

Agenda

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Licensing and Registration Sub Committee

Date: **Monday 30 July 2012**

Time: **5.00 pm**

Place: **Council Chamber, Town Hall**

For any further information please contact:

Lois Stock, Democratic Services Officer

Telephone: 01865 252275

Email: lstock@oxford.gov.uk

Licensing and Registration Sub Committee

Membership

Chair

Vice-Chair

Councillor Colin Cook	Jericho and Osney;
Councillor Van Coulter	Barton and Sandhills;
Councillor Michael Gotch	Wolvercote;
Councillor Gwynneth Royce	St. Margaret's;

HOW TO OBTAIN AGENDA

In order to reduce the use of resources, our carbon footprint and our costs we will no longer produce paper copies of agenda over and above our minimum internal and Council member requirement. Paper copies may be looked at the Town Hall Reception and at Customer Services, St Aldate's and at the Westgate Library

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AGENDA

Pages

1 **ELECTION OF CHAIR FOR THE COUNCIL YEAR 2012/2013**

2 **ELECTION OF VICE CHAIR FOR THE COUNCIL YEAR 2012/2013**

3 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

4 **DECLARATIONS OF INTEREST**

Guidance note is attached.

5 **STREET TRADING APPLICATION FOR A VACANT SITE**

1 - 38

To determine which applicant will receive the street trading consent for the vacant approved site 18 St Giles.

Report of the Head of Environmental Development attached.

6 **BREACH OF STREET TRADING CONSENT CONDITIONS**

39 - 46

To determine what action to take in relation to Mr Elouath's Street Trading Consent.

Report of the Head of Environmental Development attached.

7 **MINUTES**

47 - 48

Minutes of the meeting held on 17th April 2012 attached.

8 **MATTERS EXEMPT FROM PUBLICATION**

If the Sub Committee wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding agenda items it will be necessary for the Sub Committee to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 specifying the grounds on which their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9 **DATE OF NEXT MEETING**

There will be a meeting of this Committee at 5pm on Monday 24th September.



DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

¹ Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

To: Licensing & Registration Sub Committee

Date: 30 July 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Application for a vacant approved site.

Summary and Recommendations

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

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Street Trading Policy
A vibrant and sustainable economy

Recommendation(s):

Licensing and Registration Sub Committee is recommended to determine the three applications received and decide which applicant they wish to be granted street trading consent, in order to fill vacant approved site 18 St Giles; taking into account the details in this report and any representations made at this Sub Committee meeting.

The Applications

1. The Miscellaneous Licensing Team have received three applications for the vacant approved street trading site 18 on St Giles. The applicants are:
 - Mrs Leila & Mr Soulaiman Aidi
 - Mr Sajjad Malik
 - Mr Antonio De Jesus Neves
2. Full copies of each application can be found in the Appendices of this report.

Legislative Background/Legal Framework

3. In 1986 the Council resolved that Schedule 4 to the local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 of the Act the Council can manage street trading by designating streets as “consents streets”, “licence streets” or “prohibited streets”. The Sub-Committee may grant a Consent if it “thinks fit”. When exercising this general power Members should only take into account relevant considerations; must give each applicant a fair hearing and should give reasons for their decision.
4. The Sub Committee may attach any conditions to a Consent that it considers “reasonably necessary”.

Policy Considerations

5. The Street Trading Policy was adopted by Council in July 2010 and came into force on 1st January 2011 for existing traders. Delegation is laid out in the Council’s Constitution. Paragraph 5.2 of the Policy states that the Head of Environmental Development is authorised to:

“5.2(c) refer applications to the Licensing and Registration Sub Committee where there is competition for a vacant approve site.”

6. Paragraph 5.4 of the Street Trading Policy states:

“5.4 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

7. This matter has been referred to Licensing & Registration Sub Committee as there is competition for the vacant street trading Site 18 St Giles.
8. Mrs Leila and Mr Soulaiman Aidi have applied to operate 'The Oxford Grill/ Sizzler' from the vacant site. Their application is for hot and cold food, including a wide range of foods not readily available from a traditional kebab van.
9. Mr Sajjad Malik has applied to operate 'Bodrum Express' from the vacant site. Mr Malik's application is for hot and cold food, including a range of cuisines.
10. Mr Antonio De Jesus Neves has applied to operate 'Chef's Corner' from the vacant site. Mr Neve's application is for hot and cold food, including a range of grilled meats and vegetables.

Financial Implications

11. The Council collects fees for the Street Trading function. Predicted income from licence fees are included in the Council's budget.

Legal Implications

12. The Sub Committee may grant a Street Trading Consent if it 'thinks fit', see paragraph 3 above. A Street Trader Cannot be said to enjoy security of tenure and there is no requirement for the Council to give compensation for the loss of any Consent (other than any refund of Consent fees paid in advance). However, any decision to refuse an application or terminate Street Trading Consents may be subject to a judicial review and if held to be unreasonable then compensation may result.
13. Any determination of an application for Consent must be proportionate taking into account all relevant circumstances and the Consent holder's right to a fair hearing. An application should not be refused arbitrarily and without clear reason.

Human Rights Act Considerations

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

Name and contact details of author: Samantha Howell
Tel: 01865 252558
Email: sjhowell@oxford.gov.uk

Background papers:

Appendix A – Application from Mrs Leila & Mr Soulaiman Aidi

Appendix B – Application from Mr Sajjid Malik

Appendix C – Application from Mr Antonio De Jesus Neves

Appendix D – General Conditions of Street Trading Consent

Version number: 1

www.oxford.gov.uk



**Application for a Street Trading Consent
Local Government (Miscellaneous Provisions) Act 1982**

All data contained in this form will be handled in accordance with the Data Protection Act 1998. Information about how Oxford City Council will handle this data can be found at www.ico.gov.uk and also on www.oxford.gov.uk.

Note: Please refer to the checklist attached before you send in your application form.

