

**Minutes of a meeting of the
GENERAL PURPOSES LICENSING CASEWORK
SUB-COMMITTEE
on Monday 16 April 2018**

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Committee members:

Councillor Clarkson (Chair) Councillor Wade
Councillor Humberstone (for Councillor
Anwar)

Officers:

Daniel Smith, Lawyer
Lesley Rennie, Business Regulation Team Manager
Samantha Broome, Licensing Officer
Emma Thompson, Licensing Compliance Officer
Joshua Curnow, Licensing Compliance Officer
John Mitchell, Committee and Member Services Officer

Apologies:

Councillor Anwar sent apologies.

66. Declarations of Interest

None.

67. Procedure to be followed at the meeting

Guidance on the procedure to be followed was attached to the agenda.

68. Minutes

The Sub-Committee resolved to APPROVE the minutes of the meeting held on 05 March 2018 as a true and accurate record.

69. Application for the renewal of Street Trading Consent - Mr John Irvin

The Chair introduced members of the Sub-Committee and confirmed that Mr Irvin understood the procedure which would be followed in the meeting.

The Licensing Officer introduced the report. The Business Regulation Team had received a renewal application for Street Trading Consent from Mr John Irvin for the period 01 April 2018 to 31 March 2019.

Mr Irvin had held a Street Trading Consent for the present site for the period 01 April 2017 to 31 March 2018. The renewal had been referred to the Sub-Committee following complaints from businesses in the vicinity of Mr Irvin's site concerning obstruction and size of the stall. The first complaint concerned the obstruction of marketing on commercial premises due to the stall's location. The second complaint concerned obstruction of the line of visibility of adjacent commercial premises due to the positioning and overall size of the stall.

Following receipt of the complaints, visits had been made to the site. It was noted that the stall had exceeded the size permitted by the Consent and that freestanding racks and displays were in use which is in breach of condition 8 under the General Conditions for Annual and Weekly Street Trading Consent. Mr Irvin was advised of the breach, and required to reduce the size of the stall. He initially complied with the instruction however the stall subsequently increased in size.

Mr Irvin was first granted consent to trade in Market Street in 2016. Prior to this he traded from a site on St Ebbes Street where he was also subject to complaints over the size of his stall and breaches of condition concerning the use of freestanding displays.

In response to questions from the Sub-Committee the Licensing Officer said that the complaints had been from Carphone Warehouse and Superdrug, the former complaining about that the stall obstructed the view of paid for advertising on one of their (non see through) windows, the latter that the stall obstructed the line of sight from Cornmarket to their premises.

Mr Irvin said that some of the previous difficulties with consents had been at a period when his son was running the stall which was no longer the case. He acknowledged however that he had breached the conditions of the present consent by letting his stall spread beyond the designated areas by using freestanding racks and displays. He apologised for having done so and gave his word that he would not do so again, recognising that he could not afford to jeopardise his livelihood.

Mr Irvin and the Licensing Officers left the room while the Sub-Committee considered the points raised.

The Sub-Committee were reminded that: there was no obligation to provide a consent; a consent was conditional on conditions which in this case had been repeatedly broken; while it was not the purpose of the consent to protect the interests of nearby businesses (and the location of the site was not of Mr Irvin's choosing) there should be consideration of whether the complaints were reasonable. It was noted that Mr Irvin had had a stall for several years and had never defaulted on payments for consents.

Mr Irvin and the Licensing Officers returned to the room. The Chair said the Sub-Committee was very concerned at the repeated breach of the Mr Irvin's consents over a period of time but, given his undertaking to ensure that this would not happen again, agreed that the consent should be renewed. If, however, the Licensing Officers witnessed future breaches, Mr Irvin would be required to appear before the Sub-Committee again. The Sub-Committee did not think the complaints referred to above warranted refusal of the request for renewal of consent.

The Sub-Committee resolved to:

Agree Mr Irvin's application for renewal of a street trading consent.

70. Exempt Matters

The Sub-Committee resolved that under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the remaining items of business on the grounds that their presence would involve the likely disclosure of exempt information as described in Paragraph 3 of Part 1 of Schedule 12A of the Act.

The Sub-Committee considered matters relating to Hackney Carriage and Private Hire Vehicle licensing in private.

71. Application for renewal of licence to drive Private Hire vehicles

The Head of Community Services had submitted a report detailing an application for renewal of a Private Hire Driving Licence.

The Sub-Committee resolved to:

Renew a Private Hire Driving Licence.

72. Suitability to continue to drive Private Hire vehicles

The Head of Community Services had submitted a report to inform a determination of whether a person remained a fit and proper person to continue to hold a Private Hire Driver Licence.

The Sub-Committee resolved to:

1. **Confirm** that the person was not, currently, a fit and proper person, to hold a licence to drive private hire vehicles and that the current licence should therefore be suspended until its expiry;
2. **Require** that, should the person apply to renew their licence, the Head of Community Services should only grant that renewal subject to receipt of satisfactory evidence that the person has:
 - a. **Enrolled** on a Driver Standards Agency (DSA) Driving Assessment for Private Hire Drivers course run by the City Council; and
 - b. **Enrolled** on a suitable course to address anger management; and
3. **Require** that this matter be reported back to the Sub-Committee should the person fail to provide confirmation of completion of the required courses within six months.

73. Application to drive Private Hire vehicles

The Head of Community Services had submitted an application for a Private Hire Driver Licence.

The Sub-Committee resolved to:

Refuse the application for a Private Hire Driver Licence.

74. Dates of Future Meetings

The dates of future meetings (if required) are:

- Wednesday 30 May
- Monday 25 June
- Monday 06 August
- Monday 17 September
- Monday 29 October
- Monday 10 December

All meetings start at 5.30pm.

The meeting started at 5.30 pm and ended at 8.00 pm

Chair



Date: Wednesday 30 May 2018