

Oxford City Council

Local Government (Miscellaneous Provisions) Act 1982

Hearing to determine an application for renewal of a street trading consent under Schedule 4 of the Act.

Applicant: John Irvin

Premises: Street trading site 23, St Ebbes Street, Oxford

Date of Hearing: 20th March 2012

Hearing before the Licensing and Registration Sub Committee

The Sub Committee heard from:

- Dawn Cox (Licensing Authority)
 - Tony Payne (Licensing Authority)
 - John Irvin (Applicant)
- (As set out in the minutes to the meeting)

The Sub Committee also considered a report from Head of Environmental Development.

Decision and reasons of the Licensing Registration Sub Committee

The Sub Committee took into account all evidence before it, both written and oral.

The Sub Committee were satisfied that the evidence showed that Mr Irvin had breached condition 11 of his consent on at least three separate occasions during the last year by using free standing displays separate to his stall. As well as breaching the conditions of his consent his use of separate displays was also contrary to the following objectives of the Street Trading Policy:

Public Safety - risk of obstruction and hazard to public.

Appearance of the stall or vehicle - not smart and in excess of approved dimension.

Highway - risk of obstruction and danger to highway users.

The Sub Committee was mindful that only a year ago Mr Irvin had been before it because of similar problems and he had at that time given an undertaking to comply with the requirements of his consent in relation to the size and nature of displays. At

that hearing his consent had been renewed for an initial period of 3 months. The Sub Committee found it significant that Mr Irwin had apparently traded for that period without complaint and had therefore shown himself capable of trading within the conditions of his licence.

Given this the Sub Committee found that Mr Irvin's consent should be renewed for a further 12 months, but that the Head of Environmental Development should be authorised to revoke the consent without further reference to the Sub Committee in the event of any future substantiated breach of condition.

The Sub Committee wished to make clear to Mr Irvin that he must comply with the conditions of his consent and that his consent may be revoked in the event of any further breach of conditions during the coming year.

Decision: The Application for renewal of street trading consent is **granted for a period of 12 months** with delegation to the Head of Environmental Development to revoke Mr Irvin's consent without further reference to the Sub Committee in the event of any future substantiated breach of condition. The consent is granted subject to the Oxford City Council general conditions applicable to street trading consents.

Signed:

A handwritten signature in black ink, appearing to read 'Colin Cook', written over a horizontal line.

Councillor Colin Cook (Chair)

Oxford City Council

Local Government (Miscellaneous Provisions) Act 1982

Hearing to determine an application for renewal of a street trading consent under Schedule 4 of the Act.

Applicant: Mr Mehdi Karrouchi & Mrs Wadeya Karrouchi
Premises: Street trading site 10, High Street (North), Oxford
Date of Hearing: 20th March 2012

Hearing before the Licensing and Registration Sub Committee

The Sub Committee heard from:

- Samantha Howell (Licensing Authority)
- Tony Payne (Licensing Authority)
- Mehdi Karrouchi (Applicant)
- Mr Hussain (in support of Applicant)
- Kendrick Bird (Oriel College - objector)
- Lauren Fletcher (Oriel College - objector)

(As set out in the minutes to the meeting)

The Sub Committee also considered a report from Head of Environmental Development.

Decision and reasons of the Licensing Registration Sub Committee

The Sub Committee took into account all evidence before it, both written and oral.

The Sub Committee were satisfied that the evidence showed there had been a number of breaches of the conditions attached to consent no. 11/00026/STREET during the last year, specifically:

- Condition 11 - not positioned in allocated space.
- Condition 18 - unauthorised staff.
- Condition 7 - noise nuisance.
- Condition 8 - waste disposal.

The breaches of condition were also contrary to objective c) *The Avoidance of Public Nuisance* and h) *No Highway obstruction* of the Council's Street Trading Policy.

Whilst the Applicant appeared to have taken steps to remedy the breaches regarding unauthorised staff and waste disposal the problems of noise nuisance and the vehicle not always being positioned in its allocated space continued to result in complaints.

The Sub Committee understood the Applicant's explanation that occasionally the allocated space was occupied by unauthorised vehicles. However, the Sub Committee has no control over unauthorised parking and whilst it was no doubt frustrating to the Applicant it was not a defence to trading outside his allocated space. Any trading which took place outside that space would not be covered by the Consent and would therefore be unlawful and could be subject to enforcement action.

The Sub Committee found that the primary causes of the Objector's complaints were noise nuisance from the Applicant's generator and the continuance of noise after the end of authorised trading hours.

In order to address the cause of the nuisance the Sub Committee found it necessary to attach the following further conditions to the renewed consent:

- 1. Any generator used by the Consent holder shall be a 'quiet' generator approved in writing by the Licensing Authority.**
- 2. All materials shall be cleared away and the allocated space vacated no later than 30 minutes after the end of operational hours.**
- 3. Clear signs shall be displayed at the point of sale reminding customers to remain quiet and respect local residents.**

The Sub Committee wished to remind the Applicant that even once renewed the Consent could be referred back to the Sub Committee at any time if conditions continued to be breached with the possibility of revocation of the Consent.

Decision: The Application for renewal of street trading consent is **granted for a period of 12 months**. The consent is granted subject to the Oxford City Council general conditions applicable to street trading consents and the additional conditions set out above.

Signed:

Colin Cook

Councillor Colin Cook (Chair)

Oxford City Council

Local Government (Miscellaneous Provisions) Act 1982

Hearing to determine an application for renewal of a street trading consent under Schedule 4 of the Act.

Applicant: Miss Arzu De Jesus Neves

Premises: Street trading site 5, Junction of New Inn Hall St and Queen St, Oxford

Date of Hearing: 17th April 2012

Hearing before the Licensing and Registration Sub Committee

The Sub Committee heard from:

- Dawn Cox (Licensing Authority)
 - Miss De Jesus Neves (Applicant)
- (As set out in the minutes to the meeting)

The Sub Committee also considered a report from Head of Environmental Development.

Decision and reasons of the Licensing Registration Sub Committee

The Sub Committee took into account all evidence before it, both written and oral.

The Sub Committee were satisfied that the evidence showed Miss Neves had failed to take up and trade from the allocated site, which is a prime location for street trading. The Sub Committee also heard that there had been a history of food hygiene breaches. The Sub Committee were therefore satisfied that the circumstances were contrary to the Council's corporate priority of promoting a vibrant and sustainable economy and also indicated concerns over public safety in relation to poor food hygiene

However, the Sub Committee accepted Miss Neve's evidence that she had recently achieved a level 3 food hygiene certificate and expected to be in position to begin trading from a refurbished van in the near future. The Sub Committee found that Miss Neves should be given a final opportunity to trade from the site.

The Sub Committee found that Miss Neves consent should be renewed for a further 12 months, but that the Head of Environmental Development should be authorised to revoke the consent without further reference to the Sub Committee in the event that she had not commenced trading by 30th June 2012.

Decision:

The Application for renewal of street trading consent is **granted for a period of 12 months** with delegation to the Head of Environmental Development to revoke the consent without further reference to the Sub Committee in the event the consent holder has not commenced trading, to the satisfaction of the Head of Environmental Development, by 30th June 2012.

The consent is granted subject to the Oxford City Council general conditions applicable to street trading consents.

Signed:

Clark Brundin

Councillor Clark Brundin (Chair)

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