Full Name	Leila Aidi, Soulaiman Aidi
Trading Name (if any)	The Oxford Grill / Sizzlers
Home Address	
Postcode	
Telephone Numbers	
Email address	
Date of Birth	
Country of Birth	UNITED KINGDOM, MOROCCO

Applicants National Insurance number	
Description of articles to be sold	HOT AND COLD FOOD AND DRINKS
If you intend to sell food & drink what is the address where the vehicle/trailer will be stored when not in use	
<p>Is this an existing site?</p> <p>If Yes please state site No.</p> <p>If the answer is No please provide a map in accordance with the checklist (see attached)</p>	
Proposed days and times of trading	<p>Days: MONDAY-SUNDAY</p> <p>Times:6.30PM -3AM</p>
Vehicle registration number, make and model – if applicable	
<p>Will you be the sole operator of the vehicle or stall?</p> <p>If the answer is No please complete an employee form for each member of staff (see attached)</p>	<p>Yes or No</p> <p>WE WILL BE SOLE OPERATORS TOGETHER AS HUSBAND AND WIFE</p>

<p>Please read page 4, paragraphs 5.4 and 5.5 of the Street Trading Policy and describe how you are going to meet the following factors in boxes (a)-(h) below</p>	
<p>Public Safety</p>	<p>(a) By making sure the vehicle is maintained in a roadworthy condition, safe and clean by making sure fire safety equipment is available and the vehicle is regularly checked for gas safety. Also avoiding any obstruction to the public by ensuring that the area of trading is kept clear of refuse at all times</p>
<p>Public Order</p>	<p>(b) Making sure that any activity near or on the site is dealt with professionally and all customers treated politely.</p>
<p>The avoidance of public nuisance</p>	<p>(c) Making sure that there are no confrontations near or on the site or any trouble is dealt with calmly and efficiently.</p>
<p>Appearance of the stall or vehicle</p>	<p>(d) Cleaning inside and out on a daily basis. Making sure all paintwork is maintained in good condition</p>
<p>Needs of the area</p>	<p>(e) Making sure all stock that is advertised on the menu is always available and stock is ordered in advance to avoid any disappointment to the customer.</p>

Environmental Credentials	(f) we have a new silent Honda generator which makes less noise to help the environment and to avoid any noise nuisance to the public. We will be using recycled packaging for takeaways where possible
Food Traders	(g) We both have a Level 2 food hygiene certificate accredited by THE CHARTERED INSTITUTE OF ENVIROMENTAL HEALTH
Highway	(h) we will make sure the vehicle is positioned only in the allocated space provided by the council. Also, making sure the vehicle is parked only in the specified time on the license.
What is your Premises Licence reference number? Note: If you are providing hot food or drink between 23:00 and 05:00 this will apply.	WE WILL APPLY FOR THIS if A PITCH HAS BEEN ACCEPTED
Do you agree to comply with the Street Trading policy?	Yes or No YES

Any additional information to add to this application form - please write here.

PLEASE SEE COVERING PAGES.

DECLARATION

Our Street Trading Policy contains measures intended to combat illegal working, money laundering, fraud, tax evasion, food poisoning and other crime. The data you provide will assist in preventing crime and ensuring public safety. When you sign this application you are consenting to the sharing of this data with other Government Agencies in their efforts to combat crime. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>.

I am aware that if any person knowingly or recklessly makes a false statement or omits any material, particular in giving information on this form, that person shall be guilty of an offence.

This means that if you as the applicant or anyone else gives false information or leaves out any information to help you get a Street Trading Consent, you and/or they can be prosecuted in court.

Signed Leila Aidi Soulaiman Aidi (The declaration must be signed by the applicant)

Date: 11 / 01 / 2012

THE OXFORD GRILL / SIZZLERS

WEDNESDAY 11 JANUARY 2012

Who are you?

Leila Aidi 27 Years old and Soulaiman Aidi 34 Years old
Married for 7 years with 3 children
We live in Witney, Oxfordshire

Background?

Leila

- I am currently a full time housewife
- I have been apart of the fast food business for over 12 years helping my father who trades in Woodstock road, Oxford, as a fast food street trader
- My role: Making orders with suppliers, maintaining the appearance of the van inside and out, recording daily accounts
- I have a Level 2 Food Safety in Catering certificate

Soulaiman

- Has been working with my father in Woodstock Road since February 2005 to date.
- Has worked solely in my fathers van for periods of up to 2 months when my father has had time off for holiday etc
- Since working with my father, he has gained excellent experience and customer relations.
- His role: Check stock on daily basis, maintain appearance of himself, the mobile unit and the surrounding areas of the pitch. Adhering to the late night closing times successfully, dealing with difficult customers calmly. Giving customers quality cooked food.
- He has a Level 2 Food Safety in Catering certificate

Our Idea

We are not changing the food range completely, as the customers are very much engaged in the general kebabs, burgers etc. Our idea is to make the food already being sold - more interesting. Soulaiman will be working 7 days a week and i will be helping on the weekends/busy periods.

Our van

We have recently brought a motorised catering van, which will be fully equipped with stainless steel inside and top of the range equipment. My husband is a qualified mechanic and experienced in DIY. My husband will be carrying out some of the cosmetic work by himself, whilst the rest of the work including Gas/electrics is being fitted by a professional company for safety reasons..

I have enclosed photos of the van and what it will look like inside and out, once completed. The van is due to be completed within 2 months maximum

The food

Oxfords residents and students clearly love the popular foods which are, kebabs, burgers and hotdogs, therefore, we will be keeping to these favourites by continuing to sell these foods. In addition to these regular fast food choices, we will be selling the following, to give more of a wider food range

Types of food

- Tacos filled with many varieties such as:
Chicken, minced meat, salad, falafel etc.
- A different style of battered chicken such as:
Popcorn chicken, black pepper and coriander southern fried chicken strips, BBQ chicken wings, Tandoori Chicken wings and Chinese marinated chicken breast fillet on a stick
- As well as the tandoori masala paste used to marinate the chicken breasts found in most of the fast food vans, we will also marinate with:
Green pesto and mayonnaise, sun dried tomato pesto, tikka masala paste and piri piri paste.

