

Agenda

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Licensing and Registration Sub Committee

Date: **Monday 22 August 2016**

Time: **5.00 pm**

Place: **Plowman Room - Town Hall**

For any further information please contact:

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If you would like help to understand this document please call Catherine Phythian, Committee and Member Services Officer in advance of the meeting.

Licensing and Registration Sub Committee

Membership

Chair

Councillor Van Coulter
Councillor Mary Clarkson
Councillor Rae Humberstone
Councillor Elizabeth Wade

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AGENDA

PART ONE PUBLIC BUSINESS

Pages

1 **APOLOGIES FOR ABSENCE**

2 **ELECTION OF CHAIR FOR THE MEETING**

3 **DECLARATIONS OF INTEREST**

4 **PROCEDURE TO BE FOLLOWED**

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Guidance is attached

5 **APPLICATION FOR 12 MONTHS STREET TRADING CONSENT –
MR JOHN IRVIN**

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Report of the Executive Director for Regeneration and Housing

The Head of Planning & Regulatory Services has submitted a report which details an application from Mr John Irvin for a new street trading site outside Carphone Warehouse, Market Street, Oxford.

6 **MINUTES**

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Minutes from 26 April 2016

Recommendation: That the minutes of the meeting held on 26 April 2016 be APPROVED as a true and accurate record.

7 **MATTERS EXEMPT FROM PUBLICATION**

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

9 **DATES OF FUTURE MEETINGS**

The Sub-Committee is scheduled to meet, if required, on the following dates:

2016	2017
12 September	9 January
4 October	31 January
24 October	21 February
14 November	13 March
1 December	3 April
	25 April
	22 May

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.

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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: 22 August 2016

Report of: Head of Planning & Regulatory Services

Title of Report: Application for a 12 month Street Trading Consent – Mr John Irvin

Summary and Recommendations

Purpose of the report:	To seek determination of an application proposing a new street trading location
Report Approved by:	
Finance:	Jonathan Marks
Legal:	Daniel Smith
Policy Framework:	Street Trading Policy A vibrant and sustainable economy
Recommendation(s):	That the Licensing & Registration Sub Committee resolves to determine the application received and decide whether to grant a Street Trading Consent, taking into account the details in this report and any representations made at this Sub Committee meeting.

Appendices

Appendix A – Application Form and Trial Street Trading Consent

Appendix B – Confidential

The Application

1. The Business Regulation Team has received an application for Street Trading Consent from Mr John Irvin. Mr Irvin has applied to trade from a new site alongside Carphone Warehouse, Market Street, Oxford. Mr Irvin has previously been granted a three month trial Street Trading Consent by the Head of Planning & Regulatory Services under the delegation of functions in the Street Trading Policy. The site has been a success for Mr Irvin and he wishes to apply for a twelve month Street Trading Consent.
2. A full copy for Mr Irvin'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 the Council can manage street trading by designating streets as “consent streets”, “licence streets” or “prohibited streets”. All streets within Oxford are currently designated “consent streets” and any trading requires the grant of a street trading consent. Street trading consent may be granted as the Council “thinks fit”. When exercising the power to grant and enforce consents the Sub Committee should only take into account relevant considerations; must give each applicant or consent holder a fair hearing and should give reasons for their decisions.
4. Street trading consent is granted subject to the Council’s standard conditions. The Sub Committee may amend or attach any additional conditions to a Consent that it considers “reasonably necessary”.

Policy Considerations

5. The Street Trading Policy was adopted by Council in April 2015 and came into force on 14 April 2015 for existing traders. Paragraph 5.2 of the Policy states that the General Purposes Licensing Committee appoints a Licensing and Registration Sub Committee to decide street trading application that are longer than three months.
6. Paragraph 5.8 of the Street Trading Policy states:

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

(a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public 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, sketches, including dimensions, must be provided with all new applications and requests for approval of changes to or replacement of 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 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) Highways

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."

