLY WE HAVE A STRONG CUSTOMER BASE POTENTIAL IN JERICHO
Environmental Credentials	(f) POWER USAGE VERY LOW. THE VAN REDUCES CARBON FOOTPRINT OF FOOD - MATURITY OF PRODUCE IS GROWN WITHIN 20 MILES AND PROMOTES ECOLOGICAL FARMING. PACKAGING IS MINIMAL. FOOD WASTE IS COMPOSTED WE ARE A LOW CARBON OXFORD PATHFINDER
Food Traders	(g) 5 STAR 'SCORES ON DOORS' RATING- STAFF RECEIVED FOOD HYGIENE TRAINING-
Highway	(h) PROPOSE TO USE VALEANT PARKING BAY THERE ARE 16 SPACES ON LITTLE CLARENDOON STREET. WE HAVE VISITED THE STREET ON 2 CONSECUTIVE FRIDAYS AT PROPOSED TIMES AND OVER 50% OF 30 MINUTE BAYS WERE EMPTY
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?	Yes or No

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

PLEASE SEE ATTACHED LETTER


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)

CULTIVATE OXFORDSHIRE LTD
14 Southdale Rd
Oxford OX2 7SD
01865 420624
www.cultivateoxford.org



Supplementary information on about Cultivate to support our street trading application

Cultivate Oxford (www.cultivateoxford.org) is a not-for-profit social enterprise owned by the community. Cultivate was set up to support local, sustainable food growing and to make local food more readily available to people in Oxfordshire. We currently do this in two ways:

1. We run a growing project on 5 acres at the Earth Trust in Little Wittenham, where we host volunteer days and are developing educational programmes.
2. We run the VegVan mobile shop, which currently has stops in Summertown, East Oxford, Oxford railway station and South Oxford Farmers' Market. The VegVan sells fresh produce from the Cultivate market garden project and up to 10 other small growers, providing a range of local produce unavailable anywhere apart from farmers markets.

Our street trading license has led to great success in Summertown. Local residents are very happy to see us there, we add diversity to the area, and we generate income to further the goals of our social enterprise (keeping money in the local food economy, reducing the environmental impact of our food system and engaging the public in our work). We do however need to expand our trading to reach financial sustainability – this is where a new trading spot in Jericho comes in.

We would be grateful if the committee would take into account when considering this application that Cultivate is a non-profit organisation – all profits are re-invested towards its social aims; the unique nature of the project – there are only a handful of similar projects in the country; the need for local food; and the small number of trading hours requested.

In gauging whether the VegVan should be eligible for this kind of support, it may be worthy of note that Cultivate is currently supported by Oxfordshire County Council through the Community Action Group (CAG) Network, and South Oxfordshire District Council through the LEADER programme. We were recipients of Oxfordshire Community and Voluntary Action's Best Fundraising Award 2012 for our community-owned structure.



The Veg Van
Converted Vauxhall Movano LT08 WVZ

(width 2m)

