

Agenda

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General Purposes Licensing Committee

Date: **Wednesday 18 September 2019**

Time: **6.15 pm**

Place: **Council Chamber - Oxford Town Hall**

For any further information please contact:

John Mitchell, Committee Services Officer

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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.

General Purposes Licensing Committee

Membership

| | | |
|-------------------|--------------------------------|--------------------|
| Chair | Councillor Mary Clarkson | Marston; |
| Vice-Chair | Councillor Colin Cook | Jericho and Osney; |
| | Councillor Tiago Corais | Littlemore; |
| | Councillor Michael Gotch | Summertown; |
| | Councillor Ben Lloyd-Shogbesan | Lye Valley; |
| | Councillor Mark Lygo | Churchill; |
| | Councillor John Tanner | Littlemore; |
| | Councillor Sian Taylor | Northfield Brook; |
| | Councillor Elizabeth Wade | Wolvercote; |
| | Councillor Dick Wolff | St. Mary's; |

The quorum for this Committee is 4 Members, no substitutes are permitted.

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AGENDA

Pages

1 DECLARATIONS OF INTEREST

2 APOLOGIES FOR ABSENCE

3 REVIEW OF THE STREET TRADING POLICY 2019

7 - 34

The Head of Regulatory Services and Community Safety has submitted a report on responses to the public consultation on the Street Trading Policy review 2019.

Recommendations: That the Committee:

1. **Approves** the Street Trading Policy 2019;and
2. **Recommends** to Council the adoption of the Street Trading Policy 2019

4 MINUTES

35 - 36

Recommendation: That the minutes of the meeting held on 08 July 2018 be APPROVED as a true and accurate record.

5 DATES OF FUTURE MEETINGS

Meetings are scheduled on:

- 03 February 2020
- 21 May 2020

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: General Purposes Licensing Committee

Date: 18 September 2019

Report of: Head of Regulatory Services and Community Safety

Title of Report: Review of the Street Trading Policy 2019 and Policy Consultation Responses

Summary and Recommendations

Purpose of report: To report to Committee on the responses to the public consultation on the Street Trading Policy review 2019. To seek Committee's agreement to the revised Street Trading Policy and recommend the revised Policy to Council.

Report Approved by:

Finance: Barbara Smolonska

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendations: That the Committee:

1. **Approves** the revised Street Trading Policy 2019; and
2. **Recommends** to Council the adoption of the Street Trading Policy 2019

Appendices

Appendix A – Copy of responses to the consultation

Appendix B – Copy of the proposed Street Trading Policy 2019

Introduction

1. The current Street Trading Policy was approved by General Purposes Licensing Committee at its meeting on 27th January 2014 and adopted by Council on 13th April 2015. At its meeting on 13th April 2015 Council delegated subsequent revisions of the Policy to the General Purposes Licensing Committee.
2. At its meeting on 14th May 2019, General Purposes Licensing Committee received a report on the revised Street Trading Policy 2019. Committee resolved to carry out public consultation on the revised

Street Trading Policy. This report summarises the responses to the consultation and gives comments from officers.

Consultation

3. The Council has completed a six week consultation on the review of its Street Trading Policy and General Conditions. The consultees included the following:
 - Thames Valley Policy
 - Oxfordshire Fire and Rescue
 - Oxfordshire County Council Highways
 - Oxford City Centre Manager
 - All current Consent holders
 - The general public
 - Relevant departments within Oxford City Council
4. 7 people responded to the consultation document. The responses were generally positive and in support of all proposed changes.
5. Copies of the comments received are provided at Appendix A.
6. A copy of the proposed Street Trading Policy and conditions is provided in Appendix B.
7. Members are asked to review the comments made during the consultation period and consider any additional amendments to the policy.

Legal Implications

8. The power to regulate street trading is contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. There is no legal requirement for a district council to set any policy on Street Trading. However, authorities may if they wish decide to set policies in order to guide applicants and assist with consistent decision making. Policies may guide but not bind the authority.