Reasons for Referral to Licensing & Registration Sub Committee

7. This matter has been referred to Licensing & Licensing Sub Committee as Mr Irvin has completed his three month Street Trading Consent trial. The trial period at the Market Street location was arranged by the Council as a temporary relocation following the redevelopment of the Westgate Shopping Centre. Mr Irvin has now applied for a twelve month Street Trading Consent.
8. The trial Consent allowed Mr Irvin to sell greeting cards, balloons, gift wrap, toys and souvenirs as per his original location on Queen Street outside the Westgate Shopping Centre.
9. Mr Irvin has applied to the trade from the area as per Appendix A, alongside Carphone Warehouse, Market Street, Oxford Monday to Sunday 08:00 – 21:00 hours.
10. Upon receiving the application, the Business Regulation Team carried out a consultation with Thames Valley Police, Oxfordshire County Council Highways Authority, Environmental Health, Planning and Ward Councillors. During the fourteen day consultation, comments were received from officer of Oxfordshire County Council Highways Authority, Thames Valley Police and Ward Councillors.
11. Oxfordshire County Council Highways Authority, Thames Valley Police and Ward Councillors had no objections to the initial three month trial application.
12. No complaints have been received regarding the location of the new site during the agreed trial period. Oxfordshire County Council Highways Authority and Thames Valley Police are in support of a twelve month Street Trading Consent being issued.
13. Condition 22 of the General Conditions for Street Trading Consents requires that any employee or person other than the Consent Holder who operates the stall or van must have authorisation from the Council. The Council may refuse a request for authorisation or rescind an existing authorisation if it considers there are grounds to do so. Appendix B contains exempt information relating to the employee application for employee one.

Financial Implications

14. The Council collects fees for the street trading function. Predicted income from licence fees are included in the Council's budget.

Legal Implications

15. 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.
16. 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

17. 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 generally considered to be a possession in law and the protection in Article 1 is therefore not directly engaged.

Nevertheless, with the advice of Law & Governance and in the interest of fairness, the Sub Committee should consider whether any proposed action would be proportionate, in the public interest and subject to the conditions provided for by law.

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Version number: 4



Application for the Renewal of a Street Trading Consent

Oxford City Council
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	John /ru in / Souvenirs of Oxford
Home Address	
Postcode	
Telephone Numbers	
Email address	
National Insurance Number	
Description of articles to be sold	Souvenirs Helium Balloons Christmas Gift Wrap + Accessories.

If you intend to sell food & drink what is the address where the vehicle/trailer will be stored when not in use	
Street Trading Consent Reference Number	
Proposed days and times of trading	Days: Mon-Sat 8am - 6pm Sun 10am - 5pm. Times:
Vehicle registration number, make and model - if applicable	
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)	Employee one + Yes or No Employee Two

DECLARATION

Our Street Trading Policy contains measures intended to combat illegal working, money laundering, fraud, tax evasion, food poisoning and other crime. 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. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>.

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)

Employee Form

Please complete a separate form for each employee

Full Name	Employee one	
Home Address		
Postcode		
Telephone Numbers	Home	
	Mobile	
Email Address		
Date of Birth		
What is the name of your employer?	John Lewis	
Please enclose a photocopy of your passport		
Please enclose 2 passport sized photographs (please write your name on the reverse)		
Please enclose a photocopy of your Level 2 Food Hygiene Certificate (if you have one)		
If you are not a UK resident do you have leave to remain and work in the UK? If the answer is yes then please include documentary evidence to support this. If the answer is no you will not be authorised to work as a Street Trader.		

Employee Form

Please complete a separate form for each employee

Full Name	Employee Two -	
Home Address		
Postcode		
Telephone Numbers	Home	
	Mobile	
Email Address		
Date of Birth		
What is the name of your employer?	John King	
Please enclose a photocopy of your passport		
Please enclose 2 passport sized photographs (please write your name on the reverse)		
Please enclose a photocopy of your Level 2 Food Hygiene Certificate (if you have one)		
If you are not a UK resident do you have leave to remain and work in the UK? If the answer is yes then please include documentary evidence to support this. If the answer is no you will not be authorised to work as a Street Trader.		