Drinks

- As well as the normal tea and coffee, we will sell a wide range of other drinks such as:
Bottled cranberry juice, apple and raspberry juice, orange and mango juice, apple and lime, and more
- Ranges of tea such as:
Mint tea, lemon tea and fruit flavoured teas.
- Ranges of hot chocolate such as:
Hot chocolate orange, hot brazil nut chocolate, hot mint chocolate, hot chocolate raspberry and much more

Chips

- As well as the normal sized 7/16 chips, we will be using spicy potato wedges to give an extra choice to the chip range

Breads

- We will use a wide range of breads such as:
Ciabatta plain/ciabatta with dried tomato and basil
Garlic bread
Onion baguette
Garlic and plain tortilla wraps

Sauces

- As well as the popular sauces of ketchup, mayonnaise and houmous we will also add the following additional sauces to the menu
Guacamole
Mint sauce/mint mayonnaise
Tikka mayonnaise
Piri piri sauce

Vegetarian

- For all the vegetarians, we will have a wider range than the general falafel and veggie burger such as:
Vegetable sausages, hash browns, breaded mozzarella sticks and spicy bean burgers.

What Suppliers

We have accounts set up with 4 major wholesale food suppliers. They are JJ FOOD SERVICE, BOOKERS CASH AND CARRY, PHILLIP DENNIS and N&B FOODS. Our gas suppliers are COUNTRYWIDE, which are local and are able to deliver on a daily basis.

I have ordered and collected stock from these suppliers before on behalf of my fathers business so i am very experienced in dealing with these suppliers.

Money

From our experience in working in kebab vans, we have good knowledge of what the average weekly income and outgoings are.

- The approximate weekly outgoing which includes stock and accessories i.e. food, takeaway bags, boxes etc, would be around £1500.
- Gas is separate and the weekly outgoing for this would be around £120.
- The weekly diesel costs for the van and generator is around £180.
- The total outgoing per week on average would be £1800

- The approximate income for the week on a regular fast food van from our experience would be £2500

This leaves an approximate profit of £700p/w. This is sufficient enough to cover the quarterly council rates cost and a good profit for living expenses.

Why us?

We have applied for a pitch from the council for many years with no success. Unfortunately, we have not been given the chance to progress our ideas in a mobile unit of our own. Although we have solely operated my fathers mobile unit on many occasions, we have been limited to sell my fathers food preferences and not our own ideas.

We have the hunger to make our additional food ideas come to reality in our own mobile unit. We think we can give oxford much more ranges of foods with that extra bit of kick.

Thank you for your time.

Leila and Soulaiman

THE OXFORD GRILL/SIZZLERS



This is the style of the van we have recently brought. The name of the business will be ‘THE OXFORD GRILL’ or ‘SIZZLERS’ which will be in black writing and have flames arising from some of the letters



The main colour will be gold. We will be incorporating a similar flame effect around the bottom edging of the van with reds blacks and oranges as above

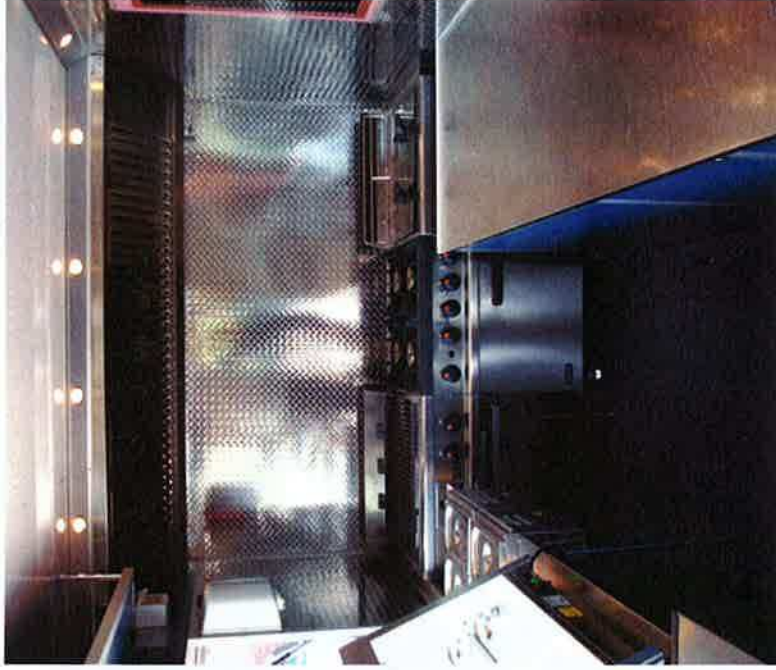
WEDNESDAY 11 JANUARY 2012



This is what the inside of the van fully equipped will be. Surrounding in stainless

WEDNESDAY 11 JANUARY 2012

steel and high range equipment



Modern fittings and spotlights to give extra style

We have already brought the equipment to enhance the catering van. We are very serious about working in this line of business. This will approximately be completed around 2 months time maximum

WEDNESDAY 11 JANUARY 2012

PICTURES OF SOME OF THE FOOD

Black pepper and coriander chicken strips



Garlic bread slices



Vegetable sausages



Piri piri sauce



Breaded Mozzarella sticks



Fruit flavoured teas



Spicy Potatoe Wedges



Marinated tikka masala chicken



Popcorn chicken



Chinese marinated chicken breast fillet on a stick



Filled Tacos



Guacamole





New Applicant Form

Oxford City Council Local Government (Miscellaneous Provisions) Act 1982

All data contained in this form will be handled in accordance with the Data Protection Act 1998. Information about how Oxford City Council will handle this data can be found at www.ico.gov.uk and also on www.oxford.gov.uk.

Note: Please refer to the checklist attached before you send in your application form.

Full Name	SAJJAD MALIK
Home Address	
Postcode	
Telephone Numbers	Home: Mobile:
Email address	
Date of Birth	
Country of Birth	
Applicants National Insurance number	
Description of articles to be sold	MEDITERRANEAN - TURKISH - ITALIAN - CHINESE ALL COOKED IN OLIVE OIL: B.B.Q ON BARRGILL which is more healthy with VEGAN priority. pizzas - Burgers - veg noodles - pasta - fresh salad - Jacket potatoes - Full menu will be provided.