Financial Implications

9. There are no financial implications attached to this report.

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Appendix A

Street Trading Policy 2019 Consultation Responses

The following responses were received; where necessary, comments from the Business Regulation Team follows in black bold italic font:

1. To what extent do you agree or disagree with the additional criteria for considering new street trading applications regarding offering for sale low/ sugar/sugar free drinks?

| | Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree |
|---------------------------|----------------|-------|---------|----------|-------------------|
| Sugar Smart Consideration | 2 | 2 | 2 | | 1 |

“Other healthy eating guidelines/criteria would also be useful.”

“Street traders do not on top of everything else need to become sugar police”

2. To what extent do you agree or disagree with the introduction of the new condition under General Conditions for Street Trading Consents ' Street Trading Consent holders must make full use of their Consent'?

| | Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree |
|-------------------------------|----------------|-------|---------|----------|-------------------|
| Full use of Consent condition | 1 | 3 | 1 | 1 | 1 |

“It does not seem to fully consider special circumstances such as illness, bereavement etc.”

“Sometimes other factors intervene such as illness preventing attending all or part of a week”

Full consideration would be given by the Business Regulation Team in circumstances such as the ones given above.

Appendix A

3. To what extent do you agree or disagree with the additional application criteria regarding the suitability of a street trading applicant and employees?

| | Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree |
|--|----------------|-------|---------|----------|-------------------|
| Suitability of applicant and employees | 3 | 2 | 2 | | |

“As well as protecting the public - consideration should be made for those who already find it hard enough to re-enter society after having paid their dues for their offences.”

4. To what extent do you agree or disagree with the introduction of the new condition under General Conditions for Street Trading Consents 'All packaging and utensils for use by customers shall be made of recycled or part recycled materials'?

| | Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree |
|---------------------|----------------|-------|---------|----------|-------------------|
| Packaging condition | 3 | 2 | | 1 | |

“Suggest all packaging should have message BIN THIS BOX, CONTAINER, CUP, CARTON stamped on them. These messages do work”

“Excellent idea, but as said message on all packaging to put in BIN”

5. Do you have any other comments in respect of the draft policy?

“I think that street trading is an important part of the city and well managed can continue to be beneficial. Policy should be helpful and not add unnecessary guidance.”

“I am not clear reading it whether the way fees are collected have changed. It seems to say they will be collected quarterly in advance. If this is the case it will be a very unwelcome change to an infrequent trader like myself.

Also this year, it has been noticeable that those who restrict their availability to summer months get many more weeks in the summer than those of us who trade through the year. This is unfair as our best business is in the summer (up to 3 fold) and I think a person who

Appendix A

says they are only available for 3 months should only be allocated 0.25 x the allocation given per trader not an equal share allocated in their restricted time. Otherwise all of us will restrict our trading to summer only.

Another issue is lack of parking. There are only two traders, and it would be helpful if you could allocate two paid parking spaces for the traders. We often have to park at the park and ride leaving the stall and jewellery unattended in the street for 40 minutes.”

The above comments relate to weekly Street Trading Consent. For those traders the way the fee is collected (two weeks prior to trading) has not been changed during the policy review. Quarterly payments are for annual Street Trading Consent holders.

Allocation of trading weeks relating to weekly street trading is already carried out in the way suggested.

Due to vehicle restrictions in place on Cornmarket Street the Council is unable to provide parking spaces for the weekly street traders.

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BUILDING PRIDE IN OUR CITY

Licensing Authority

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Street Trading Policy

Draft Version September 2019



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Glossary

| | |
|---|--|
| The Council | Oxford City Council |
| The Applicant | The trader who has submitted an application for Street Trading Consent. |
| The Consent Holder | An individual that holds a Street Trading Consent. |
| A Street | Includes any road, footway, beach or other area to which the public have access without payment. |
| A Consent Street | A street in which street trading is prohibited without the Consent of the Council. |
| A Street Trading Consent | A permission to trade, which is granted by a council subject to conditions and payment of a fee. |
| A Roundsman | An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice-cream van is not classed as a roundsman. |
| A Pedlar | A pedlar is a trader who must: <ul style="list-style-type: none"> • keep moving, stopping only to serve customers at their request • move from place to place and not circulate within the same area • hold a valid pedlar's certificate, issued by a Chief Constable of Police. |
| A Peripatetic Trader | A peripatetic street trader is one that: <ul style="list-style-type: none"> • continually moves from location to location • moves at least 50 metres from the last trading location and does • not return to that location within four hours • does not wait in one location for more than twenty minutes • does not trade within 100 metres of any entrance to any school or college (without formal invitation from the establishment). |
| The Licensing Officer | An officer employed by the Council and authorised by the Council to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982. |
| Activities that do not require Street Trading Consent | Trading: <ul style="list-style-type: none"> • as a pedlar under a pedlar's certificate • as a news vendor • at a market or fair, the right to hold which having been obtained by a grant, enactment or order • at or adjoining a shop premises as part of the business of the shop • as a roundsman (i.e. delivering pre-ordered goods to customers) • from a licensed highway area • under a street collection permit for charitable purposes. |

