

# Agenda

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## Licensing and Registration Sub Committee

Date: **Monday 21 January 2013**

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Time: **5.00 pm**

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Place: **Council Chamber, Town Hall**

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For any further information please contact:

**Lois Stock, Democratic Services Officer**

Telephone: 01865 252275

Email: [lstock@oxford.gov.uk](mailto:lstock@oxford.gov.uk)

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# Licensing and Registration Sub Committee

## Membership

### Chair

### Vice-Chair

|                                  |                       |
|----------------------------------|-----------------------|
| <b>Councillor Colin Cook</b>     | Jericho and Osney;    |
| <b>Councillor Van Coulter</b>    | Barton and Sandhills; |
| <b>Councillor Michael Gotch</b>  | Wolvercote;           |
| <b>Councillor Gwynneth Royce</b> | St. Margaret's;       |

## HOW TO OBTAIN AGENDA

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## **AGENDA**

|   | <b>Pages</b> |
|---|--------------|
| <b>1 APOLOGIES FOR ABSENCE</b>  |              |
| <b>2 DECLARATIONS OF INTEREST</b>   |              |
| <p>Members are asked to declare any disclosable pecuniary interests they may have in any of the following agenda items. Guidance on this is set out at the end of these agenda pages</p>  |              |
| <b>3 PROCEDURE TO BE FOLLOWED</b>   | 1 - 6        |
| <p>Guidance is attached.</p>  |              |
| <b>4 BREACH OF STREET TRADING CONSENT CONDITIONS</b>  | 7 - 28       |
| <p>Report of the Head of Environmental Development attached.</p>  |              |
| <b>5 MINUTES</b>  | 29 - 32      |
| <p>Minutes of the meeting held on 29<sup>th</sup> October 2012 attached.</p>  |              |
| <b>6 MATTERS EXEMPT FROM PUBLICATION</b>  |              |
| <p>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</p> |              |

## **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.

<sup>1</sup> 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.



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## OXFORD CITY COUNCIL

### LICENSING and REGISTRATION SUB-COMMITTEE

#### HEARING PROCEDURES:

##### ***Housekeeping Matters***

- Mobiles must be switched off
- No smoking throughout the building
- Consumption of food is not permitted

#### **The Meeting**

1. The Licensing Casework Sub-Committee will usually consist of three members of the Council (councillors) who are also members of the Council's General Purposes Licensing Committee. In some circumstances it may sit with a quorum of 2 councillors. At the start of each Sub-Committee meeting a Chair shall be elected from among the members. The Sub-Committee is responsible for reaching a decision upon the application having heard representations and considering all relevant material presented.

#### **The Paperwork**

2. Officers of the licensing authority (the City Council) will prepare the paperwork for the application that is to be heard by the Sub-Committee. The paperwork will include:-
  - A summary of the application, the representations received and of any other relevant material
  - The application and any other supporting material supplied by the applicant
  - Any observations on the application made by the Police or other technical advisor to the Sub Committee
  - Any representations of objection to the application

## **Introductions**

3. The Chairman will commence the hearing by introducing her or himself and the other Sub-Committee members. The Chair will then ask all of the other parties present to introduce themselves and explain in what capacity they are attending.

## **Conduct of Proceedings**

4. The role of the Chair is to control the proceedings. All questions must be put through the Chair.
5. The Chair will indicate that the members of the Sub-Committee have read and familiarised themselves with the papers and issues. The Chair will stress that the Sub-Committee does not therefore require points to be made or repeated at length.
6. The hearing shall take the form of a discussion. Formal cross-examination shall not be permitted unless the Chairman considers that cross-examination in a particular circumstance would assist. In exercising this discretion to permit cross-examination, the Chairman must have regard to the rules of natural justice and the right to a fair hearing.
7. Members of the Sub-Committee may ask questions to any party to elicit further information. The representative of the licensing authority may also ask questions of any party in order to clarify the evidence and any issues in the case.
8. In considering the application or any representation made by a party the Sub-Committee may take into account documentary or other information relied on by a party in support of their application or representation - provided that copies of the information have been supplied to the Licensing Authority at least seven working days before the hearing or, with the consent of all the other parties, after that time.
9. Where a person attending the hearing is acting in a manner that the Sub-Committee consider is disruptive, the Sub-Committee may require that the person leave the hearing and may:
  - (a) refuse to permit that person to return; or
  - (b) permit him / her to return only on such conditions as the authority may specify.