<p>If you intend to sell food & drink what is the address where the vehicle/trailer will be stored when not in use</p>	
<p>Is this an existing pitch?</p> <p>If the answer is No please provide a map in accordance with the checklist (see attached)</p>	
<p>Proposed days and times of trading</p>	<p>Days: MON-SUNDAY</p> <p>Times: 6.30 pm - 3 AM</p>
<p>Vehicle registration number, make and model – if applicable</p>	<p>N/A</p>
<p>Will you be the sole operator of the vehicle or stall?</p> <p>If the answer is No please complete an employee form for each member of staff (see attached)</p>	<p>Yes or No</p>
<p>Please read page 4, paragraphs 5.4 and 5.5 of the Street Trading Policy and describe how you are going to meet the following factors in boxes (a)-(h) below</p>	
<p>Public Safety</p>	<p>(a) VAN OR TRAILER will not be causing any obstruction or any public safety HAZZARD.</p>
<p>Public Order</p>	<p>(b) ALL street is well covered with CC-TV-CAMERAS and will not cause any public order</p>
<p>The avoidance of public nuisance</p>	<p>(c) there are already premises operating till 5 am or late to early morning so there will be no public nuisance added to already if there is any and so far no complains.</p>
<p>Appearance of the stall or vehicle</p>	<p>(d) DIMENSION is attached and the pictures. Trailer size 20 x 7'6"</p>

Needs of the area	(e) Giving more variety and choice and more healthier option compare to already hot food outlets. it will be located by St. Michael and Northgate Towers
Environmental Credentials	(f) we undertake to clean the Area and provide Bins For Rubbish and after serving hours pavement left clean our first priority will be solar panels for electricity or if not electric point or Modern generator. so noise impact is minimum.
Food Traders	(g) operating the van or trailer the person will be CIEH or a qualified supervisor. so qualified person will be at spot
Highway	(h)
What is your Premises Licence reference number? Note: If you are providing hot food or drink between 23:00 and 05:00 this will apply.	
Do you agree to comply with the Street Trading policy?	Yes or No YES

DECLARATION

Our Street Trading Policy contains measures intended to combat illegal working, money laundering, fraud, tax evasion, food poisoning and other crime. The data you provide will assist in preventing crime and ensuring public safety. When you sign this application you are consenting to the sharing of this data with other Government Agencies in their efforts to combat crime. For further information, see <http://www.oxford.gov.uk/websitertools/privacy.cfm>.

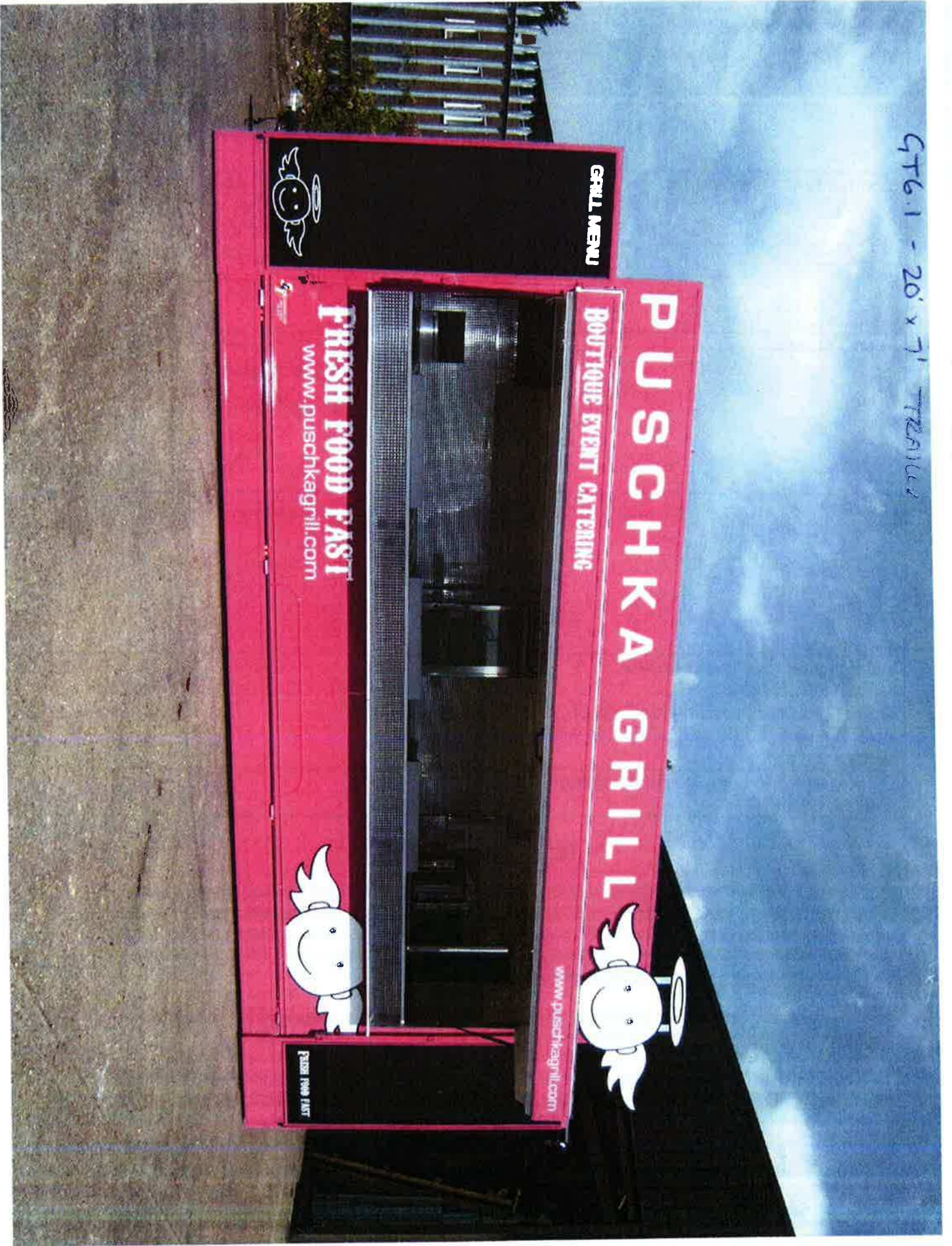
I am aware that if any person knowingly or recklessly makes a false statement or omits any material, particular in giving information on this form, that person shall be guilty of an offence.