Introduction

Oxford City Council (hereafter referred to as the Council) recognises that street trading is an established commercial activity that contributes to the vibrancy and vitality of the city and increases the diversity of the local economy.

As the growth and development of the city continues, it is vital that the street trading environment responds to the physical changes and remains sensitive to the needs of the city. The policy allows the Council to continue to regulate the location and number of traders, ensuring that they meet the requirements set out and do not adversely impact the streets they occupy.

In keeping with its vision for a successful and attractive city, the Council aspires to provide an improving street trading offer in terms of appearance/visual amenity and the quality of the goods on sale.

A key priority of the Council is to deliver health and wellbeing improvements in the city. Working with partners, we have made a commitment to reduce sugar intake, particularly amongst young people. The policy will support the objectives of SUGAR SMART Oxford's campaign, seek to make a positive change and facilitate healthier choices.

1 Purpose of the Policy

- 1.1 This Policy sets out Oxford City legal framework for the management of street trading in Oxford and will guide the Licensing Authority when it considers applications for Street Trading Consents.
- 1.2 It outlines how decisions are made and aims to provide a transparent and consistent approach for dealing with the regulation of street trading.
- 1.3 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

2 Consultation

- 2.1 In determining this policy, the Council has undertaken a public consultation and has consulted the following stakeholders and organisations:
 - Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council
 - Central, South and West Area Committee
 - Oxford City Centre Manager
 - All current Consent Holders
 - All relevant departments within Oxford City Council
- 2.2 We have considered and taken into account the views of all consultees.

3 Review of the Policy

- 3.1 This policy will be reviewed every three years and all interested parties consulted. In addition, we will continue to evaluate the policy and may update it at any time. Any minor changes can be agreed by the General Purposes Licensing Committee.

4 Legislation and current provision

- 4.1 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'.

'Street Trading' is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions such as:

- (a) Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order;
- (c) Trading as a news vendor;
- (d) Trading at or adjoining a shop premises as part of the business of the shop;
- (e) Offering or selling things as a roundsman.

Schedule 4 defines a street as any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980.

A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

Prohibited streets are streets where no street trading may take place at all.

A licence street is a street that requires a formal licence before any form of street trading can take place.

All streets in Oxford City Council area are designated as consent streets and any trading requires consent. There are currently no licence streets within Oxford.

Street Traders that serve hot food or drink at any time between the hours of 23.00 and 05.00 will also require a Premises Licence under the Licensing Act 2003.

5 The Licensing Process and Delegation of Functions

5.1 This part of the document sets out how we will deal with applications for Street Trading Consent in the City of Oxford. The Council aims to provide a clear, consistent licensing service for service users. It also aims to protect the safety of highway users and to prevent nuisance or annoyance.

5.2 Delegation is laid out in the Council's Constitution as follows:

Full Council sets policies on licensing.

The General Purposes Licensing Committee:

- recommends and reviews policies on general licensing
- sets and reviews licence fees
- agrees and varies a street trading scheme.

