

# Agenda

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## Licensing and Registration Sub Committee

Date: **Tuesday 26 April 2016**

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Time: **4.00 pm**

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Place: **St Aldate's Room, Town Hall**

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For any further information please contact:

**Catherine Phythian, Committee and Member Services Officer**

Telephone: 01865 252402

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

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

# Licensing and Registration Sub Committee

## Membership

### Chair

### Vice-Chair

Councillor Van Coulter  
Councillor Gwynneth Royce

Councillor Mary Clarkson  
Councillor Dick Wolff

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# AGENDA

## Pages

**1 APOLOGIES FOR ABSENCE**

**2 ELECTION OF CHAIR FOR THE REMAINDER OF THE 2015/16 MUNICIPAL YEAR**

**3 DECLARATIONS OF INTEREST**

**4 PROCEDURE TO BE FOLLOWED**

Guidance is attached

7 - 10

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

The Head of Planning & Regulatory Services has submitted a report which details an application from Mr Khalid Shihadeh for the renewal of street trading site at 25 St Aldate's End, Pembroke Square, Oxford.

11 - 24

**6 MINUTES**

Minutes from 20 April 2015

25 - 26

**Recommendation:** That the minutes of the meeting held on 20 April 2015 be APPROVED as a true and accurate record.

**7 DATES OF FUTURE MEETINGS**

The Sub Committee is scheduled to meet, if required, on the following dates:

23 May 2016

20 June 2016

11 July 2016

1 August 2016

22 August 2016

12 September 2016

4 October 2016

24 October 2016

14 November 2016

1 December 2016

## **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; licenses 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.

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

## OXFORD CITY COUNCIL

### LICENSING and REGISTRATION SUB-COMMITTEE

#### HEARING PROCEDURES:

##### **The Meeting**

1. The Licensing Casework Sub-Committee will usually consist of four members of the Council (councillors) who are also members of the Council's General Purposes Licensing Committee. With the consent of the Applicant, or person who is subject of the hearing, the Sub-Committee may consist of fewer than four but no fewer than two 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 or matter for determination, the representations received and of any other relevant material
  - A copy of the application and any other supporting material supplied by the applicant
  - Any observations on the application or matter 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/matter 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 Chair considers is disruptive, the Chair 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 Sub-Committee may specify.
10. Before the end of the hearing any person who was required to leave the hearing under paragraph 9 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 or matter 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 to summarise briefly 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.



**To:** Licensing & Registration Sub Committee

**Date:** 26 April 2016

**Report of:** Head of Planning & Regulatory Services

**Title of Report:** Application for the renewal of a Street Trading Consent – Mr Khalid Shihadeh

## Summary and Recommendations

**Purpose of report:** To seek determination of an application to renew a Street Trading Consent.

**Report Approved by:**

**Finance:** Jonathan Marks  
**Legal:** Daniel Smith

**Policy Framework:** Street Trading Policy  
A vibrant and sustainable economy

**Recommendation(s):**

**Committee is requested to determine Mr Khalid Shihadeh's application to renew his street trading consent, taking into account the details in this report and any representations made at this Sub-Committee meeting.**

## **The Application**

1. An application has been submitted to renew the Street Trading Consent for the period 1 April 2016 to 31 March 2017 for street trading site 25 St Aldate's End, Pembroke Square, Oxford. The applicant is Mr Khalid Shihadeh. The application form can be found at Appendix A.
2. Mr Shihadeh held Consent for the period 1 April 2015 to 30 September 2015. A full copy of Mr Shihadeh's Street Trading Consent 2015/2016 and General Conditions for Annual Street Trading Consents can be found at Appendix B of this report. The renewal is being referred to the Sub Committee in accordance with the Street Trading Policy as the consent holder has not traded during the last year.