This means that if you as the applicant or anyone else gives false information or leaves out any information to help you get a Street Trading Consent, you and/or they can be prosecuted in court.

Signed  (The declaration must be signed by the applicant)

Date: 25/08/2011

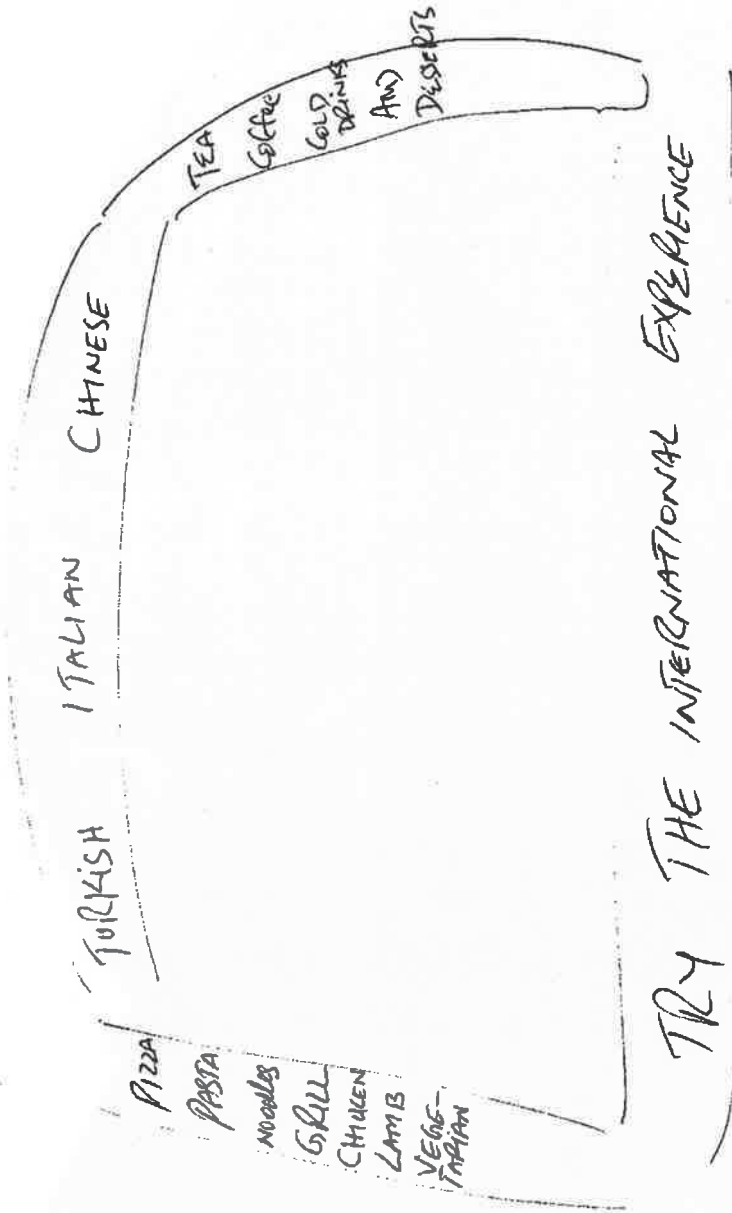
GT6.1 - 20' x 7' TRAILER



GT6.1 - 20' x 7' TRAILER



Please state that, in the proposal to council, this is very unique for Oxford and we would like to sell healthy foods including many vegetarian options. (Bodrum Express)



~~Please also say to council as a comment that it is unique, we like to sell different and healthy food. During our trading time.~~



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New Applicant Form

Oxford City Council
Local Government (Miscellaneous Provisions) Act 1982

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Note: Please refer to the checklist attached before you send in your application form.

Full Name	<i>Antonio De Jesus Neves</i>
Trading Name (if any)	<i>Chef's Comer</i>
Home Address	<i>21 Oxford Street Oxford OX1 1DQ</i>
Postcode	<i>OX1 1DQ</i>
Telephone Numbers	Home: _____ Mobile: _____
Email address	<i>have yet to set one up.</i>
Date of Birth	<i>08/12/1967</i>
Country of Birth	<i>Portugal</i>
Applicants National Insurance number	_____
Description of articles to be sold	<i>Grilled meat & organic vegetables + bread.</i>

If you intend to sell food & drink what is the address where the vehicle/trailer will be stored when not in use	Driveway of my home
Is this an existing site? If Yes please state site No. If the answer is No please provide a map in accordance with the checklist (see attached)	
Proposed days and times of trading	Days: 7 Days a week. Times: 6:30am 6:30pm - 3am.
Vehicle registration number, make and model - if applicable	It is a trailer but I am not sure of the registration of the van.
Will you be the sole operator of the vehicle or stall? If the answer is No please complete an employee form for each member of staff (see attached)	<input checked="" type="radio"/> Yes or No
Please read page 4, paragraphs 5.4 and 5.5 of the Street Trading Policy and describe how you are going to meet the following factors in boxes (a)-(h) below	
Public Safety	(a) There is sufficient space for trading without causing interference and inconvenience to persons using the street. There is no undue noise, litter or disturbance.
Public Order	(b) There will be no substantial risk to public order.
The avoidance of public nuisance	(c) Shopping area open during the day - not residential street.

Appearance of the stall or vehicle	(d) The van is clean, maintained, and meets all the criteria required for the service. It is 16 feet long and 6 feet wide.
Needs of the area	(e) There is a need for my catering in that area, and the locals have enjoyed my catering and efficient service in the past.
Environmental Credentials I will use the Council waste bags, and the cardboard will be recycled.	(f) I have my own generator which sits at the rear of the trailer. There is nothing exposed as the generator is in a casing. I will be using diesel.
Food Traders level 2 Food hygiene C1EH	(g) Taken with Mitchells and Butler based in Birmingham. Through Harvester.
Highway	(h) No obstructions for anyone using the highway
What is your Premises Licence reference number? Note: If you are providing hot food or drink between 23:00 and 05:00 this will apply.	
Do you agree to comply with the Street Trading policy?	<input checked="" type="checkbox"/> Yes or No

Any additional information to add to this application form - please write here.

