

Minutes of a meeting of the General Purposes Licensing Casework Sub- Committee on Tuesday 27 July 2021

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Committee members present:

Councillor Clarkson (Chair) (for Councillor Humberstone)

Councillor Mundy

Councillor Wade

Officers present for all or part of the meeting:

Lucy Longford, Licensing Compliance Officer

Richard Masters, Senior Licensing Compliance Officer

Claire Siddle, Licensing Office

Daniel Smith, Lawyer

Michael Watson, Licensing Office

Jennifer Thompson, Committee and Members Services Officer

Apologies:

Councillor Humberstone sent apologies.

Substitutes are shown above.

9. Apologies for Absence and appointment of Chair

Cllr Clarkson substituted for Cllr Humberstone.

Cllr Clarkson was elected as Chair for this meeting.

10. Declarations of Interest

None.

11. Minutes

The Sub-Committee resolved to approve the minutes of the meeting held on 7 June 2021 as a true and accurate record.

12. Procedure to be followed at the meeting

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

13. Breach of Street Trading Conditions

The Head of Regulatory Services and Community Safety had submitted a report asking the Sub-Committee to determine what action to take in relation to Street Trading Consents where the street trader has breached the conditions of their consents and the Street Trading Policy.

Mr Hall and the licensing officers joined the meeting. The Chair asked everyone to introduce themselves, and then explained the process to be followed.

The Licensing Officer introduced the report, outlining the main points in the report relating to three contraventions of the street trading consents:

1. Trading outside a school (breach of peripatetic consent conditions);
2. Trading at Pembroke Square using a vehicle not listed on the consent (breach of consent conditions);
3. Trading at Port Meadow (trading without a valid consent).

Full details were included in the officer's report and appendices.

The licensing officer also reported and read out an email in support of Mr Hall sent by his ward councillor Cllr Djafari-Marbini.

Mr Hall explained in his statement and in answer to questions that:

- In relation to (1) the route was covered by his sister. He had explained the consent conditions to her, but was unsure if she knew the details of the conditions. His sister had not reported receiving visits or complaints. He had been unaware of the breaches until the licensing officers had contacted him after receiving a number of complaints.
- In relation to (2) he was aware that the previous holder of a consent to trade at Port Meadow had left. Assuming that a valid consent still existed, albeit not in his name, he had decided to try trading there over the Easter weekend. He had then emailed the licensing team to obtain a formal consent but as he had not heard back he had not returned to Port Meadow.
- In relation to (3) the ice-cream van listed on the consent had broken down and he had used another of his ice-cream vans to avoid losing a day's trade.
- Trading had been very difficult over 2020 and 2021 with the reduction in trade on his routes and a loss of most of the trade for the static pitches and events.

The Licensing Officer in summing up reminded the Sub-Committee that Mr Hall had already received a formal warning from a previous Sub-Committee hearing, and reminded the Sub-Committee of the options to consider including:

- Revocation of all four street trading consents held by Mr Hall;
- Revocation of the two peripatetic street trading consents which were the subject of the complaints;
- Imposing conditions;
- Formal warning; or
- No action

With no further points to make, Mr Hall and the licensing officers left the meeting while the Sub-Committee considered their decision in private session.

The Sub-Committee in coming to their decision noted that:

- On (1), the breach of his consent conditions by trading at the school was serious and contravened the Councils' street trading policy. The licensing team had not communicated these to Mr Hall immediately. Mr Hall's explanations for the breaches were credible, although clearly these must not be repeated.
- On (3) the explanation for using a different vehicle offering the same goods was credible and accepted as a minor breach of the consent conditions.
- On (2) Mr Hall's explanation was credible, and while his decision to trade there on one weekend was baffling he had not repeated this.
- In all three instances, Mr Hall had been in breach of his street trading consents. These in total were serious enough to require a warning as to conduct, but not sufficiently so to warrant conditions, restrictions, or removal of his consents.

The Sub-Committee resolved to:

- 1. issue a formal final warning to Mr Hall:**
 - **the breaches of conditions on his consents and trading without a valid consent were serious matters;**
 - **that he must inform those running his vehicles of the detailed conditions on each consent;**
 - **that any further breaches of the conditions of his consents would result in a referral to the Sub-Committee.**

Mr Hall and the licensing officers re-joined the meeting and were informed of the Sub Committee's decision as described above.

14. 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.

15. Confidential Minutes

The Sub-Committee resolved to approve the confidential minutes of the meeting held on 7 June 2021 as a true and accurate record.

16. Application to continue to hold a licence to drive Private Hire Vehicles

The Head of Regulatory Services and Community Safety had submitted a report to inform the determination of whether or not a person should continue to hold a licence to drive Private Hire Vehicles in the City.

The Sub-Committee resolved to grant the renewal of the person's licence to drive Private Hire Vehicles in the City, and issue a final warning as to conduct.

17. Application to continue to hold a licence to drive Private Hire Vehicles

The Head of Regulatory Services and Community Safety had submitted a report to inform the determination of whether or not a person should continue to hold a licence to drive Private Hire Vehicles in the City.

The Sub-Committee resolved to not grant the person's renewal application for a licence to drive Private Hire Vehicles in the City.

18. Determination of suitability to hold a Hackney Carriage and Private Hire Driver Licence

The Head of Regulatory Services and Community Safety had submitted a report to inform the determination of whether or not a person should continue to hold a licence to drive Private Hire Vehicles in the City.

The Sub-Committee resolved to revoke with immediate effect the person's licence to drive Private Hire Vehicles in the City.

19. Dates of Future Meetings

Noted.

The meeting started at 6.00 pm and ended at 9.00 pm

Chair

Date: Monday 6 September 2021

*When decisions take effect: immediately.
Details are in the Council's Constitution.*