## **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 the Council can manage street trading by designating streets as “consent streets”, “licence streets” or “prohibited streets”. All streets within Oxford are currently designated “consent streets” and any trading requires the grant of a street trading consent. Street trading consent may be granted as the Council “thinks fit”. When exercising the power to grant and enforce consents the Sub Committee should only take into account relevant considerations; must give each applicant or consent holder a fair hearing and should give reasons for their decision.
4. Street trading consent is granted subject to the Council’s standard conditions. The Sub Committee may amend or attach any additional conditions to a Consent that it considers “reasonably necessary”.

## **Policy Considerations**

5. The Street Trading Policy was adopted by Council in April 2015 and came into force on 14 April 2015 for existing traders. Paragraphs 5.14 and 5.10 of the Policy state:
  - “5.14 At this renewal time, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.”
  - “5.17 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing and Registration Sub-Committee.”

The factors to be considered when deciding an application for renewal are set out in Paragraph 5.8 of the Policy including “Needs of the Area”.

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

The renewal application has been referred to the Sub-Committee in accordance with paragraphs 5.14 and 5.17 of the Policy due to Mr Shihadeh’s failure to take up his street trading consent and trade from the site. The site is a prime location for daytime street trading and we have received a number of enquires for it.

## **Financial Implications**

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

## **Legal Implications**

8. 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). Any decision to terminate a street trading consent may be subject to a judicial review. If termination is held to be unreasonable then compensation may result.
9. Any decision to refuse a renewal application 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**

10. 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 generally considered to be a possession in law and the protection in Article 1 is therefore not directly engaged.
11. Nevertheless, with the advice of Law & Governance and in the interests of fairness, the Sub Committee should consider whether any proposed action 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 - Renewal Application  
Appendix B - Street Trading Consent and conditions for 2015/16 period

**Version number: 2**

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Application for the Renewal of a Street Trading Consent

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**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](http://www.ico.gov.uk) and also on [www.oxford.gov.uk](http://www.oxford.gov.uk).

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

Full Name	Khalid Shihadeh
Home Address	
Email address	
Telephone Numbers	Home: Mobile:
National Insurance Number	
Current Consent Number	15/ /STREET Site 25 St Aldates End Pembroke Square
Description of articles to be sold	Oxford Clothing, Gifts and Souvenirs


Address where the vehicle/trailer will be stored when not in use	
Details of recyclable or biodegradable food packaging being used (food traders only)	N/A
Proposed days and times of trading	Days: Monday To Sunday (12 Month) Times: From 10am To 7pm
Vehicle registration number, make and model (if applicable)	
Will you be the sole operator of the vehicle or stall? (Please circle)	My Self or My Staff <input checked="" type="radio"/> Yes or No If the answer is No please complete an employee form for each member of staff (see attached)

### 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.

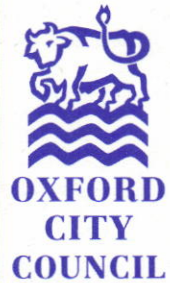
Signed  (The declaration must be signed by the applicant)

Date: 29/2/2016

## Environmental Development

St. Aldate's Chambers, 109 St. Aldate's, Oxford OX1 1DS  
Switchboard: 01865 249811  
Fax: 01865 252344

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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 Khalid Yousef Shihadeh

Consent Number: 15/00722/STREET

Consent Issued: 19th March 2015

Valid From: 1st April 2015

Valid To: 30th September 2015

Fee: £3790

Vehicle/Stall Details: LM09 OHT

Area/Site: Street Trading Site 25, St Aldate's End, Pembroke Square, Oxford

Permitted Trading Days and Hours: Trading only between the hours of 08:00 and 20:00  
Monday to Sunday

Articles Sold: 'Oxford' Sweatshirts, T-Shirts, Caps and Souvenirs

**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

### **General Conditions for Annual Street Trading Consents**

1. No trading to which the attached consent relates shall take place except between the dates of 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016.
2. The operational hours shall be:  
Between the hours of 08:00 and 20:00 on Mondays  
Between the hours of 08:00 and 20:00 on Tuesdays  
Between the hours of 08:00 and 20:00 on Wednesdays  
Between the hours of 08:00 and 20:00 on Thursdays  
Between the hours of 08:00 and 20:00 on Fridays  
Between the hours of 08:00 and 20:00 on Saturdays  
Between the hours of 08:00 and 20:00 on Sundays
3. The street trading consent relates to the following area/site only: Street Trading Site 25, St Aldate's End, Pembroke Square, Oxford
4. The street trading consent relates to the following vehicle/stall only: LM09 OHT
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.