My wife and I were jointly running the catering van in Bourne Square from 2002.

Our marriage was on the rocks and I took over the care of my daughter in June 2010 while my wife took over the running of the van.

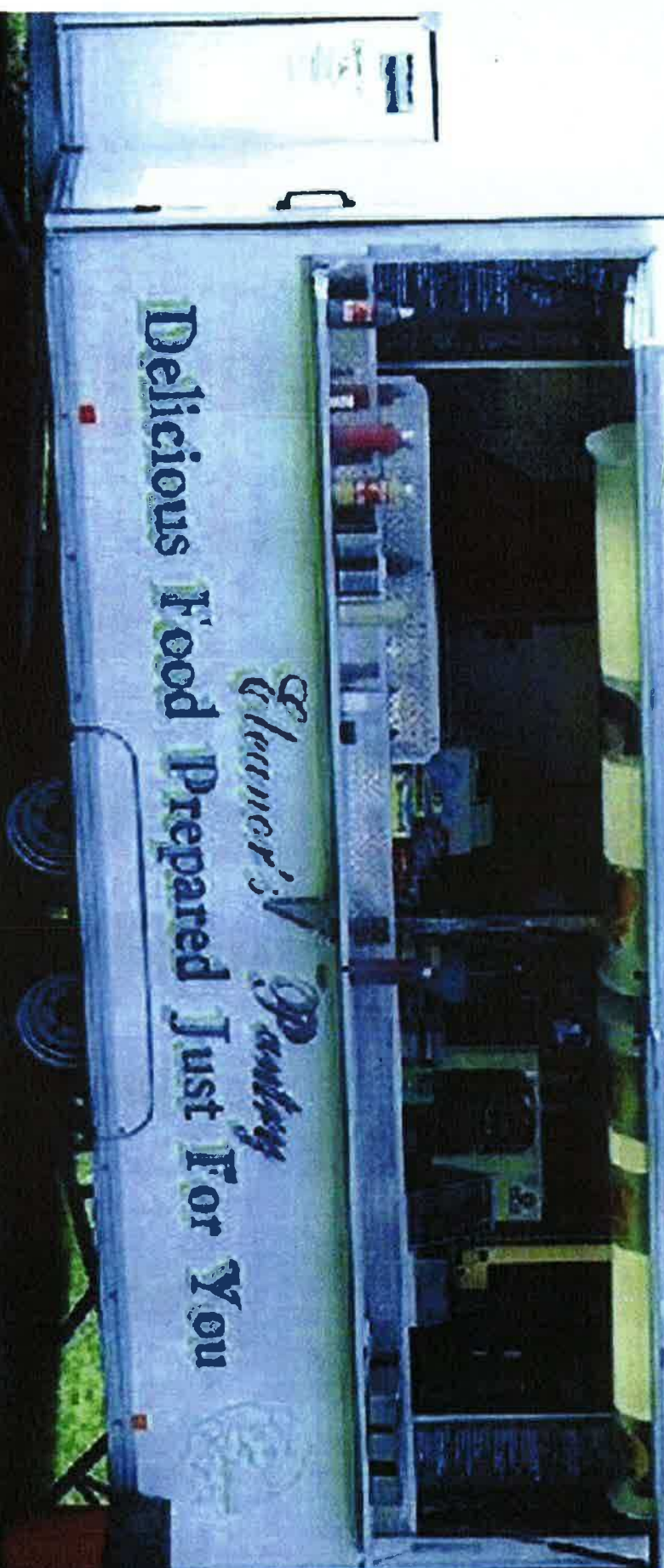
She was doing a terrible job and there were many complaints from customers.

We are now going through a divorce and I would like to get the business running again.



CAPPUCINO • LATTE • ESPRESSO • MOCHA
CHOCOLATE • MACCHIATA • BICOCHIALATTE • TEA

Shaner's Pastry
Delicious Food Prepared Just For You



16 FEET. B. 6 FEET

CHEFS

19 CORNER 80

General Conditions for Annual Street Trading Consents

1. No trading to which the attached consent relates shall take place except between the dates of:.....
2. The operational hours shall be:
 - Between the hours of and on Mondays
 - Between the hours of and on Tuesdays
 - Between the hours of and on Wednesdays
 - Between the hours of and on Thursdays
 - Between the hours of and on Fridays
 - Between the hours of and on Saturdays
 - Between the hours of and on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:.....
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. Any changes to or replacement of the stall or vehicle must be approved by the Head of Environmental Development.
6. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work Act, 1974, the Food Safety (General Food Hygiene) Regulations 1995. Advice on these requirements is available from the Environmental Health Department. The Consent Holder shall not drive or park a vehicle on any part of a footway. (It is an offence to drive other than on a road)
7. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or the Oxford City Council. Consent Holders shall have special regard to and must take positive action to prevent excessive noise.
8. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade in a certain manner. The Consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent Holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
9. Consent Holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
10. The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate.

11. The Consent Holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the Consent Street for which the Street Trading Consent is issued. All goods shall be displayed on the stall and no freestanding racks or displays are permitted. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer they shall immediately comply with that request.
12. The Consent Holder's stall shall not exceed 2.3 metres in height nor occupy an area greater than 2 metres x 1 metre.
13. The Consent Holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. A serviceable fire blanket and a foam fire extinguisher shall be provided in all vehicles selling hot food.
14. All hot food vans/trailers are required to carry a basic first aid kit. The Consent Holder and others operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
15. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate that is accredited by the Chartered Institute of Environmental Health, or the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
16. A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited.
17. The Consent Holder must be the principal operator and have day to day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Head of Environmental Development of the name and address of that person. An administration fee will be payable.
18. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Head of Environmental Development.
19. A Consent Holder may terminate a Street Trading Consent by written notice to the Head of Environmental Development. A refund of the portion of the fee equal to the remaining full months will be payable, less £50 which the Council will retain to cover administrative costs.
20. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.