Planning & Regulatory Services

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

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

Oxford City Council grant a Street Trading Consent to:

Licence Holder: Mr John Irvin

Consent Number: 16/01303/STREET

Consent Issued: 13th May 2016

Valid From: 14th May 2016

Valid To: 13th August 2016

Fee: £1950

Vehicle/Stall Details: Souvenir trailer

Area/Site: Street Trading Site 28 – Alongside Carphone Warehouse, Market Street, Oxford

Permitted Trading Days and Hours: Trading only between the hours of 08:00 and 21:00
Monday - Sunday

Articles Sold: Greeting cards, balloons, gift wrap, toys and souvenirs

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.

Special Conditions: The souvenir trailer must be removed from site at the end of each day.
Trading is not permitted on Wednesday 29th June or Sunday 17th July.

Authorised Officer

David Edwards
Executive Director of Regeneration & Housing

Planning & Regulatory Services

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

Switchboard: 01865 249811
Fax: 01865 252344

www.oxford.gov.uk



General Conditions for Annual and Weekly Street Trading Consents

1. No trading shall take place except between the dates specified on the Certificate of Street Trading Consent.
2. Street trading shall only be carried out during operational hours specified on the Certificate of Street Trading Consent.
3. The Street Trading Consent relates only to the area/site vehicle or stall specified on the Certificate of Street Trading Consent.
4. The Street Trading Consent relates only to the vehicle or stall specified on the Certificate of Street Trading Consent.
5. Street trading can only be carried out from the stall or vehicle authorised under the Certificate of Street Trading Consent. Any significant changes to or replacement of the stall or vehicle must be approved by the Head of Planning and Regulatory Services.
6. The Consent Holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
7. The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate. Vehicle movements must be carried out legally and must not present a risk to people and structures. The Consent Holder shall not drive or park a vehicle on any part of a footway.
8. The Consent Holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the Consent Street for which the Street Trading Consent is issued. All goods shall be displayed on the stall and no freestanding racks or displays are permitted. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorized Council Officer or Police Officer they shall immediately comply with that request.
9. For Weekly Street Traders on Cornmarket Street, the Consent Holder's stall shall not exceed 2.3 metres in height nor occupy an area greater than 2.3 metres x 1.4 metres.
10. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work etc. Act, 1974 and the Food Safety and Hygiene (England) Regulations 2013. Advice on these requirements is available from the Business Regulation Team.
11. The Consent Holder shall conduct their business in a professional manner and in a way that minimises risks to employees and others.

Street Trading Consent: 16/01303/STREET

12. The Consent Holder must take reasonable precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. A serviceable fire blanket and a suitable fire extinguisher shall be provided in all vehicles selling hot food.
13. Reasonable steps must be taken to ensure gas safety where gas appliances are used on a stall or vehicle. Gas appliances must be maintained and serviced as per manufacturer's instructions. Gas appliances and systems must be checked for safety by a competent Gas Safe engineer at least annually. Any faults or concerns in relation to gas safety must be appropriately investigated and made safe by a competent Gas Safe engineer as soon as possible.
14. All hot food vans/trailers are required to carry a basic first aid kit and have the means to contact the emergency services if necessary.
15. All food businesses must be registered as a food business with the local authority where the van/stall is kept overnight. All food businesses registered outside of the Oxford City Council area must be able to demonstrate food business registration, e.g. by written confirmation from the relevant local authority or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant local authority.
16. All food handlers must hold a current Level 2 Award in Food Safety in Catering accredited by The Chartered Institute of Environmental Health or The Royal Institute for Public Health.
17. All food businesses must achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory'. The Hygiene Rating must be displayed prominently on the stall or vehicle.
18. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or the Oxford City Council. Consent Holders shall have special regard to and must take action to prevent excessive noise.
19. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of their trade waste in an appropriate manner. Trade waste must be stored appropriately and be disposed of by a licensed waste carrier. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, for example by making a bin available for customers to use.
20. A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The subletting of a pitch is prohibited.
21. The Consent Holder must be the principal operator and have day to day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Head of Planning and Regulatory Services of the name and address of that person. An administration fee will be payable.