**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.

## General Conditions for Annual and Weekly Street Trading Consents

1. No trading shall take place except between the dates specified on the Certificate of Street Trading Consent.
2. Street trading shall only be carried out during operational hours specified on the Certificate of Street Trading Consent.
3. The Street Trading Consent relates only to the area/site vehicle or stall specified on the Certificate of Street Trading Consent.
4. The Street Trading Consent relates only to the vehicle or stall specified on the Certificate of Street Trading Consent.
5. Street trading can only be carried out from the stall or vehicle authorised under the Certificate of Street Trading Consent. Any significant changes to or replacement of the stall or vehicle must be approved by the Head of Planning and Regulatory Services.
6. The 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.
7. The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate. Vehicle movements must be carried out legally and must not present a risk to people and structures. The Consent Holder shall not drive or park a vehicle on any part of a footway.
8. 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 authorized Council Officer or Police Officer they shall immediately comply with that request.
9. For Weekly Street Traders on Cornmarket Street, the Consent Holder's stall shall not exceed 2.3 metres in height nor occupy an area greater than 2.3 metres x 1.4 metres.
10. 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 etc. Act, 1974 and the Food Safety and Hygiene (England) Regulations 2013. Advice on these requirements is available from the Business Regulation Team.
11. The Consent Holder shall conduct their business in a professional manner and in a way that minimises risks to employees and others.

Street Trading Consent: 15/00722/STREET

12. The Consent Holder must take reasonable 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. A serviceable fire blanket and a suitable fire extinguisher shall be provided in all vehicles selling hot food.
13. Reasonable steps must be taken to ensure gas safety where gas appliances are used on a stall or vehicle. Gas appliances must be maintained and serviced as per manufacturer's instructions. Gas appliances and systems must be checked for safety by a competent Gas Safe engineer at least annually. Any faults or concerns in relation to gas safety must be appropriately investigated and made safe by a competent Gas Safe engineer as soon as possible.
14. All hot food vans/trailers are required to carry a basic first aid kit and have the means to contact the emergency services if necessary.
15. All food businesses must be registered as a food business with the local authority where the van/stall is kept overnight. All food businesses registered outside of the Oxford City Council area must be able to demonstrate food business registration, e.g. by written confirmation from the relevant local authority or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant local authority.
16. All food handlers must hold a current Level 2 Award in Food Safety in Catering accredited by The Chartered Institute of Environmental Health or The Royal Institute for Public Health.
17. All food businesses must achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory'. The Hygiene Rating must be displayed prominently on the stall or vehicle.
18. 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 action to prevent excessive noise.
19. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of their trade waste in an appropriate manner. Trade waste must be stored appropriately and be disposed of by a licensed waste carrier. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, for example by making a bin available for customers to use.
20. 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 subletting of a pitch is prohibited.
21. 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 Planning and Regulatory Services of the name and address of that person. An administration fee will be payable.