10. Before the end of the hearing any person who was required to leave the hearing under paragraph 11 may submit in writing any information which they would have been entitled to give orally had they not been required to leave.

### **Order of Proceedings**

11. Any party may be assisted or represented by any person whether or not that person is legally qualified.

### **The Licensing Authority**

12. The representative of the licensing authority shall present the paperwork relating to the application to be heard by the Sub-Committee. The representative shall say who the applicant is, what the application is for and explain the paperwork before the Sub-Committee.

### **Applicant's case**

13. The Applicant will outline their application and present their case and may call witnesses if desired.
14. The Sub Committee may ask questions of the Applicant.
15. Other parties may ask factual questions of the Applicant. Cross-examination will only be permitted with the consent of the Chair.

### **Observations of Police and/or Technical advisors**

16. Where appropriate the police or technical advisers to the Sub Committee may make their observations.
17. The Sub Committee may ask questions of the Police and/or technical advisors.
18. Other parties may ask factual questions of the Police and/or technical advisors. Cross-examination will only be permitted with the consent of the Chair.

### **Objector's case**

19. Where written representations of objection have been received the Sub Committee will have regard to those representations. Any

Objectors attending the hearing may make oral representations in support of their objection and call witnesses if they wish. However, the Sub Committee will not require repetition of points already made in written representations.

20. Where a number of objectors have made representations which are similar in nature the Sub Committee will expect a spokesperson to be appointed to represent the group.
21. The Sub Committee may ask questions of any objector.
22. Other parties may ask factual questions of any objector. Cross-examination will only be permitted with the consent of the Chair.

### **Closing submissions**

23. All parties will then be given the opportunity briefly to summarise their key points. The order shall be:-
  - Objectors
  - Police and/or technical advisors
  - Applicant

### **Determinations**

24. At the end of the submissions, the Chair will announce that the hearing is adjourned while the Sub-Committee deliberate in private. The Sub Committee will be accompanied by the Committee Clerk and Legal Advisor during their deliberations.
25. If it is necessary to recall any party for clarification of any point, then all parties should be recalled.
26. The Chair will either:
  - Announce the decision of the Sub Committee and confirm that a written determination with reasons will be sent to the parties by a given date.

or

  - Close the hearing and confirm that once a decision has been made a written determination with reasons will be sent to the parties by a given date.

27. In any event a written determination setting out the reasons for the decision will be sent to the parties within five working days of the hearing.

**Closed hearing**

28. The hearing shall normally take place in public. However, the Sub-Committee may exclude the press and the public from all or part of a hearing where exempt information (*section 100A(4) Local Government Act 1972*) is concerned and the Sub Committee considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

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**To:** Licensing & Registration Sub Committee

**Date:** 21<sup>st</sup> January 2013 **Item No:**

**Report of:** Head of Environmental Development

**Title of Report:** Breach of Street Trading Consent Conditions – Mr Mehdi Karrouchi and Mrs Wadeya Karrouchi

## 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 and Mrs Karrouchi'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 "consent streets", "licence streets" or "prohibited streets". In 2011 the Council resolved to designate all streets within the City as "consent streets". The Sub Committee may grant a Consent if it "thinks fit". A consent may be revoked at any time. When exercising this general power Members should only take into account relevant considerations; must give each applicant or consent holder 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 1<sup>st</sup> 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; (i) when there has been a complaint about the trader or the trader has broken the conditions of their Street Trading Consent.”

### **Reasons for Referral to Licensing & Registration Sub Committee**

4. It was resolved at Licensing and Registration Sub Committee on the 29<sup>th</sup> October 2012 “that in the interests of public safety, an inspection of Mr and Mrs Karrouchi’s business shall take place before the end of November 2012. Should any breaches of condition be found, the matter will be reported forthwith to the Licensing and Registration Sub Committee for further consideration and determination.” A copy of Mr and Mrs Karrouchi’s Consent and Conditions can be found at Appendix A.
5. The Consent is being referred back to the Sub Committee in accordance with paragraph 5.2 of the Policy as during the re inspection of Mr and Mrs Karrouchi’s business on 14<sup>th</sup> November 2012, they were found to be in breach of conditions 6, 13, 17 and 18:

“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.”