5.9M

The Veg Van

Mobile Shop

from Cultivate local fruit & veg co-op



Shop
oxford.oi.g

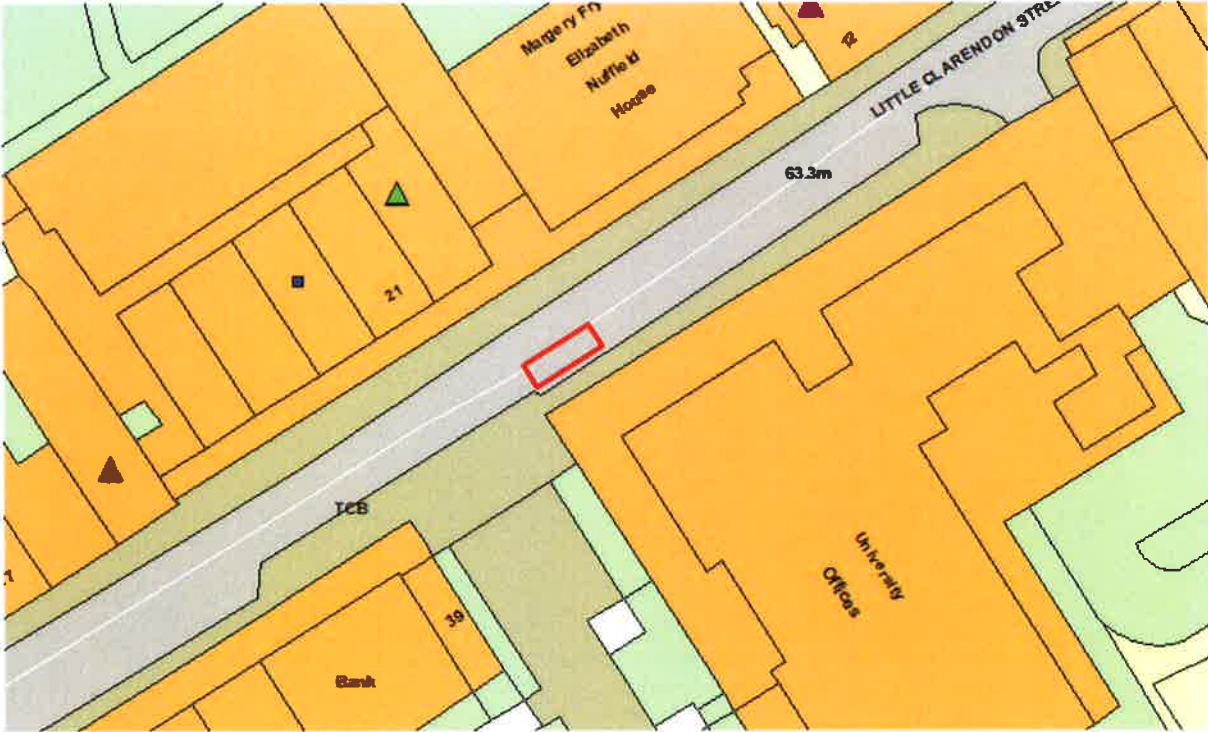
201



T: 07879 965374

2.7M

www.cultivateoxford.org



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: Dan Betterton

Consent Number: 13/02937/STREET

Consent Issued: 20th September 2014

Valid From: 26th September 2014

Valid To: 19th December 2014

Fee: £43.74

Vehicle/Stall Details: Registration number: LT08 WVZ

Area/Site: Parking bays in front of the University offices (opposite 20 Little Clarendon Street, Oxford OX1 2HP)

Permitted Trading Days and Hours: Trading only on Fridays from 12:00 to 15:30

Articles Sold: Cultivate Oxfordshire Veg Van

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


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 26th September to 19th December 2014.
2. The operational hours shall be:
Between the hours of 12:00 and 15:30 on Mondays
Between the hours of 12:00 and 15:30 on Tuesdays
Between the hours of 12:00 and 15:30 on Wednesdays
Between the hours of 12:00 and 15:30 on Thursdays
Between the hours of 12:00 and 15:30 on Fridays
Between the hours of 12:00 and 15:30 on Saturdays
Between the hours of 12:00 and 15:30 on Sundays
3. The street trading consent relates to the following area/site only: Parking bays in front of the University Offices opposite 20 Little Clarendon Street.
4. The street trading consent relates to the following vehicle/stall only: LT08 WVZ
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.

To: Licensing & Registration Sub Committee

Date: 3 November 2014

Report of: Head of Environmental Development

Title of Report: Application for a new street trading site – Mr Alan Joyce.

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: That the Sub Committee determines 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.

