

To: Licensing & Registration Sub Committee

Date: 31 January 2017

Item No:

Report of: Head of Planning & Regulatory Services

Title of Report: Applications for vacant approved sites

Summary and Recommendations

Purpose of report: To seek determination of applications received in competition for a Street Trading Consent to fill two vacant approved Street Trading sites.

Report Approved by:

Finance: Jonathan Marks

Legal: Daniel Smith

Policy Framework: Street Trading Policy
A vibrant and sustainable economy

Recommendation(s):

Licensing and Registration Sub Committee is recommended to determine from the applications received, which applicants they wish to grant Street Trading Consent, in order to fill the following vacant approved sites taking into account the details in this report and any representations made at this Sub Committee meeting:

- Street Trading Site 7 near County Hall Car Park, New Road
- Street Trading Site 10 outside 22 High Street (North Side)

Appendices

Appendix A – Applications for the vacant sites

Appendix B – List of applicants and site(s) applied for

Appendix C – Advert for Vacant Sites

Appendix D – General Conditions of Street Trading Consent

The Applications

1. The Business Regulation Team have received four applications for the vacant approved Street Trading sites. The applicants are:
 - Mr Huseyin Cacan
 - Mr Hassan Khalil
 - Mr Mustafa Durdu
 - Mr Matthew Jeffery
2. Full copies of each application can be found at Appendix A of this report. Each applicant has detailed in their application how they intend to fulfil Oxford City Council's Street Trading criteria.
3. A complete list of the site(s) each applicant has applied for can be found at Appendix B of this report. This has been attached to assist Councillors with regard to the applicants' preference of Street Trading site.
4. A copy of the advert for the vacant sites can be found at Appendix C of this report. This has been attached to assist Councillors with regard to the criteria set for applications.

Legislative Background/Legal Framework

5. 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 "consents 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 decision.
6. 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 to be "reasonably necessary".

Policy Considerations

7. The Street Trading Policy was adopted by Council in April 2015 and came into force on 14th April 2015 for existing traders. Paragraph 5.2(c) of the Policy states that applications may be referred to the Licensing and Registration Sub Committee where there is competition for a vacant site.

8. 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 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

9. This matter has been referred to Licensing & Registration Sub Committee to determine the applications in accordance with paragraph 5.18 of Oxford City Council's Street Trading Policy as four applications have been received for the vacant sites advertised.

Financial Implications

10. The Council collects fees in order to cover the costs of carrying out the Street Trading function. Predicted income from licence fees are included in the Council's budget.

Legal Implications

11. The Sub Committee may grant a Street Trading Consent if it 'thinks fit', (see paragraph 5 above). Any decision to refuse an application or terminate street trading consents may be subject to judicial review and if held to be unlawful compensation may result.

Human Rights Act Considerations

13. 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 must be given a fair opportunity to present their case and respond to any representation against them.

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