“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 the 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.”

“17 The Consent Holder must be the principal operator and have day to day control of 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.”

6. Samantha Howell, Licensing Officer, completed the re inspection of Mr and Mrs Karrouchi’s business as requested by Licensing and

Registration Sub Committee on 14<sup>th</sup> November 2012. A copy of the Street Trading Inspection Report can be found at Appendix B. Working on the vehicle that evening was Mr Huseyin Cacan who is a registered employee and Mr Bilal Ali who is not a registered employee. Mr Bilal Ali submitted a registered employee application to Miscellaneous Licensing on 9<sup>th</sup> August 2012. Unfortunately Mr Bilal Ali could not be authorised by the Head of Environmental Development to work for Mr and Mrs Karrouchi as his Home Office UK Border Agency Residence Permit expired on 15<sup>th</sup> March 2012. Mr Huseyin Cacan, who is a registered employee and the manager in charge of Mehdi's kebab van, was informed that Mr Bilal Ali could not be authorised to work until we saw his current Residence Permit.

7. Section 57(2) and (4) of the Licensing Act 2003 stipulates:

“(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of—

(a) the holder of the licence, or

(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.”

“(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsections (2) or (3).”

Mr Cacan was asked to produce Part A of the Premises Licence for Mehdi's kebab van during inspection but was only able to produce the first page.

8. During the inspection Mr Cacan produced his Safer Food Better Business pack to evidence that he is now completing and recording temperature checks. However Mr Cacan had falsified these records as the temperature for the 15<sup>th</sup> November 2012 had already been entered and the inspection took place on the 14<sup>th</sup> November 2012. It appeared to the Licensing Officer that the whole week's temperature recordings had been filled out in advance.
9. Mr Cacan was asked to show Samantha Howell, Licensing Officer, where the fire extinguisher and fire blanket were kept on the vehicle. The fire blanket was kept in a cupboard which is not good practice and no fire extinguisher was available as per the conditions of Consent.

### **Relevant Background Information**

10. During a Council lead Multi Agency Operation on 8<sup>th</sup> February 2012 Mehdi's kebab van was inspected. At this time two unregistered employees were found working on the van and the generator in use was observed as very loud. Mr and Mrs Karrouchi were invited in to discuss the breach of street trading condition on 6<sup>th</sup> February 2012 with Samantha Howell, Licensing Officer. Mr and Mrs Karrouchi were given advise regarding resolving the breaches of condition.

11. The renewal application submitted by Mr and Mrs Karrouchi, for the period April 2012 – March 2013, was put before Licensing and Registration Sub Committee on 20<sup>th</sup> March 2012. This was due to a noise complaint and breaches of conditions. See Appendix C for the full Decision Notice.
12. Mr and Mrs Karrouchi's Consent was put before Licensing and Registration Sub Committee on 29<sup>th</sup> October 2012. This was due to breaches of conditions 6 and 9 in relation to non compliance with a Food Hygiene Notice. See Appendix D for the full Decision Notice.

### **Financial Implications**

13. The Council collects fees for the Street Trading function. Predicted income from licence fees are included in the Council's budget. In the case of a revoked or surrendered consent the Council may remit or refund any fee paid, in whole or in part, as it considers appropriate.

### **Legal Implications**

14. Street Traders cannot be said to enjoy security of tenure. There is no legitimate expectation in law that a Consent will be indefinitely renewed 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 a street trading consent or refuse an application may be subject to a judicial review and if the decision were held to be unreasonable then compensation may result.
15. Any decision to revoke a consent or refuse a renewal application must be proportionate taking into account all relevant circumstances and the applicants, or Consent holder's, right to a fair hearing. An application should not be refused, or consent revoked, arbitrarily or without clear reasons.