Street Trading Consent: 16/01303/STREET

22. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Head of Planning and Regulatory Services.
23. A Consent Holder may terminate a Street Trading Consent by written notice to the Head of Planning and Regulatory Services. A refund of the portion of the fee equal to the remaining full months will be payable, less £50 which the Council will retain to cover administrative costs.
24. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
25. A copy of the Consent shall be displayed by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
26. Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. Proof of cover must be produced to an officer of Oxford City Council on application and as required.
27. These general conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed Special Conditions and listed on the Consent Certificate. These Special Conditions must also be complied with.
28. For Annual Street Trading Consents fee instalments are required quarterly, in advance. The first instalment must be paid in advance of the issue of Consent. The remaining fee can be paid in instalments on the following dates 1st July, 1st October and 2nd January. Annual fees may be paid in advance.
29. For Weekly Street Trading Consents fees must be paid two weeks in advance before trading commences. This is to allow sufficient time to process the application and receive the consent. It must be in your possession before you can trade.
30. The sale of food and/or drink is not permitted by Weekly Street Traders. The items to be sold must be agreed before a Weekly Consent can be issued.
31. For food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials.

Failure to comply with these conditions

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

MINUTES OF THE LICENSING AND REGISTRATION SUB COMMITTEE

Tuesday 26 April 2016



COUNCILLORS PRESENT: Councillors Clarkson and Royce.

OFFICERS PRESENT: Samantha Howell (Licensing Officer), Lesley Rennie (Business Regulation Team Manager), Daniel Smith (Lawyer), Catherine Phythian (Committee Services Officer) and observers: Lucy Longford and Jessica Smith (Licensing Officers)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Coulter and Councillor Wolff.

2. ELECTION OF CHAIR FOR THE REMAINDER OF THE 2015/16 MUNICIPAL YEAR

The Sub Committee resolved to elect Councillor Clarkson as Chair.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. PROCEDURE TO BE FOLLOWED

The Sub Committee resolved to NOTE the procedure.

5. APPLICATION FOR A NEW STREET TRADING SITE

Mr Shihadeh (applicant) attended the meeting and gave his consent to the case being heard by just two members of the Sub-Committee.

The Head of Planning & Regulatory Services submitted a report concerning an application from Mr Khalid Shihadeh for the renewal of street trading site at 25 St Aldate's End, Pembroke Square, Oxford for the period 1 April 201 to 31 March 2017.

The Licensing Officer presented the report to the Sub Committee. She explained that Mr Shihadeh had been trading on the site since 2005 and during that time there had been no enforcement issues. However, although Mr Shihadeh had

held a trading consent for the period 1 April to 30 September 2015 Licensing Officers had not observed him trading during that time. She explained that the renewal had therefore been referred to the Sub-Committee in accordance with the Street Trading Policy. The site was a prime location for daytime street trading and the Council had received a number of enquires for it.

Mr Shihadeh (applicant) presented his case. He explained that the majority of his trade was in the summer months, mainly July and that his own ill-health and economic hardships resulting from a poor trading season in 2014 had restricted his ability to trade fully in 2015. He said that he was confident that he would be able to trade as normal in 2016.

The Sub-Committee noted that 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.

At this point the applicant and Licensing Officers withdrew to allow the Sub-Committee, supported by its Legal Advisor, to deliberate and make its decision in private.

Having taken into account all submissions, the Sub-Committee then announced its decision.

The Sub Committee resolved to GRANT the street trading consent, for an initial period of 6 months from 1 May – 31 October 2016, subject to the standard conditions applicable to street trading consents. The Sub-Committee resolved to delegate to Licensing Officers the authority to extend the trading consent for a further 6 month period provided that the applicant's trading record was satisfactory in the initial 6 months of the street trading consent.

The Chair reminded Mr Shihadeh (applicant) of the expectation on street traders to take up the consents and contribute to the existence of a vibrant commercial environment in the city.

A letter confirming the Sub-Committee's decision will be sent to the applicant.

6. MINUTES

The Sub-Committee resolved to APPROVE the minutes of the meeting held on 20 April 2015 as a true and accurate record.

7. DATES OF FUTURE MEETINGS

The Sub-Committee NOTED that the dates of the future meetings (if required).

The meeting started at 4.07 pm and ended at 4.35 pm

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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