The General Purposes Licensing Committee appoints a General Purposes Licensing Casework Sub-Committee to:

- a) Decide street trading applications that are for longer than three months
- b) Decide applications to renew Street Trading Consent when there has been a complaint about the trader or the trader has breached the conditions of their Street Trading Consent in the past year

The Responsible Head of Service is authorised to:

- (a) Issue Street Trading Consents and to attach such conditions as are necessary under the Local Government (Miscellaneous Provisions) Act 1982;
- (b) Refuse any application for a Consent:
 - (i) that is considered unsuitable under this policy;
 - (ii) where there are objections from any of the following consultees; (Police, Fire or Highways on the grounds of Public or Highway safety);
- (c) Refer applications/Consent holders to the General Purposes Licensing Casework Sub-Committee:
 - (i) when there has been a complaint or safeguarding concern about the trader or the trader has breached the conditions of their Street Trading Consent in the past year;
 - (ii) where there are multiple applications for a vacant approved site;
- (d) Suspend a Consent for a period of up to 28 days pending referral to the General Purposes Licensing Casework Sub-Committee: where serious food safety issues or any other reasonable cause are found.

New Applications for a Street Trading Consent

5.3 An application for Street Trading Consent must be made to the Council in writing. The following will be required to be submitted with the application:

- (a) A completed and signed Street Trading Consent Application Form.

- (b) The full application fee as appropriate.
 - (c) Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
 - (d) Colour photographs of the stall or vehicle that will be used for the street trading activity.
 - (e) A certificate of Public Liability Insurance that covers the street trading activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000.
 - (f) A current Level 2 Award in Food Safety in Catering certificate for all food handlers.
 - (g) A valid Waste Transfer Note.
 - (h) Proof of the applicant's and any prospective employee's right to work in the UK.
 - (i) Gas safety certificate for the vehicle or stall if applicable.
 - (j) A description of the type of food and drinks to include sugar free and lower sugar drinks options.
- 5.4 Street Trading Consents are issued for a period of up to one year and are renewed annually for the period 1 April to 31 March, unless granted for a reduced period.
- 5.5 Before a Street Trading Consent is granted or refused, the Council will carry out a consultation process with various stakeholders including:
- Oxfordshire County Council Highways
 - Thames Valley Police
 - Ward Councillors
 - Planning Service
 - Environmental Health Service
- Written observations from the above organisations will be sought and taken into consideration when determining an application.
- 5.6 Street Trading Consents will not normally be granted where:
- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site.
 - There is a conflict with Traffic Orders such as waiting restrictions.
 - The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes.
 - The trading unit obstructs the safe passage of users of the footway or carriageway.

- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities.
- The supply of hot or cold food, drinks or confectionery between 07:30 and 18:00 within 100 metres of the boundary of a school or college (during term time).

5.7 The council will not normally allow the sale of:

- Tobacco or tobacco products
- Items made of animal fur
- Items that cause or contribute to crime and disorder
- Energy drinks to children below 16 years old.

5.8 In the absence of representations, the application will be referred to the Council's General Purposes Licensing Casework Sub-Committee who will use the criteria listed below to make their determination of the application, with equal weight applied to the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration. When there are representations, the Responsible Head of Service acting under delegated powers may refuse an application.

5.9 In considering applications for the grant or renewal of a Street Trading Consent the following criteria will be considered:

(a) Public safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public. Factors taken into account will include: 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) Avoidance of public nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public, particularly in residential areas.

(d) Appearance of the stall or vehicle

The stall or vehicle must be maintained in good condition, be of smart appearance and meet the 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. The general appearance of the vehicle or stall will also be considered in order to determine that the unit will not detract from the appearance of the surrounding area.

(e) Needs of the area

The demand for the articles for sale and the geographical location of the proposed site.

(f) Environmental sustainability

Measures to minimise the impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, recycling and waste disposal.

(g) Food safety and food offer

Applicants to trade in hot or cold food must be able to demonstrate a good understanding of food safety and be registered as a food business with the relevant local authority. As a minimum, 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. Consideration will be given to applicant's ability to meet SUGAR SMART Oxford criteria (see Annex 3 for guidance).

(h) Highway safety

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.

- 5.10 There is no statutory right of appeal against refusal to issue a Consent.

Nature of goods on offer

- 5.11 The type of goods allowed to be sold will be considered on a site by site basis and will be specified in the Consent. Consent holders must seek approval before making significant changes to the type of goods offered for sale.