### **Human Rights Act Considerations**

16. 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.
17. 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 consent holder from any action against the consent 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: [showell@oxford.gov.uk](mailto:showell@oxford.gov.uk)

**Background papers:**

Appendix A – Consent and Conditions

Appendix B – Inspection Report 14<sup>th</sup> November 2012

Appendix C – Decision Notice from Licensing and Registration Sub  
Committee 20<sup>th</sup> March 2012

Appendix D – Decision Notice from Licensing and Registration Sub  
Committee 29<sup>th</sup> October 2012

**Version number: 4**

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**Environmental Development**

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**LOCAL GOVERNMENT (MISCELLANEOUS  
PROVISIONS) ACT 1982  
CERTIFICATE OF STREET TRADING CONSENT**

Oxford City Council grant a Street Trading Consent to:

Licence Holder: Mr Mehdi Karrouchi and Mrs Wadeya Karrouchi

Consent Number: 12/01255/STREET

Consent Issued: 2nd April 2012

Valid From: 2nd April 2012

Valid To: 31st March 2013

Fee: £7315

Vehicle/Stall Details: RX05 OFU

Area/Site: Street Trading Site High Street North Side outside Scrivens Opticians

Permitted Trading Days and Hours: Sunday - Thursday trading between 18:30 to 03:00  
Friday - Saturday trading between 18:30 to 04:00

Articles Sold: Hot Food and Soft Drinks

**Special Conditions:**

1. Any generator used by the Consent holder shall be a 'quiet' generator approved in writing by the Licensing Authority.
2. All materials shall be cleared away and the allocated space vacated no later than 30 minutes after the end of operational hours.
3. Clear signs shall be displayed at the point of sale reminding customers to remain quiet and respect local residents.

This certificate of Street Trading Consent is issued subject to the standard street trading conditions and any other additional conditions attached to this certificate.

Possession of this document does not guarantee that the consent is in force. Its validity may be established by referring to the Councils Licensing Department.

Conditions of Consent are attached to this certificate.

Authorised Officer

  
Head of Environmental Development



STCONS

**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<sup>nd</sup> April 2012 to 31<sup>st</sup> March 2013.
2. The operational hours shall be:  
Between the hours of 18:30 and 03:00 on Mondays  
Between the hours of 18:30 and 03:00 on Tuesdays  
Between the hours of 18:30 and 03:00 on Wednesdays  
Between the hours of 18:30 and 03:00 on Thursdays  
Between the hours of 18:30 and 04:00 on Fridays  
Between the hours of 18:30 and 04:00 on Saturdays  
Between the hours of 18:30 and 03:00 on Sundays
3. The street trading consent relates to the following area/site only: Street Trading Site High Street North Side outside Scrivens Opticians.
4. The street trading consent relates to the following vehicle/stall only: RX05 OFU
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**

1. Any generator used by the Consent holder shall be a 'quiet' generator approved in writing by the Licensing Authority.
2. All materials shall be cleared away and the allocated space vacated no later than 30 minutes after the end of operational hours.
3. Clear signs shall be displayed at the point of sale reminding customers to remain quiet and respect local residents.

#### **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.

**STREET TRADING INSPECTION**

| Street Trading Site: |   | 12/01255 / Street  |
|----------------------|---|--|
|                      |   | Comments / Actions   |
| 1                    | Street Trading Consent Holder<br><i>If not on site, who is in charge and are they a registered employee with Oxford City Council?</i> | Mr Hüseyin CACAN - Registered Employee<br>Bilal Ali - Not registered to work on the van. Has not completed employee application form. Working for 1 month. Consent on display. |
| 2                    | Street Trading Consent on Display and Street Trader ID Cards Available  |  |
| 3                    | Premises Licence Summary on Display<br><i>If applicable</i>   | Yes, on display.   |
| 4                    | Full Premises Licence Available<br><i>If applicable</i>   | Only front page, not full licence Advice given.  |
| 5                    | Condition of Vehicle/ Stall<br><i>Clean, safe, well maintained &amp; presentable</i>  | Looks dirty floor especially Mr Cacan showed me his fridge temp records in SEBB pack. He had pre filled  |
| 6                    | Vehicle/ Stall within Allocated Site  | Yes out the temps for 15/11/2012.  |
| 7                    | Basic First Aid Kit Available   | Yes, but stuff inside out of date.   |
| 8                    | Fire Blanket and Foam Fire Extinguisher Available<br><i>Vehicles selling hot food</i>   | Yes fire blanket but in a cupboard, No fire extinguisher.  |
| 9                    | Any Additional Comments   | Frozen chips stored on the floor, Cardboard being used on floor. Mehelis T-shirt worn, over platters apron put on whilst we were there.  |

Signed:

S. Howell

Licensing Officer

Name:

S. Howell

Signed:



Consent Holder/ Employee

Name:

Hüseyin CACAN

Time:

21:20

Date:

14/11/2012

**Contact Details:**

Licensing & Development  
Environmental Development  
St Aldates Chambers  
109 St Aldates  
Oxford  
OX1 1DS  
Telephone: 01865 252558  
Email: street\_trading@oxford.gov.uk





**Oxford City Council**

**Local Government (Miscellaneous Provisions) Act 1982**

**Hearing to determine an application for renewal of a street trading consent under Schedule 4 of the Act.**

**Applicant:** Mr Mehdi Karrouchi & Mrs Wadeya Karrouchi  
**Premises:** Street trading site 10, High Street (North), Oxford  
**Date of Hearing:** 20<sup>th</sup> March 2012

**Hearing before the Licensing and Registration Sub Committee**

The Sub Committee heard from:

- Samantha Howell (Licensing Authority)
- Tony Payne (Licensing Authority)
- Mehdi Karrouchi (Applicant)
- Mr Hussain (in support of Applicant)
- Kendrick Bird (Oriol College - objector)
- Lauren Fletcher (Oriol College - objector)

(As set out in the minutes to the meeting)

The Sub Committee also considered a report from Head of Environmental Development.

**Decision and reasons of the Licensing Registration Sub Committee**

The Sub Committee took into account all evidence before it, both written and oral.

The Sub Committee were satisfied that the evidence showed there had been a number of breaches of the conditions attached to consent no. 11/00026/STREET during the last year, specifically:

- Condition 11 - not positioned in allocated space.
- Condition 18 - unauthorised staff.
- Condition 7 - noise nuisance.
- Condition 8 - waste disposal.

## Appendix C

The breaches of condition were also contrary to objective c) *The Avoidance of Public Nuisance* and h) *No Highway obstruction* of the Council's Street Trading Policy.

Whilst the Applicant appeared to have taken steps to remedy the breaches regarding unauthorised staff and waste disposal the problems of noise nuisance and the vehicle not always being positioned in its allocated space continued to result in complaints.

The Sub Committee understood the Applicant's explanation that occasionally the allocated space was occupied by unauthorised vehicles. However, the Sub Committee has no control over unauthorised parking and whilst it was no doubt frustrating to the Applicant it was not a defence to trading outside his allocated space. Any trading which took place outside that space would not be covered by the Consent and would therefore be unlawful and could be subject to enforcement action.

The Sub Committee found that the primary causes of the Objector's complaints were noise nuisance from the Applicant's generator and the continuance of noise after the end of authorised trading hours.

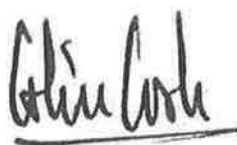
In order to address the cause of the nuisance the Sub Committee found it necessary to attach the following further conditions to the renewed consent:

- 1. Any generator used by the Consent holder shall be a 'quiet' generator approved in writing by the Licensing Authority.**
- 2. All materials shall be cleared away and the allocated space vacated no later than 30 minutes after the end of operational hours.**
- 3. Clear signs shall be displayed at the point of sale reminding customers to remain quiet and respect local residents.**

The Sub Committee wished to remind the Applicant that even once renewed the Consent could be referred back to the Sub Committee at any time if conditions continued to be breached with the possibility of revocation of the Consent.

**Decision:** The Application for renewal of street trading consent is **granted for a period of 12 months**. The consent is granted subject to the Oxford City Council general conditions applicable to street trading consents and the additional conditions set out above.

Signed:

A handwritten signature in black ink that reads "Colin Cook". The signature is written in a cursive style and is underlined with a single horizontal line.

Councillor Colin Cook (Chair)



Environmental Development  
Direct Line: 01865 252558  
Fax: 01865-252344  
E-mail: [sjhowell@oxford.gov.uk](mailto:sjhowell@oxford.gov.uk)

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

Central Number: 01865 249811

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Mr M Karrouchi  
9 Sewell Close  
Abingdon  
OX14 3YJ

12 November 2012  
Our ref: 12/01255/STREET

Dear Mr Karrouchi

**Local Government (Miscellaneous Provisions) Act 1982  
Licensing and Registration Sub Committee Monday 29<sup>th</sup> October 2012**

Following Licensing and Registration Sub Committee held on Monday 29<sup>th</sup> October 2012, please find a copy of the decision notice relating to your Street Trading Consent.