Appendix A – Application from Mr Alan Joyce and Street Trading Consent

The Application

1. The Business Regulation Team have received an application for Street Trading Consent from Mr Alan Joyce. Mr Joyce has applied to trade from a new proposed site outside Lloyds Bank, Cornmarket Street, Oxford. Mr Joyce has been granted a one month Street Trading Consent by the Head of Service for Environmental Development under the delegation of functions in the Street Trading Policy. The site has been a success for Mr Joyce and he wishes to apply for a six month Street Trading Consent for the 2015 summer trading period.
2. A full copy of Mr Joyce's application and trial Street Trading Consent can be found at Appendix A of this report.

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 Joyce has completed his one month Street Trading Consent trial and has now applied for a six month Street Trading Consent **for the 2015 summer trading period.**
8. The trial Consent allowed Mr Joyce to sell soft scoop ice cream and cold drinks. Mr Joyce would like to add salad rolls.
9. Mr Joyce has applied to trade from the area as per appendix A, outside Lloyds Bank number 2 Cornmarket Street, Oxford Monday to Friday 13:00 – 18:00 hours April to September.
10. Upon receiving the application, Business Regulation carried out a consultation with Thames Valley Police, Oxfordshire County Council Highways Authority, Environmental Health, Planning and Ward Councillors. During the 14 day consultation, comments were received from officers of Oxfordshire County Council Highways Authority, Thames Valley Police and local Councillors.
11. Thames Valley Police had no objections to the application. Oxfordshire County Council Highways Authority initially had concerns, but after a site visit allowed a trial period of one month to ensure the location would not cause an obstruction.
12. No complaints were received during the agreed trial period. Oxfordshire County Council Highways Authority is in support of a six month Street Trading Consent being issued for the 2015 summer period.

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: None

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	Alan Joyce
Trading Name (if any)	Eco Ice Cream
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	Scoop Ice Cream or Sorbet Real Fruit Juice lollies or Cold drinks Salad rolls

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 No No.
Proposed days and times of trading	Days: Monday to Friday, Summer only Times: 1pm - 6pm
Vehicle registration number, make and model – if applicable	N/A, the unit is a tricycle
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 No Yes
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) The unit is unpowered, i.e. it does not require a generator or has any moving parts. The unit is stationary whilst trading.
Public Order	(b) The unit measures 1M x 2M and will only be operated in daylight hours Mon-Fri 1pm to 6pm. We will employ up to 2 people and restrict the queue length to 5 customers.
The avoidance of public nuisance	(c) The unit does not generate sound or dust. It only measures 1M x 2M and we will employ up to 2 people and restrict the queue length to 5 customers.

Appearance of the stall or vehicle	(d) The unit is well maintained and kept clean and tidy at all times. we have chosen sympathetic colours and the unit appeals to most.
Needs of the area	(e) The area is busy with pedestrians but we will be the only business in Oxford managing our queue lengths to reduce any risk of congestion.
Environmental Credentials	(f) Our unit is mounted on a tricycle and is not powered. We hope to add solar panels in the future to further reduce our carbon footprint.
Food Traders	(g) The only other street trader offering ice cream sells soft whip. we will be selling scoop organic ice cream.
Highway	(h) we have had a site meeting with the local County Council officer who is responsible for this area of highway. He has allowed us to conduct a trial in this area.
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?	Yes or No Yes

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)

