

To: General Purposes Licensing Committee

Date: 19th February 2013 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Miscellaneous Licensing Activity
May 2012 – December 2012

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Miscellaneous Licensing Function between May 2012 – December 2012 and future developments.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

Committee is recommended to:

- (i) note the contents of the report, and
- (ii) make comments and recommendations regarding the future work of the Miscellaneous Licensing Function.

Introduction

1. This report highlights the work of the Miscellaneous Licensing team. The report informs Committee of progress made between May 2012 – December 2012 and future work. The report includes updates on Street Trading Consents, Pedlar enforcement actions, Pavement Café, Riding Establishment, Pet Shop licences and our Zoo dispensation.

Street Trading

2. All Consent fees have been collected for the first three quarters of the financial year. Six cases have appeared before Licensing and Registration Sub Committee between July and October; three for breach of conditions as a result of enforcement action and three new applications. Full minutes of the

Committee meetings can be found on the website at:
<http://mycouncilpages.oxford.gov.uk/ieListMeetings.aspx?CId=151&Year=0>:

In brief:

- 30th July 2012 - Mr Elouath, trading at Site 17, outside the Taylorian Institute in St Giles, failed to make payments under the agreed payment schedule. Mr Elouath cleared the arrears before attending the meeting. Licensing and Registration Sub Committee issued the Consent holder with a warning to his future conduct and delegated powers to the Head of Environmental Development to revoke his Consent with immediate effect if he failed to make the remaining two payments on time.
- 30th July 2012 - Miscellaneous Licensing received and presented three applications to Licensing and Registration Sub Committee to fill vacant Site 18 at St Giles. Licensing and Registration Sub Committee awarded Consent to Mr and Mrs Aidi on the grounds that they had the best business plan.
- 29th October 2012 - Mr and Mrs Karrouchi, trading from Site 10 outside Scrivens Opticians in the High Street, were found to be in breach of conditions of their Street Trading Consent as they had failed to comply with a Food Hygiene Notice. Licensing and Registration Sub Committee resolved that in the interests of public safety, an inspection of Mr and Mrs Karrouchi's business would take place before the end of November 2012. Any breaches of condition found were to be reported forthwith to Licensing and Registration Sub Committee for further consideration and determination.
- 29th October 2012 - Miss De Jesus Neves, trading from Site 5 at the junction with New Inn Hall Street, was found to be in breach of a Street Trading Consent condition as she had unauthorised staff working on her vehicle. Licensing and Registration Sub Committee resolved that it was in the interests of public safety to impose an additional condition upon Miss De Jesus Neves' Consent.
- 29th October 2012 - Mr Yilmaz submitted an application for a new street trading site. Licensing and Registration Sub Committee resolved to grant the application, as applied for, attaching the Council's standard conditions for street trading. A further condition was added requiring the use of biodegradable or recyclable packaging and utensils for use by the customers.
- 29th October 2012 - Mr Akkouche submitted an application to trade from an approved evening site in the daytime. Licensing and Registration Sub Committee resolved to grant the application as applied for, attaching the Council's standard conditions for street trading.

3. At the meeting of the General Purposes Licensing Committee on 22nd February 2012, Committee agreed to receive a further report reviewing the Street Trading Policy to incorporate the extension of the scheme to the whole of the Oxford City Council area. The proposed timetable for the Policy review had been set out in the previous Miscellaneous Licensing Update Report. However due to the Environmental Development restructure this has been revised and the new proposed timetable is as below.

Actions	Time Frame
Complete benchmarking exercise Compile best practice and responsible authority input Draft Revised Policy	Currently underway – March 2013
Public Involvement Board	24 th April 2013
Report to General Purposes Licensing Committee for approval of draft policy for consultation	June 2013 (exact date tbc)
Public consultation period	July – August 2013 (exact dates tbc)
Review and collate consultation responses and revise draft policy	September 2013
Report to General Purposes Licensing Committee for approval and recommendation that Council adopts	October 2013 (exact date tbc)
Policy to City Executive Board/Full Council	(exact date tbc)
Council adoption and implementation of reviewed Street Trading Policy	(exact date tbc)