Street Trading Consent: 15/00722/STREET

22. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Head of Planning and Regulatory Services.
23. A Consent Holder may terminate a Street Trading Consent by written notice to the Head of Planning and Regulatory Services. 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.
24. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
25. A copy of the Consent shall be displayed by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
26. Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 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. Proof of cover must be produced to an officer of Oxford City Council on application and as required.
27. 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.
28. For Annual Street Trading Consents fee instalments are required quarterly, in advance. The first instalment must be paid in advance of the issue of Consent. The remaining fee can be paid in instalments on the following dates 1<sup>st</sup> July, 1<sup>st</sup> October and 2<sup>nd</sup> January. Annual fees may be paid in advance.
29. For Weekly Street Trading Consents fees must be paid two weeks in advance before trading commences. This is to allow sufficient time to process the application and receive the consent. It must be in your possession before you can trade.
30. The sale of food and/or drink is not permitted by Weekly Street Traders. The items to be sold must be agreed before a Weekly Consent can be issued.
31. For food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials.

#### **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 Consent: 15/00722/STREET

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## LICENSING AND REGISTRATION SUB COMMITTEE

**Monday 20 April 2015**

**COUNCILLORS PRESENT:** Councillors Coulter, Clarkson and Royce.

**OFFICERS PRESENT:** Samantha Howell (Licensing Officer), Lyndsey Key (Environmental Health Officer), Lesley Rennie (Business Regulation Team Manager), Daniel Smith (Law and Governance) and Sarah Claridge (Committee Services Officer)

### **79. ELECTION OF CHAIR**

The Sub-Committee resolved to elect Councillor Coulter as Chair for this meeting.

### **80. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Wolff

### **81. DECLARATIONS OF INTEREST**

None received

### **82. PROCEDURE TO BE FOLLOWED**

The Sub-Committee resolved to NOTE the procedure.

### **83. BREACH OF STREET TRADING CONSENT CONDITIONS - MR HAROON KHAN**

The Head of Environmental Development submitted a report (previously circulated, now appended) which detailed a street trading consent where the street trader had breached the conditions of the Street Trading Policy.

The Licensing Officer presented the report to the Sub-Committee. She explained that Mr Khan (consent holder) had failed to make a valid renewal application at least one month prior to the expiry of his previous consent. Breach of conditions 6, 9 and 17 of the street trading consent in regards to food safety standards had also been reported by Environmental Health.

Mr Haroon Khan (applicant) and Mr Luke Hussain (manager) attended the meeting and presented their case. Mr Khan had been unwell and Mr Hussain had been responsible for the day to day running of the business. Mr Hussain said that he was in the process of re-training his staff and that there had been a number of new staff since the free staff training by the Food Standards Agency. He asked for a final chance and offered not to trade until standards improved. Mr Khan promised to get more involved in the running of the business.

The Licensing Officer explained that it was the responsibility of the consent holder to renew the consent, not the manager's.

The renewal consent application was missing the following documents:

- Public Liability Insurance
- Valid Waste Transfer Agreement
- Registered employees and their right to work.

Currently, there is no valid consent application for the Sub-Committee to determine.

The Principal Lead Environmental Health Officer explained that there had been no real improvement in the food safety practices after the 3 inspections.

**At this point the Sub-Committee, accompanied by its Legal Advisor and Committee Secretary, withdrew to deliberate and make its decision in private.**

**Having taken into account all submissions, the Sub-Committee then returned and announced its decision.**

The Sub-Committee NOTED that there was not a valid renewal application to consider as several of the documents were missing from Mr Khan's application.

However if the application had been valid, the Sub-Committee would REFUSE the application as they had no confidence that the consent holder could meet the public food standard requirements set out in the Council's General Conditions for Annual Street Trading Consents, specifically conditions 6, 9 and 17.

Despite appropriate training being given to the employees of the business by the Food Standards Agency, this training was not being practiced.

Mr Khan was informed that he would receive a letter confirming the Sub-Committee's decision and there was no right of appeal.

#### **84. MINUTES**

The Sub-Committee resolved to APPROVE the minutes of the meeting held on 3 November 2014 as a true and accurate record.

#### **85. DATES OF FUTURE MEETINGS**

The Sub-Committee NOTED the next meeting is scheduled for 1 June 2015 if required.

**The meeting started at 5.30 pm and ended at 6.10 pm**