Date: 08 / 08 / 2014





Chartered
Institute of
Environmental
Health

Level 2 Award in Food Safety in Catering

1 credit

Alan G Joyce

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

Alan G Joyce
Course Director

Graham Jukes

Graham Jukes
Chief Executive
Chartered Institute of Environmental Health

Examination Date: *13 March 2014*

CIEH recommends you refresh your training by *13 March 2017*

Centre number: *21233*

Certificate number: *9335601*

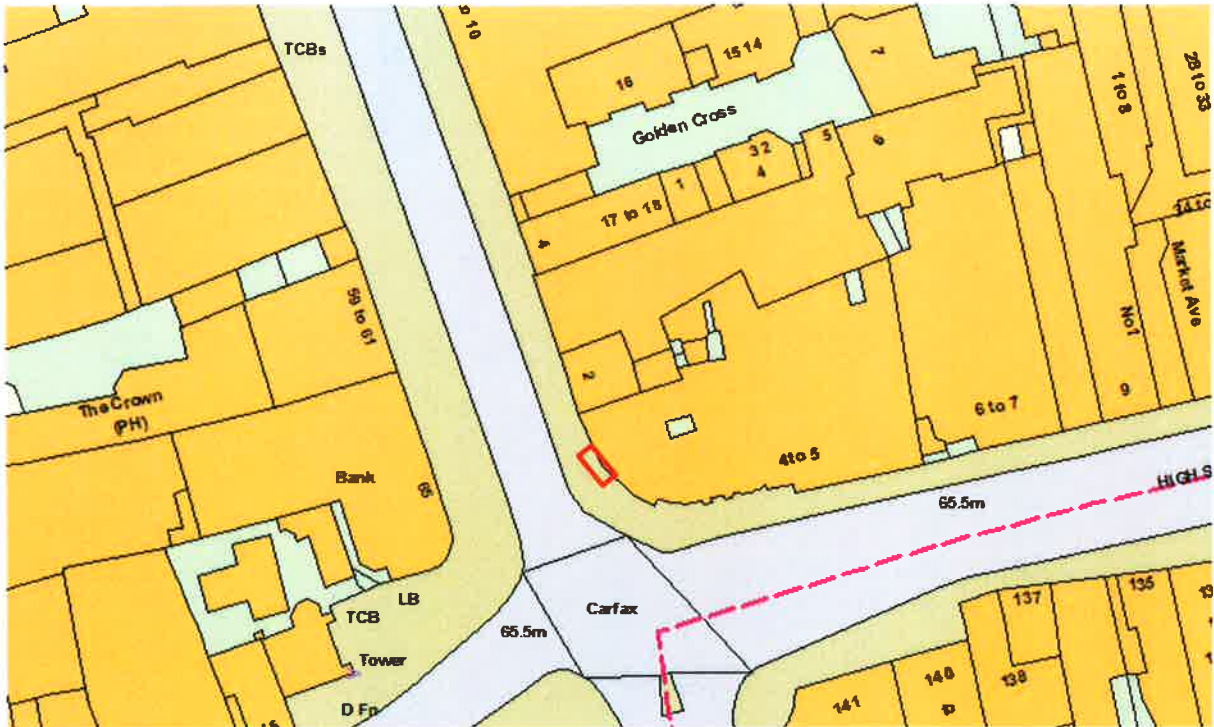
Original Issue Date: *20 March 2014*

Issue number: *1*

Qualification accreditation number – 500567674
Accredited only for England, Wales and Northern Ireland

Ofqual





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:

Consent Holder: Mr Alan Joyce

Consent Number: 14/00497/STREET

Consent Issued:

Valid From: 13th August 2014

Valid To: 10th September 2014

Fee: £209.00

Vehicle/Stall Details: Ice Cream Tricycle

Area/Site: Outside Lloyds Bank No. 2 Cornmarket Street

Permitted Trading Days and Hours:

Trading only between the hours of 13:00 and 18:00 Monday – Friday

Articles Sold: Scoop Ice Creams and Cold Drinks

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

Head of Environmental Development

General Conditions for Annual Street Trading Consents

1. No trading to which the attached consent relates shall take place except between the dates of 13th 2014 to 10th September 2014.
2. The operational hours shall be:
Between the hours of 13:00 and 18:00 on Mondays
Between the hours of 13:00 and 18:00 on Tuesdays
Between the hours of 13:00 and 18:00 on Wednesdays
Between the hours of 13:00 and 18:00 on Thursdays
Between the hours of 13:00 and 18:00 on Fridays
3. The street trading consent relates to the following area/site only: Outside Lloyds Bank No. 2 Cornmarket Street
4. The street trading consent relates to the following vehicle/stall only: Ice Cream Tricycle
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.