21. A copy of the Consent shall be carried by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
22. Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £10,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the City Environmental Health Officer before the Street Trading Consent is issued. Proof of cover must be produced to an officer of Oxford City Council as required.
23. These general conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed Special Conditions and listed on the Consent Certificate. These Special Conditions must also be complied with.
24. Instalments are required quarterly, in advance. On or before the following dates 1st April, 1st July, 1st October and 2nd January. Annual fees may be paid in advance.

Special Conditions

Failure to comply with these conditions

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

To: Licensing & Registration Sub Committee

Date: 30 July 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Breach of Street Trading Consent Conditions – Mr Houssain Elouath

Summary and Recommendations

Purpose of report: To consider a Street Trading Consent where the street trader has not adhered to the conditions of the Street Trading Policy.

Report Approved by:

Finance: Paul Swaffield
Legal: Daniel Smith

Policy Framework: Street Trading Policy
A vibrant and sustainable economy

Recommendation(s):

Committee is recommended to determine what action to take in relation to Mr Elouath's Street Trading Consent, taking into account the details in this report and any representations made at this Sub Committee meeting.

Legislative Background/Legal Framework

1. In 1986 the Council resolved that Schedule 4 to the local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 of the Act the Council can manage street trading by designating streets as "consents streets", "licence streets" or "prohibited streets". The Sub Committee may grant a Consent if it "thinks fit". When exercising this general power Members should only take into account relevant considerations; must give each applicant a fair hearing and should give reasons for their decision.
2. The Sub-Committee may attach any conditions to a consent that it considers "reasonably necessary".

Policy Considerations

3. The Street Trading Policy was adopted by Council in July 2010 and came into force on 1st January 2011 for existing traders. Paragraph 5.2 of the Policy states that the Head of Environmental Development is authorised to:

“5.2(c) refer applications to the Licensing and Registration Sub Committee where there has been a complaint about the trader of the trader has broken the conditions of their Street Trading Consent.”

Reason for Referral to Licensing & Registration Sub Committee

4. The Consent has been referred to the Sub-Committee in accordance with paragraph 5.2 of the Policy as Mr Elouath has failed to make payments at the agreed quarterly periods and is currently in arrears to the sum of £3,657.50. He is therefore in breach of condition 24 of the General Conditions for Annual Street Trading Consents.

“24 Installments are required quarterly, in advance. On or before the following dates 1st April, 1st July, 1st October and 2nd January. Annual fees may be paid in advance.”

5. Mr Elouath signed and dated an acceptance form to agree to pay the street trading fees in 4 payments of £1,828.75 (Appendix A).
6. Glynis Thompson, Incomes Officer, wrote to Mr Elouath on 21st May 2012 in respect of the arrears on his account for missing his first quarterly instalment (See Appendix B) giving him 7 days to clear the account.
7. Samantha Howell, Licensing Officer, wrote to Mr Elouath on 22nd June 2012 in respect of the arrears on his account giving him 7 days to clear the account or revocation of Street Trading Consent would be looked at (see Appendix C).
8. Glynis Thompson, Incomes Officer, wrote to Mr Elouath again on 11th July 2012 in respect of arrears on his account for missing the first and second quarterly instalments giving him a further 7 days to clear the account (see Appendix D).
9. Mr Elouath has not responded to any correspondence from either Officer. Mr Elouath's account remains in arrears of his first two quarterly instalments amount to £3,657.50.

Financial Implications

10. The Council collects fees for the Street Trading function. Predicted income from licence fees are included in the Council's budget.

Legal Implications

11. Street trading consents may be revoked with good reason at any time. Any breach of condition, including the condition to pay the appropriate fee, may be a reason for revocation. A street trader cannot be said to enjoy security of tenure and there is no requirement for the Council to give compensation for the loss of any Consent (other than any refund of Consent fees paid in advance). However, any decision to terminate Street Trading Consents may be subject to a judicial review and if termination is held to be unreasonable then compensation may result.
10. Any decision to revoke a Consent or refuse a renewal application must be proportionate taking into account all relevant circumstances and the consent holder's right to a fair hearing. A Consent should not be revoked nor an application refused arbitrarily and without clear reasons.

Human Rights Act Considerations

13. Article 1 of the first Protocol of the European Convention on Human Rights provides that every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. However, a Street Trading Consent is not considered a possession in law and the protection in Article 1 is therefore not directly engaged.
14. Nevertheless, with the advice of Law & Governance and in the interests of fairness, the Licensing Officer has taken the Human Rights Act 1998 into account and considers that the potential interference with the rights of the applicant would be proportionate, in the public interest and subject to the conditions provided for by law.

Name and contact details of author: Samantha Howell
Tel: 01865 252558
Email: sjhowell@oxford.gov.uk

Background papers:

Appendix A – Acceptance Form

Appendix B – Letter from Incomes Officer 21st May 2012

Appendix C – Letter from Licensing Officer 22nd June 2012

Appendix D – Letter from Incomes Officer 11th July 2012

Version number: 1

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OXFORD CITY COUNCIL

Appendix A

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONSENT - ACCEPTANCE FORM

I wish to accept the Street Trading Consent to trade at the location specified below. I also accept the General Conditions attached to this particular consent.

Site known as: Street Trading Site 17 And 18 Layby Outside Taylorian Institute
St Giles'
Oxford

Period: **From 1st April 2012 to 31st March 2013**

Trading in: Hot Food and Soft Drinks

Fees: From 01.04.2012 to 31.03.2013 – £7315



1st payment period is 01.04.2012 until 30.06.2012
Payment of £1828.75 is payable on or before **01.04.2012**

2nd payment period is 01.07.2012 until 30.09.2012
Payment of £1828.75 is payable on or before **01.07.2012**

3rd payment period is 01.10.2012 until 31.12.2012
Payment of £1828.75 is payable on or before **01.10.2012**

4th payment period is 01.01.2013 until 31.03.2013
Payment of £1828.75 is payable on or before **01.01.2013**

Payment can be made by Direct Debit or by using the barcode invoice system at a Post Office or Paypoint. We also accept payment via debit or credit card (please note a 1.5% surcharge will apply if payment is made by credit card) either via the payment line 01865 25 2609 (option 5) or over the phone in the incomes section. Payment can also be made online via the Council's website. www.oxford.gov.uk/payments

Signed *W. Elouath*

Dated this 23 day of MARCH 2012

Name: Mr Houssain Elouath
Address:

Please sign and return using the pre paid envelope provided.