Suitability of Applicant

- 5.12 When determining an application for the grant or renewal of a Consent, the Council will consider all relevant information relating to the suitability of the applicant and any employees including:
- Whether they have been cautioned or convicted of any offences of:
 - a. Violence
 - b. Dishonesty
 - c. Drug related offences
 - d. Sexual offences
 - e. Public Order offences
 - f. Food safety or health and safety offences
 - g. Any offence resulting in a sentence of imprisonment

This will involve the applicant making a declaration to confirm their status relating to any 'unspent' cautions or convictions under the Rehabilitation of Offenders Act 1974. Guidance on the relevance of cautions and convictions is contained in Annex 4.

- Failure to pay the Council's Street Trading Consent fees.
- An applicant's history of street trading including whether previous Consents have been used appropriately.

- 5.13 The Council will reserve the right to request a basic disclosure check where it considers there is a risk to children and/or vulnerable people.

Advertisements

- 5.14 The use of 'A' boards is prohibited on the highway (unless express permission is given).
- 5.15 Advertising should only relate to goods offered for sale at the consented site. Third party advertisements are prohibited.

Peripatetic Street Trading

- 5.16 Street traders that meet the conditions below will be classed as peripatetic. Ice cream vans and mobile sandwich sellers would typically be deemed to be peripatetic street traders.
- 5.17 Traders must meet all of the criteria below to be classed as peripatetic:
- Move from location to location.
 - Move at least 50 metres from the last trading location and do not return to that location within four hours.
 - Do not wait in one location for more than 20 minutes.

Renewal Applications for a Street Trading Consent

- 5.18 Street Trading Consents are renewed annually for the period 1st April to 31st March, unless granted for a reduced period. A renewal application for Street Trading Consent must be made to the Council in writing by 1st February. The following will be required to be submitted with the application:
- (a) A completed and signed Street Trading Consent Application Form.
 - (b) The full fee as appropriate.
 - (c) A certificate of Public Liability Insurance that covers the street trading activity for third party and public liability risks.
 - (d) A current Level 2 Award in Food Safety in Catering certificate for all food handlers.
 - (e) Proof of the applicants and any prospective employees right to work in the UK.
 - (f) A gas safety certificate for the vehicle or stall if applicable.
 - (g) A licensed waste carrier agreement.
- 5.19 At renewal, the Council may take into consideration any relevant information about the trading operation.
- 5.20 If a renewal application is not received before the expiry of the current licence, a new application must be made. In this situation, trading will not be permitted until a new Consent is issued.

- 5.21 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 General Purposes Licensing Sub-Committee.

Advertising new or vacant sites

- 5.22 The Council will advertise vacancies on the Council's website for 28 days. Applications will be referred to the Council's Licensing Sub-Committee who will use the criteria listed at paragraph 5.8 of this policy to make their determination.

Transfers

- 5.23 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/site is prohibited.

6 Markets

- 6.1 The Gloucester Green weekly markets and the Covered Market are outside the scope of the street trading scheme. Gloucester Green has Charter Market status and trading in the Covered Market takes place from permanent shop units.

7 Special Events

- 7.1 For events such as Christmas or Continental Street Markets, the Council will accept one application from the person organising the event. The event street trading application will require full details of each trader attending the event. Consent will be issued to each individual stall holder. This provision aims to promote events and encourage traders to attend.
- 7.2 Trading at charity or small community events, where the profits from individual stalls/units are donated to charity, is exempt from the Council's Street Trading requirements. Any traders (such as traders selling food or refreshments) attending for commercial gain will require Street Trading Consent. Examples of charity events are listed at Annex 5 of this policy.

8 Fees

- 8.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the location, the duration of the Consent, trading hours and the articles to be sold. Details of the current fees can be found on the Council's website or on application to the Licensing Officer.
- 8.2 Fees must be paid in advance as set out in Annex 2, General Condition 28.

- 8.3 Applications for Consents should be accompanied by the relevant non-refundable fee. If the application is approved, the balance of the fee will be due before the Consent is issued. If the application is not successful the application fee will be retained to cover the cost incurred in processing the application.
- 8.4 A Consent Holder may terminate a Street Trading Consent by written notice to the Responsible Head of Service. Where trading ceases during the term of Consent, a refund will not be given for any remaining period of less than 3 months. Where payable, a refund of the portion of the fee equal to the remaining full months will be given, less £50 which the Council will retain to cover administrative costs.

9 Conditions

- 9.1 The Council applies standard conditions to Street Trading Consents.