This page is intentionally left blank

To: Licensing & Registration Sub Committee

Date: 3 November 2014

Report of: Head of Environmental Development

Title of Report: Application for a new street trading site – Mrs Julia Atkinson

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: That the Sub Committee determines 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.

Appendix A – Application from Mrs Julia Atkinson and Street Trading Consent

The Application

1. The Business Regulation Team have received an application for Street Trading Consent from Mrs Julia Atkinson. Mrs Atkinson has applied to trade from a new proposed site outside Carphone Warehouse, Cornmarket Street Oxford. Mrs Atkins was granted a three month Street Trading Consent by the Head of Service for Environmental Development under the delegation of functions in the Street Trading Policy. The site has been a success for Mrs Atkinson and she wishes to extend the Street Trading Consent to a full 12 months.
2. A full copy of Mrs Atkinson's application and current Street Trading Consent can be found at Appendix A of this report.

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 Mrs Atkinson's three month Street Trading Consent has now expired and Mrs Atkinson has applied for a full 12 month Consent.
8. The current Consent allows Mrs Atkinson to sell cupcakes, hot chocolate and water.
9. Mrs Atkinson wishes to trade from the area as per appendix A, outside Carphone Warehouse, Cornmarket Street, Oxford Thursdays and Fridays 11:00 – 18:00 hours.
10. Upon receiving the application, Business Regulation carried out a consultation with Thames Valley Police, Oxfordshire County Council Highways Authority, Environmental Health, Planning and Ward Councillors. During the 14 day consultation comments were received from officers of Oxfordshire County Council Highways Authority, Thames Valley Police and local Councillors.
11. Thames Valley Police had no objections to the application. Oxfordshire County Council Highways Authority initially had concerns but agreed to a trial period to ensure the location would not cause an obstruction.
12. Mrs Atkinson traded successfully from the site during the trial period and no complaints were received. Oxfordshire County Council Highways have reviewed the trial period and are in support of a 12 month Consent being issued.

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: None

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	Julia Atkinson
Trading Name (if any)	Happy Cakes UK Ltd
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	Cupcakes Cake e.g brownies Water

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 No No Map attached
Proposed days and times of trading	Days: Fridays and Saturdays Times: 11am - 6pm
Vehicle registration number, make and model – if applicable	N/A
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 No Yes
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) Trike will be secured into position and kept clean and free of rubbish.
Public Order	(b) All customers treated in a friendly and polite manner
The avoidance of public nuisance	(c) The workarea will be maintained in a neat and tidy manner.

Appearance of the stall or vehicle	(d) Please see photo in attached presentation.
Needs of the area	(e) A treat snack for shoppers, workers, students and tourists in a busy city centre
Environmental Credentials	(f) No fuel required Bin provided for customers use
Food Traders	(g) Applicants will have relevant training.
Highway	(h) We are applying for a position which has been deemed low risk from a highway perspective Short daytime trading hours
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 _{Yes}

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

Please see attached presentation outlining the Happy Cakes proposal for street trading in Oxford.

DECLARATION

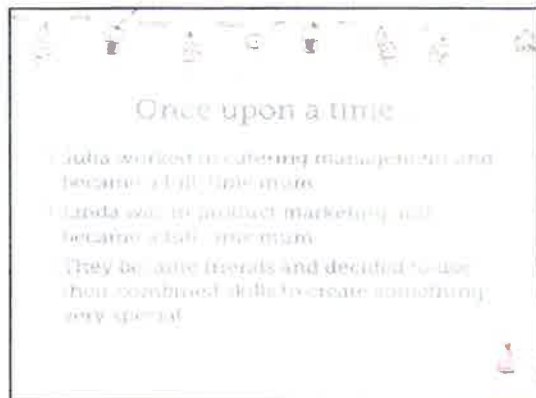
This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for 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 *D. Williams* (The declaration must be signed by the applicant)







Proposal for Oxford City Centre

- New take as per Bonster Centre
- High quality and creative products including
 - cakes
 - drinks
- Happy Cakes sales experience - fun - political

Proposal for Oxford City Centre


Propose products to the City Council/Committee for the following events:

- Markets (the market)
- May Morning
- 2nd May - Village
- June - Day
- July - Day
- Open Doors
- Easter - Week
- Christmas



Why Happy Cakes?