Pedlar/Illegal Street Trading Compliance

4. Pedlar activity increased in Oxford City Centre towards the end of the year, primarily to take advantage of the Christmas period. As a result compliance checks were undertaken in joint inspections with Thames Valley Police. The purpose of the compliance checks was to establish that the pedlars were operating under valid pedlar certificates. It was also an opportunity to educate pedlars visiting Oxford as to what is expected of them.
5. The recent restructure in Environmental Development has increased the resource available to monitor compliance. Miscellaneous Licensing now have a closer working relationship with the Community Response Team and have trained several of their officers in order for them to assist in pedlar enforcement action. This has led to an additional twelve officers being available on the street, including weekends.
6. The Department for Business, Innovation and Skills launched a joint consultation on draft regulations for the repeal of the Pedlars Act (UK wide) and changes to street trading legislation in England, Wales and Northern Ireland. The consultation was launched on 22nd November and will end on 15th February 2013. We are currently consulting with Members,

retailers, street traders and pedlars to inform them and in some cases encourage them to respond.

Pavement Cafés

7. The Miscellaneous Licensing Team carries out the Pavement Café function on behalf of Oxfordshire County Council Highway Authority. A further meeting has been held with Oxfordshire County Council Highways to discuss enforcement powers and the Pavement Café Licensing Scheme. This will help improve our processes, deliver the service more efficiently and provide a more joined up way of carrying out enforcement.

Riding Establishments

8. A full inspection of the licensed riding school has been undertaken by Samantha Howell, Licensing Officer in conjunction with a vet approved by the Royal College of Veterinary Surgeons (RCVS) as per the requirements of the Riding Establishment Act 1964. The inspection was found to be satisfactory and the licence has been renewed.

Pet Shops

9. Full inspections of the three licensed pet shops have been undertaken by Samantha Howell, Licensing Officer. The inspections were found to be satisfactory and all three licences have been renewed.

Zoo Dispensation

10. DEFRA has confirmed that the dispensation in place at Cutteslowe Aviary still stands. Steps have been put in place to monitor the collection more closely with the Leisure and Parks service.

Service volume	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Acupuncture										
Applications received	0	1	0	2	2	0	2	2	0	9
Licences granted	2	2	0	1	1	2	1	1	2	12
Animal Boarding										
Applications received	0	0	0	0	0	0	1	0	0	1
Licences granted	1	0	0	0	0	0	0	0	0	1
Busking										
Applications received	10	20	18	21	20	19	14	22	14	158
Permits issued	10	20	18	22	20	19	14	22	15	160
Ear Piercing										
Applications received	0	0	0	0	2	0	3	0	2	7
Licences granted	0	0	0	0	0	0	1	3	2	6
EET Business										
Applications received	0	0	0	0	1	0	0	0	0	1
Licences granted	0	0	0	0	1	0	0	0	0	1
Electrolysis										
Applications received	0	0	0	0	0	0	0	0	0	0
Licences granted	0	0	0	0	0	0	0	0	0	0
Pet Shops										
Applications received	0	0	0	0	0	0	0	3	0	3
Licences granted	0	0	0	0	0	0	0	0	3	3
Riding Establishment										
Applications received	0	0	1	0	0	0	0	0	0	1
Licences granted	0	0	0	0	1	0	0	0	0	1
Street Trading										
New applications received	5	2	4	4	4	2	2	2	5	30
New consents granted	2	2	0	0	2	1	4	2	2	15
Renewals received	0	0	0	0	0	0	0	0	0	0
Renewals granted	2	0	0	0	0	0	0	0	0	2
Weekly consents granted	6	6	7	11	9	9	7	7	8	70
Street Cafes										
New applications received	0	0	0	0	0	0	0	0	0	0
New licences granted	0	0	0	0	0	0	0	0	0	0
Renewals received	2	0	3	1	0	2	0	0	0	8
Renewals granted	1	1	2	2	0	0	0	0	0	6
Street Collections										
Applications received	21	11	10	6	8	2	12	6	11	87
Licences granted	26	12	10	8	5	4	13	10	12	100
Tattoo										
Applications received	3	0	0	1	2	0	0	0	1	7
Licences granted	1	2	0	0	1	0	2	0	1	7

Legal Considerations

11. There are no legal implications within the content of this report.

Financial Considerations

12. There are no material financial considerations contained within the content of this report that apply to the Authority. The cost of any additional consultation on draft Policies can be met from existing budgets.

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Background papers: None

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