- General conditions for annual and weekly Street Trading Consents
- Additional conditions applicable to Special Events

The standard conditions are not exhaustive and other conditions may be added to individual Consents where appropriate.

- 9.2 Standard Trading Hours are:

(a) Roadside locations for vehicles

- Daytime site from 08:00 to 18:00.
- Evening sites for the Sale of Hot Food from 18:30 to 03:00 (can be extended to 04:00 Thursdays, Fridays, and Saturdays on application and subject to approval).

(b) Pavement locations

- 08:00 to 21:00.

(c) Weekly Let Sites

- 08:00 to 21:00.

- 9.3 Street trading can only be carried out from the stall or vehicle authorised on the Certificate of Street Trading Consent. Any changes to or replacement of the stall or vehicle must be approved by the Responsible Head of Service.
- 9.4 The standard conditions applied to Street Trading Consents are attached to this policy as Annex 2.

10 Enforcement

- 10.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues in accordance with the Council's Corporate Enforcement Policy.
- 10.2 The Business Regulation Team aims to work closely with other enforcement authorities to regulate relevant legislation where necessary.

- 10.3 The Council will investigate any complaints relating to street trading activities e.g. trading without Consent or breach of conditions and may take enforcement action as appropriate. Consent holders should liaise with the Council to resolve complaints.
- 10.4 If the Council feels that there is an issue of public order or threat to public safety associated with any street trading activity it will call for assistance from Thames Valley Police.
- 10.5 Failure to comply with one or more of the standard conditions of Consent may lead to revocation or non-renewal of Street Trading Consent.

Revocation

- 10.6 The Council may revoke a Street Trading Consent at any time, on any reasonable grounds. This may be for a variety of reasons including breach of conditions, non-payment of fees or when the site location is no longer suitable/accessible e.g. due to emergency repairs in the street or construction/redevelopment work.

11 Contacts

The Street Trading function is part of the Business Regulation Team within the Environmental Health Service.

Business Regulation Team
Environmental Health
Oxford City Council
109-113 St Aldate's Chambers
St Aldate's
Oxford
OX1 1DS

To enquire about any street trading issue, please visit our website: www.oxford.gov.uk or contact us via email street_trading@oxford.gov.uk or ringing the Business Regulation Team on 01865 252561.

ANNEX 1**Approved Street Trading Sites**

The City Council have given Consents for street trading at the following sites within Oxford (the list is subject to changes from time to time):

ROADSIDE LOCATIONS FOR VEHICLES**Daytime Sites (08:00 to 18:00)**

| | | | |
|---|-----------------|-----------------|---------|
| 1 | Pembroke Square | St Aldate's End | 1 unit* |
| 2 | Broad Street | outside No. 17 | 1 unit |
| 3 | Broad Street | outside No. 14 | 1 unit |

Evening Sites for the Sale of Hot Food (18.30 to 03.00, Monday to Sunday, except where otherwise stated on the Consent).

| | | | |
|----|-----------------|-----------------------------------|--------|
| 4 | Banbury Road | outside No. 263 | 1 unit |
| 5 | Broad Street | outside No. 17 | 1 unit |
| 6 | New Road | opposite County Hall Car Park | 1 unit |
| 7 | Cripley Road | junction with Botley Road | 1 unit |
| 8 | George Street | outside No. 25 | 1 unit |
| 9 | High Street | outside No. 22 North Side | 1 unit |
| 10 | High Street | outside University College | 1 unit |
| 11 | London Road | outside No's. 73/75 | 1 unit |
| 12 | Pembroke Square | St Aldate's end | 1 unit |
| 13 | Queen Street | outside Clarendon Centre | 1 unit |
| 14 | St Aldate's | outside Christchurch | 1 unit |
| 15 | St Giles | layby outside Taylorian Institute | 1 unit |
| 16 | St Giles | layby outside Taylorian Institute | 1 unit |
| 17 | Woodstock Road | outside Radcliffe Infirmary | 1 unit |
| 18 | London Road | outside No. 93 | 1 unit |
| 19 | High Street | opposite No. 42/44 | 1 unit |
| 20 | Banbury Road | outside No. 221 | 1 unit |