- Proven track record
- Well established and popular local brand
- Large enough to deliver - small enough to be flexible



Happy Cakes



This certificate is presented to

Julia Atkinson

who has successfully completed the training course and assessment in


Level 2 - Food Safety and Hygiene for Catering


This course covers:

- An Introduction to Food Safety & Hygiene • Impact of Food-Borne Illness
- Understanding Food Law • Food Safety Hazards & Contamination
- Food Preservation, Storage & Temperature Control • Personal Hygiene
- Hygienic Premises & Equipment • HACCP & Summary

Date: 08-Mar-2014

Certificate No: 1421855

Signed: 
 Dr Rosemarie Pearson (Food Specialist)

Signed: 
 Director (Virtual College)



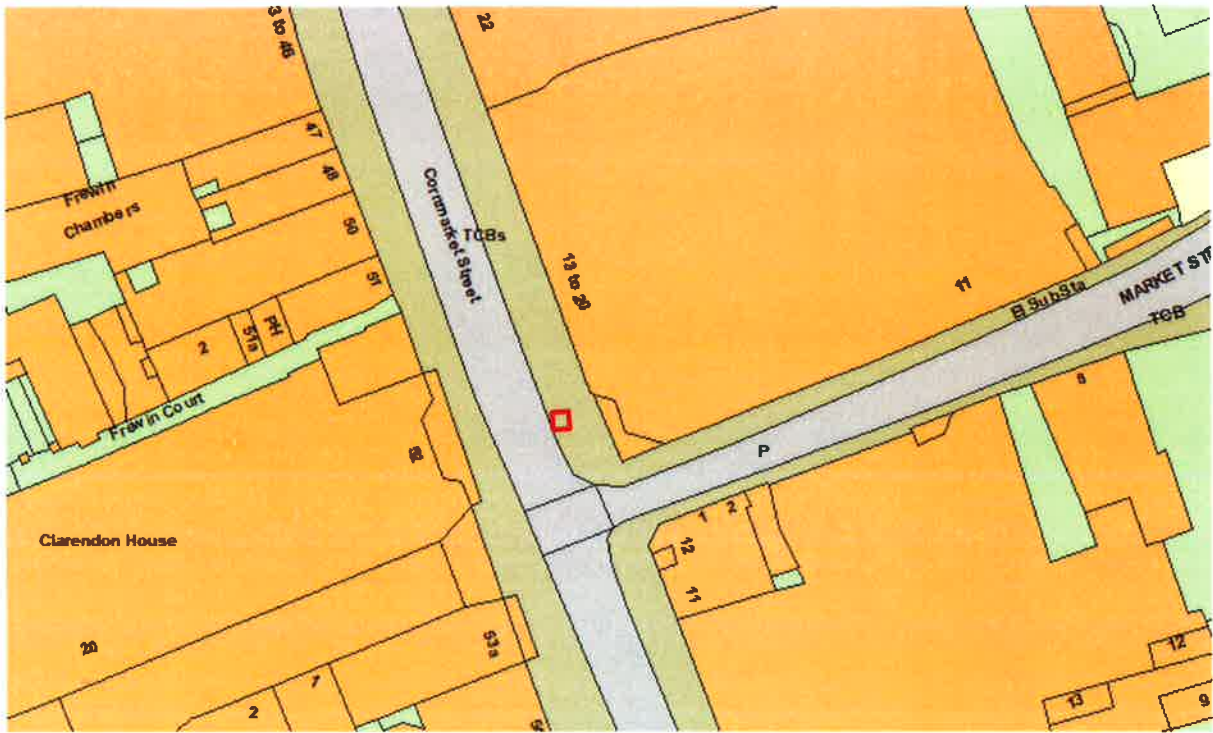
Authorisation Seal



To verify, telephone 01943 605976

The content of this course has been independently certified as conforming to universally accepted Continuous Professional Development (CPD) guidelines