If you have any queries regarding the decision notice, please do not hesitate to contact me.

Yours sincerely,

*SP* Samantha Howell  
Licensing Officer



## Oxford City Council

**Local Government (Miscellaneous Provisions) Act 1982  
Schedule 4.**

### Hearing to consider an alleged breach of a street trading consent.

**Consent holder: Mr Mehdi Karrouchi & Mrs Wadeya Karrouchi**  
**Premises: Street trading site 10, High Street (North), Oxford**  
**Date of Hearing: 29<sup>th</sup> October 2012**

### Hearing before the Licensing and Registration Sub Committee

The Sub Committee heard from:

- Samantha Howell (Licensing Authority)
- Lindsey Key (Environmental Health)
- Mehdi & Wadeya Karraouchi (holders)
- Mr Hussain (in support of holder)

(As set out in the minutes to the meeting)

The Sub Committee also considered a report from Head of Environmental Development.

### Decision and reasons of the Licensing Registration Sub Committee

The Sub Committee took into account all evidence before it, both written and oral.

The Sub Committee were satisfied that the evidence showed there had been a breach of conditions 6 and 9 of consent no. 11/00026/STREET in relation to food hygiene failures

The breaches of condition were also contrary to objective a) *Public Safety* of the Council's Street Trading Policy.

In the interests of ensuring public safety the Sub Committee decided that:

- 1. Before the end of November 2012 an inspection of Mr and Mrs Karrouchi's business shall take place. Should any breaches of condition be found the matter should be reported forthwith to the Licensing and**

**Registration Sub Committee for further consideration and determination.**

Signed:

A handwritten signature in black ink, appearing to read "Colin Cook", is written over a horizontal line.

Councillor Colin Cook (Chair)

**Environmental Development**  
Direct Line: 01865 252558  
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Central Number: 01865 249811

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Mr M Karrouchi  
3 Oxford Road  
Farmoor  
Oxford  
OX2 9NN

12 November 2012  
Our ref: 12/01255/STREET

Dear Mrs Karrouchi,

**Local Government (Miscellaneous Provisions) Act 1982**  
**Licensing and Registration Sub Committee Monday 29<sup>th</sup> October 2012**

Following Licensing and Registration Sub Committee held on Monday 29<sup>th</sup> October 2012, please find a copy of the decision notice relating to your Street Trading Consent.

If you have any queries regarding the decision notice, please do not hesitate to contact me.

Yours sincerely,

*PH* Samantha Howell  
Licensing Officer





## Oxford City Council

**Local Government (Miscellaneous Provisions) Act 1982  
Schedule 4.**

### Hearing to consider an alleged breach of a street trading consent.

**Consent holder: Mr Mehdi Karrouchi & Mrs Wadeya Karrouchi**

**Premises: Street trading site 10, High Street (North), Oxford**

**Date of Hearing: 29<sup>th</sup> October 2012**

### Hearing before the Licensing and Registration Sub Committee

The Sub Committee heard from:

- Samantha Howell (Licensing Authority)
- Lindsey Key (Environmental Health)
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(As set out in the minutes to the meeting)

The Sub Committee also considered a report from Head of Environmental Development.

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The Sub Committee were satisfied that the evidence showed there had been a breach of conditions 6 and 9 of consent no. 11/00026/STREET in relation to food hygiene failures

The breaches of condition were also contrary to objective a) *Public Safety* of the Council's Street Trading Policy.

In the interests of ensuring public safety the Sub Committee decided that:

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**Registration Sub Committee for further consideration and determination.**

Signed:

A handwritten signature in black ink that reads "Colin Cook". The signature is written in a cursive style and is underlined with a single horizontal line.

Councillor Colin Cook (Chair)

# Agenda Item 5

## LICENSING AND REGISTRATION SUB COMMITTEE

**Monday 29 October 2012**

**COUNCILLORS PRESENT:** Councillors Cook (Chair), Coulter, Gotch and Royce.

**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) attended the meeting to present the reports to the Sub Committee. They left the room each time the cases were discussed and decisions reached.

### **16. APOLOGIES FOR ABSENCE**

None

### **17. DECLARATIONS OF INTEREST**

None

### **18. PROCEDURE TO BE FOLLOWED**

Resolved to note the procedure.