Revenues - Incomes
Direct line: 01865 252863
Fax: 01865 252458
Email: incomes@oxford.gov.uk
Our ref:

Finance
Town Hall
Oxford
OX1 1BX
Switchboard: 01865 249811

Appendix B



**OXFORD
CITY
COUNCIL**

Mr H Elouath

21 May 2012
Our ref: 36002222
Your ref: 51136551
Please ask for Mrs G
Thompson

Dear ,Mr Elouath

Street Traders Consent Re:- St Giles Oxford

Customer no. 36002222 Amount £1,828.75 01/04/2012-30/06/2012

You have failed to pay the above account in respect of: £1,828.75

Unless this sum is paid within 7 days of the date of this letter Court action will be taken to recover the amount due, without further notice.
You should be aware the issue of Court proceedings will result in costs and interest which will be added to the amount outstanding.

Please see enclosed sheet for details of 'How and Where to pay'

Please quote the customer number given at the top of this letter when making payment.
Please do not send payments of cash by post.

This information has been passed to Licensing. Failure to bring your account up to date will effect any future applications you submit and may lead to revocation of your street trading consent.

Yours sincerely

For Head of Finance

Environmental Development
Direct Line: 01865 252558
Fax: 01865 252344
E-mail: sjhowell@oxford.gov.uk

St. Aldate's Chambers
109 - 113 St. Aldate's
Oxford OX1 1DS

Central Number: 01865 249811

www.oxford.gov.uk



Mr H Elouath

22 June 2012
Our Ref:
12/00727/STREET

Dear Mr Elouath,

Local Government (Miscellaneous Provisions) Act 1982
Street Trading Site 17 & 18 Layby Outside Taylorian Institute, St Giles, Oxford –
Licence Fee Arrears

It has been brought to my attention by our finance team that you have fallen into arrears regarding your street trading consent to the amount of **£1828.75**. As you are aware you have signed an agreement with Oxford City Council for quarterly payments of your licence fee. You are now in breach of that agreement.

If you fail to bring your payment schedule up to date by Friday **29th June 2012** we will be forced to look at revoking your current street trading consent. Such revocation may effect any future applications we receive from you.

If you wish to discuss this matter further, please feel free to contact me on the above contact details.

Yours sincerely,

Samantha Howell
Licensing Officer
Environmental Development

Appendix D

Revenues - Incomes
Direct line: 01865 252863
Fax: 01865 252458
Email: incomes@oxford.gov.uk
Our ref:

Finance
Town Hall
Oxford
OX1 1BX
Switchboard: 01865 249811



**OXFORD
CITY
COUNCIL**

Mr H Elouath

11 July 2012
Our ref: 36002222
Your ref: various
Please ask for Mrs G
Thompson

Dear ,Mr Elouath

Street Traders Consent Re:- St Giles Oxford

Customer no. 36002222

Amount £1,828.75 01/04/2012-30/06/2012 – copy of my letter dated 21/05/2012

enclosed

Amount £1,828.75 01/07/2012/30/09/2012

You have failed to pay the above account in respect of: £3,657.50

Unless this sum is paid within 7 days of the date of this letter Court action will be taken to recover the amount due, without further notice.

You should be aware the issue of Court proceedings will result in costs and interest which will be added to the amount outstanding.

Please see enclosed sheet for details of 'How and Where to pay'

Please quote the customer number given at the top of this letter when making payment.

Please do not send payments of cash by post.

This information has been passed to Licensing. Failure to bring your account up to date will effect any future applications you submit and may lead to revocation of your street trading consent.

Yours sincerely

For Head of Finance

Agenda Item 7

LICENSING AND REGISTRATION SUB COMMITTEE

Tuesday 17 April 2012

COUNCILLORS PRESENT: Councillors Brundin, Cook and Gotch.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Daniel Smith (Law and Governance), Dawn Cox (Team Leader - Environmental Development) and Samantha Howell (Licensing Officer)

14. APOLOGIES FOR ABSENCE

None

15. DECLARATIONS OF INTEREST

None

16. APPLICATION FOR A RENEWAL OF A STREET TRADING LICENCE - MISS ARZU DE JESUS NEVES

The Head of Environmental Development submitted a report (previously circulated, now appended). Dawn Cox (Licensing Officer) presented the report to the Sub Committee.

Miss Aruzu de Jesus Neves attended the meeting and presented her case. She explained that, even though she has not been trading, she has been paying the fee for the pitch. She has attained Level 3 in Food Hygiene, will shortly have a new van, and would like to start trading again as soon as possible.

The Sub Committee resolved that its deliberations on this case should be taken in private, on the grounds that the discussions would focus on the financial and business dealings of the applicant

Miss de Jesus Neves and Licensing officers withdrew whilst the Sub Committee considered the case.

Having taken all submissions into account, both written and oral, the Sub Committee were satisfied that the Applicant had demonstrated that she was able and willing to resume trading from the pitch to which she had been allocated.

Therefore it RESOLVED to:-

- (1) Grant the renewal of the street trading licence for 1 year; but,
- (2) Delegate to officers the power to revoke the licence if the applicant is not trading to the satisfaction of Licensing officers by 30th June 1012.

Advisory comment: To ask officers to investigate the feasibility of relocating this pitch slightly.

17. MATTERS EXEMPT FROM PUBLICATION

In accordance with the provisions of Section 100A(4) of the Local Government Act 1972, the Sub Committee resolved to exclude the press and public from the meeting during its deliberation of each case on the grounds that it involved the likely disclosure of exempt information relating to the financial and business dealings of each applicant.

The meeting started at 5.00 pm and ended at 5.35 pm