Virtual College Ltd | Mansel House | Stephenson's Way | Ilkley | LS29 8DD | Tel: 01943 605976 | Fax: 01943 605622
 Company Reg 3052439 | www.virtual-college.co.uk | elearning@virtual-college.co.uk



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: Julia Atkinson

Consent Number: 14/00768/STREET

Consent Issued: 5th September 2014

Valid From: 16th October 2014

Valid To: 24th October 2014

Fee: £83.00

Vehicle/Stall Details: Cupcake Trike

Area/Site: Cornmarket Street junction with Market Street outside the Carphone Warehouse

Permitted Trading Days and Hours: Trading only between the hours of 11:00 and 18:00 on Thursdays & Fridays

Articles Sold: Cupcakes, cakes & brownies, hot chocolate and water

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


Head of Environmental Development

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 October to 24th October 2014.
2. The operational hours shall be:
Between the hours of 11:00 and 18:00 on Thursdays
Between the hours of 11:00 and 18:00 on Fridays
3. The street trading consent relates to the following area/site only:
Cornmarket Street junction with Market Street outside the Carphone Warehouse, Oxford.
4. The street trading consent relates to the following vehicle/stall only:
Cupcake Trike
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.

LICENSING AND REGISTRATION SUB COMMITTEE

Wednesday 13 August 2014

COUNCILLORS PRESENT: Councillors Coulter, Clarkson and Royce.

OFFICERS PRESENT: Samantha Howell (Licensing Officer), Lesley Rennie (Business Regulation Team Manager), Daniel Smith (Law and Governance) and Sarah Claridge (Committee and Member Services Officer)

62. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dick Wolff

63. ELECTION OF CHAIR

The Sub Committee elected Councillor Van Coulter as Chair of the Sub Committee for this meeting.

64. DECLARATIONS OF INTEREST

None

65. PROCEDURE TO BE FOLLOWED

The Sub-Committee resolved to note the procedure.

66. REVIEW OF A STREET TRADING CONSENT – MR MATTHEW BARLOW AND MR TIMOTHY CHAPPLE

The Head of Environmental Development submitted a report which reviewed a street trading consent on Broad Street, after receiving complaints of excessive noise and smells.

The Licensing Officer presented the report to the Sub Committee.

Aiden Meller (Objector) attended the meeting and presented his case.

Tim Chapple and Matthew Barlow (Consent holders) attended the meeting and presented their case.

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

Having taken into account all submissions, both written and oral, the Sub Committee then returned and announced its decision.

The Sub-Committee felt that on balance there was insufficient evidence to suggest a significant problem or nuisance exists. The licence should therefore continue.

They noted that planning policy was continually evolving and that the Council's long term vision for Broad St was to create a boutique, high class shopping experience. This vision is shown in the short term license that the consent holders has (which ends in March 2015).

The Sub-Committee also recommended that the consent holder discuss with the Council's Food Safety team the options available to reduce cooking smells.

The Sub-Committee resolved to ALLOW the licence to continue. A written confirmation will be sent to the consent holder in due course.

67. MINUTES

The Sub Committee resolved to APPROVE the minutes of the meeting held on 15 April 2014 as a true and accurate record.

68. MATTERS EXEMPT FROM PUBLICATION

None.

The meeting started at 5.30 pm and ended at 6.25 pm