### **19. BREACH OF STREET TRADING CONSENT CONDITIONS - MISS ARZU DE JESUS NEVES**

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

Miss Arzu de Jesus Neves attended the meeting and presented her case.

The Licensing Officers, Miss de Neves and the press representative withdrew whilst the Sub Committee considered the case.

Having taken all submissions into account, both written and oral, the Sub Committee was concerned about the breach of conditions that had occurred. It therefore RESOLVED that:-

- (1) It was in the interests of public safety to impose an additional condition upon Miss de Neves consent;
- (2) The condition to be imposed is as follows:-

At all times that the van is open for business, it shall be operated by at least 2 suitably qualified people who are registered with Environmental Development.

## **20. BREACH OF STREET TRADING CONSENT CONDITIONS - MR MEHDI KARROUCHI AND MRS WADEYA KARROUCHI**

The Head of Environmental Development submitted a report (previously circulated, now appended). Samantha Howell (Licensing Officer) presented the report to the Sub Committee, and Lindsay Key (Environmental Health officer) explained part of the report concerning the inspections that she had made of Mr and Mrs Karrouchi's business.

Mr and Mrs Karrouchi and Mr Hussain attended the meeting and presented their case.

The Licensing Officers, Mr and Mrs Karrouchi, Mr Hussain and the press representative withdrew whilst the Sub Committee considered the case.

The Sub Committee considered all representations received, both written and oral. The Sub Committee noted that there had been concerns about this business that dated back to 2007. It further noted that a Hygiene Improvement Notice that had been served had not yet been fully complied with; and that a legal case (an issue separate from the matters of licensing) was currently being compiled by the Commercial Regulation team. The Sub Committee therefore concluded that this business was in the "high risk" category.

It therefore RESOLVED that in the interests of public safety, an inspection of Mr and Mrs Karrouchi's business shall take place before the end of November 2012. Should any breaches of condition be found, the matter will be reported forthwith to the Licensing and Registration Sub Committee for further consideration and determination.

## **21. APPLICATION FOR A VACANT APPROVED SITE**

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning an application to operate from approved street trading pitch Site 6, Broad Street.

Samantha Howell (Licensing Officer) presented the report to the Sub Committee. Chris Wood (Corporate Property) attended the meeting and explained that some traders along Broad Street had concerns that this application would present direct competition to current tenants. The City Council was the landlord for a number of properties along Broad Street.

Daniel Smith reminded the Sub Committee that concerns over competition to City council tenants were beyond the scope of the street trading policy and not relevant matters for a licensing committee to consider.

Mr Akkouche attended the meeting and presented his application.

The Licensing Officers, Mr Akkouche and the press representative withdrew whilst the Sub Committee considered the case.

Having taken all relevant submissions into account, both written and oral, the Sub Committee resolved to GRANT the application as applied for, attaching the Council's standard conditions for street trading.

## **22. APPLICATION FOR A VACANT APPROVED SITE.**

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning an application to operate from a new street trading site on Warneford Lane. Samantha Howell presented the report to the Sub Committee.

Mr Yilmaz attended the meeting and presented his application.

The Licensing Officers, Mr Yilmaz and the press representative withdrew whilst the Sub Committee considered the case.

Having taken all submissions into account, both written and oral, the Sub Committee RESOLVED to:-

- (1) Grant the application, as applied for, attaching the Council's standard conditions for street trading;
- (2) Add a further condition to the street trading consent requiring the use of biodegradable or recyclable packaging and utensils for use by the customers.

## **23. MINUTES**

Resolved to confirm as a correct record the minutes of the meeting held on 24<sup>th</sup> September 2012.

Daniel Smith advised that a Judicial Review application had been received from the owners of The Lodge. The High Court had granted them a stay of the Sub Committee decision last week, which means that they are able to continue operating pending the Judicial Review hearing.

## **24. MATTERS EXEMPT FROM PUBLICATION**

Resolved that all items would be taken in public, with the exception of the deliberations of the Sub Committee which would be taken in private as per paragraph 24 of the hearing procedures.

It is still open to the Sub Committee to resolve to move into private session should the evidence presented during the meeting be likely to require it.

**The meeting started at 5.00 pm and ended at 7.12 pm**

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