PAVEMENT LOCATIONS

Trading is allowed only between the times of 08:00 and 21:00 on any day of the week.

| | | | |
|----|-----------------|------------------|--------|
| 24 | Catte Street | North end | 1 unit |
| 26 | High Street | Magdalen College | 1 unit |
| 27 | Pembroke Square | St Aldate's end | 1 unit |
| 28 | St Giles | outside No. 66 | 1 unit |
| 29 | Catte Street | North end | 1 unit |

WEEKLY LET SITES

Trading is allowed only between the times of 08:00 and 21:00 on any day of the week. Stalls must have a maximum dimension of 2.3 metre x 1.5 metres.

| | | |
|---------------------------|---------------------------|---------|
| 33 & 34 Cornmarket Street | junction with Ship Street | 2 units |
|---------------------------|---------------------------|---------|

***Unit refers to a vehicle or stall.**

ANNEX 2**General Conditions for Street Trading Consents**

1. Street trading must only take place between the dates specified on the Certificate of Street Trading Consent.
2. Street trading must only take place during the 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. Any significant changes to or replacement of a stall or vehicle must be approved by the Responsible Head of Service.
6. The vehicle or stall must be removed from the site at the end of each day's trading.
7. The Consent Holder's vehicle/stall must 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.
8. The Consent Holder's vehicle must 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.
9. The Consent Holder must 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.
10. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer they must immediately comply with that request.
11. For Weekly Street Traders on Cornmarket Street, the Consent Holder's stall must not exceed 2.3 metres in height nor occupy an area greater than 2.3 metres x 1.4 metres.
12. The Consent Holder must 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 (where relevant). Advice on these requirements is available from the Business Regulation Team.
13. The Consent Holder must conduct their business in a professional manner and in a way that minimises risks to employees and others.
14. 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.
15. 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.
16. The Consent Holder must not cause any nuisance or annoyance to any other user of the highway or the occupier of any land or building. In particular, Consent Holders must prevent excessive noise.
 17. The Environmental Protection Act 1990 (as amended) 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.
 18. A Street Trading Consent must not 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 consent site is prohibited.
 19. 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 Council of the name and address of that person. An administration fee will be payable.
 20. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Council.
 21. Consent holders must make adequate provisions to ensure access for wheelchair users or customers with disabilities.
 22. A copy of the Consent must be displayed by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
 23. Consent Holders must 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 must 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.
 24. Annual Street Trading Consent fee installments are required quarterly, in advance. The first installment must be paid in advance of the issue of Consent. The remaining fee can be paid in installments on the following dates 1st July, 1st October and 2nd January. Alternatively, annual fees may be paid in full in advance.
 25. 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 are listed on the Consent Certificate. These Special Conditions must also be complied with.
 26. Consent holders must make full use of their Consent.

Conditions Specific to Food Traders

27. All packaging and utensils for use by customers shall be made of recycled or part recycled materials.

28. 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.
29. 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.
30. Food businesses must be registered as a food business with the Local Authority where the van/stall is kept overnight. 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.
31. 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.

Conditions Specific to Peripatetic Traders

32. The Consent holder is required to comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or any modification or re-enactment thereof.
33. The vehicle must not trade within 100 metres of the boundary of any school or college between the hours of 07:30 and 18:00 (without formal invitation from the establishment).
34. The vehicle must not wait in one location for more than twenty minutes.

Conditions Specific to Weekly Street Traders

35. 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. Traders must be in possession of their Consents before they can trade.
36. The items to be sold must be agreed before a Weekly Consent will be issued.
37. The sale of food and/or drink is not permitted by Weekly Street Traders.

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.

ANNEX 3**Guidance on SUGAR SMART Oxford Criteria**

The Council welcomes applications from food traders who meet all the following criteria:

- Offer 80% low* sugar and sugar free drinks options
- Make low sugar and sugar free drinks more visible and prominently displayed to customers
- Adopt a simple traffic light sticker system for drinks (traders will receive free resources, support and advice to set up)

Contact: mail@sugarsmartoxford.org for information. More details about the scheme can be found at <http://goodfoodoxford.org/sugar-smart-oxford/>.

*Low sugar is defined as 5g per 100g or less

ANNEX 4**Guidance on suitability of applicants**

The Council will take into account the following guidance concerning any 'unspent' cautions or convictions for the offences listed below when determining whether a new applicant, consent holder or their employee is suitable to hold a Street Trading Consent.

a. Violence

A Consent application will normally be refused when it is made within 3 years (at least) of a conviction or caution for an offence of violence.

b. Dishonesty

A Consent application will normally be refused when it is made within 3 years (at least) of a conviction or caution for an offence of dishonesty.

c. Drug related

A Consent application will normally be refused when it is made within 3 years (at least) of a conviction or caution for a drug related offence.

For offences of supplying drugs, consent applications will normally be refused for 5 years (at least) following conviction.

d. Sexual and indecency

A Consent application will normally be refused when it is made within 5 years (at least) of cautions or convictions for any serious sexual offences. Applications will be refused from applicants currently on the Sex Offender's Register.

e. Public Order

A Consent application will normally be refused when it is made within 3 years (at least) of a conviction or caution for an offence relating to breaches of public order.

f. Food safety or health and safety

A Consent application will normally be refused when it is made within 3 years of a conviction or caution for an offence relating to food safety (where the consent involves sale of food or drink) or health and safety.

g. Any offence resulting in a sentence of imprisonment

A Consent application will normally be refused when it is made within 3 years (at least) of the date of release from prison, where a custodial sentence has been imposed.

The safeguarding of children, young people and vulnerable people is of a particular concern. Where the Council receives notification that:

- i. an applicant or consent holder is the subject of an investigation by the Police into inappropriate conduct, or illegal activity, or
- ii. an applicant or consent holder has been implicated in a safeguarding issue i.e. where children, young people or vulnerable people have been or may be exposed to inappropriate behaviour or language by the applicant/consent holder

the matter shall be referred to the General Purposes Licensing Casework Sub-Committee to determine whether the person can be considered as suitable to either be granted or retain a Street Trading Consent.

Notwithstanding the existence of the convictions guidance, each case will be decided on its own merits.

ANNEX 5**List of Small Community Events Exempt from Street Trading Fees**

- Jericho Street Fair
- Blackbird Leys Play Day
- Headington Festival and Sports Day
- Littlemore Play Day
- Active Cutteslowe
- Friends of Florence Park
- Headington Fun Day
- Leys Festival
- West Oxford Fun Day

Street Trading Policy

Business Regulation Team
Oxford City Council
109-113 St Aldate's Chambers
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OX1 1DS

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Minutes of a meeting of the GENERAL PURPOSES LICENSING COMMITTEE on Monday 8 July 2019



Committee members:

Councillor Clarkson (Chair)

Councillor Corais

Councillor Lygo

Councillor Taylor

Councillor Cook (Vice-Chair)

Councillor Gotch

Councillor Tanner

Officers:

Daniel Smith, Lawyer

Joshua Curnow, Senior Licensing Compliance Officer

Emma Day, Senior Licensing Compliance Officer

John Mitchell, Committee and Member Services Officer

Apologies:

Councillor Wade sent apologies.

11. Declarations of Interest

None.

12. Minutes

The Committee resolved to **approve** the minutes of the meeting held on 14 May 2019 as a true and accurate record.

13. Amendment to Emission Standards for Hackney Carriage Vehicles

The Head of Regulatory Services and Community had submitted a report to recommend amendment to the emission standards for Hackney Carriage Vehicles licensed by this authority.

The Licensing Officer introduced the report which proposed that the transition from age limits to emissions based standards should begin sooner than previously agreed (January 2020). The proposal had been initiated by the local taxi trade and would mean that investment in vehicles with lower emissions levels could take place sooner than would otherwise be the case and, thus, allow more time to recover the cost of investment.

The General Purposes Licensing Committee resolved to:

- 1.**Approve** the recommended amendment to the approved emission standards for Hackney Carriage Vehicles licensed by this Authority; and
- 2.**Agree** that such proposals be recommended to Council for adoption.

14. Dates of Future Meetings

The next meetings of the Committee are scheduled to take place on:

- 18 September 2019
- 03 February 2020

The meeting started at 7.00 pm and ended at 7.10 pm

Chair Date: Wednesday 18 September 2019