

Minutes of a meeting of the GENERAL PURPOSES LICENSING CASEWORK SUB-COMMITTEE on Monday 3 February 2020

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Committee members:

Councillor Cook (Chair) (for Councillor Clarkson)

Councillor Corais

Councillor Gotch

Officers:

Daniel Smith, Lawyer

David Stevens, Business Regulation Interim Team Manager

Joshua Curnow, Senior Licensing Compliance Officer

Samantha Broome, Licensing Officer

Katie Thorp, Licensing Compliance Officer

Lucy Longford, Licensing Officer

John Mitchell, Committee and Member Services Officer

Apologies:

Councillors Clarkson sent apologies.

48. Declarations of Interest

None.

49. Procedure to be followed at the meeting

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

50. Minutes

The Sub-Committee resolved to APPROVE the minutes of the meeting held on 16 December 2019 as a true and accurate record.

51. Breach of Street Trading Consent Conditions

The Head of Regulatory Services and Community Safety had submitted a report to inform the determination of what action to take in relation to the breach by Mr Iqbal of his Street Trading Consent.

Mr Iqbal and the Licensing Officers joined the meeting. The Chair introduced members of the Sub-Committee and explained the procedure to be followed at the meeting.

The Licensing Officer introduced the report. Mr Iqbal held Street Trading Consent for an ice cream van with registration J7 0RH. The Consent was issued on 01 April 2019 and would expire on 31 March 2020. Mr Iqbal also held Street Trading Consent for ice cream van registration BD52 WFO. The Consent was also issued on 01 April 2019 and would also expire on 31 March 2020.

The Report had been referred to the Sub-Committee following three complaints made to the Business Regulation Team.

On 15 July 2019 Mr L was involved in an incident whilst driving the ice cream van registration J7 0RH. Thames Valley Police notified the Business Regulation Team of the incident. Subsequent investigation found that Mr L was not registered as an employee, contrary to the general conditions of the Consent. These conditions require that a Consent holder must notify the Council of the name and address of any person he wishes to employ to work on his stall or vehicle. Anyone who operates a stall or vehicle other than the consent holder must be authorised by the Council

A second complaint was made to the Business Regulation Team by a member of the public regarding the behaviour of the driver of ice cream van BD52 WFO which was trading from Walton Well Road on Saturday 03 August 2019. Subsequent investigation found that the driver of the van was, also, not registered as an employee contrary to the conditions described above.

On the 05 September 2019 the Business Regulation Team received a complaint from a member of the public regarding ice cream van registration J7 0RH. The vehicle was observed parked on double yellow lines on Franklin Road, outside Rye St Anthony School. Mr Iqbal was therefore in breach of a further condition of the Consent which requires that "vehicle movements must be carried out legally and must not present a risk to people and structures".

Prior to the breaches of conditions mentioned above, Mr Iqbal had received a verbal warning on 02 May 2019 reminding him he must trade within his conditions of Consent. Mr Iqbal received a formal written warning on 18 June 2019, the letter reminded Mr Iqbal of the condition relating to vehicle movements. It was explained to Mr Iqbal that further enforcement action would be taken if further complaints were received during the 2019 trading period.

Following receipt of the complaints in the report, Mr Iqbal attended a meeting with officers of the Licensing Authority on 13 September 2019. At this meeting it was explained to Mr Iqbal that his Consent would be put before the Sub-Committee as per the Street Trading Policy.

Mr Iqbal had appeared before the Sub-Committee in May 2018 following a complaint regarding his ice cream van registration BD52 WFO being parked on double yellow lines and trading outside the permitted areas described on his Consent. The Sub-Committee resolved that Mr Iqbal should keep his Consent at that time but warned that another breach would necessitate his appearance before a further meeting of the Sub-Committee.

In discussion it was confirmed that the issues being considered by Thames Valley Police in relation to the incident on 15 July 2019 were not material to the consideration of whether or not Mr Iqbal should retain his Consents.

Mr Iqbal recognised that he should not have parked on a double yellow line and said he had not done so since the incident described in the report. He said many others parked on double yellow lines, particularly outside schools. He said that "In Oxford there are 90% yellow lines" and felt that there was a focus on challenging traders rather than the others who park on yellow lines. When he had parked on double yellow lines there was always someone able to move the vehicle at a moment's notice if there was need to make way for emergency vehicles etc. Schools provided an important source of business for him but he took care to park at least 500 yards from schools (a licensing criterion which has yet to come into force).

With reference to the occasions when others had been responsible for one of his vans who had not been registered with the Council, Mr Iqbal said this was when he had been training someone into the role. Not everyone was suited to the role and he had thought it was preferable to find out if they were before registering them.

In response to a question from the Sub-Committee, Mr Iqbal apologised for what he had done and said he would take care not repeat the breaches of his Consent.

The Licensing Officer concluded by reminding the Committee that it was an important condition of the Consent that before anyone other than a Consent holder could work on that outlet they must have been registered with the Council. This was to ensure, for example, their right to work in the UK and at least a level 2 competence in food hygiene.

Mr Iqbal and the Licensing Officers left the room while the Sub-Committee considered the points raised.

The Sub-Committee expressed concerned at Mr Iqbal's frequent breach of the conditions of his Consents.

Mr Iqbal and the Licensing Officers returned to the room.

The Chair said the Committee was satisfied that the recent breaches of Mr Iqbal's Consents were proven. Given the history of breaches and, in particular, the failure to register other people working on his ice cream vans which undermined the objective of securing public safety, public order and avoiding public nuisance, the Sub-Committee felt it had no alternative but to revoke both of Mr Iqbal's Consents.

The Sub-Committee resolved to:

Revoke both of Mr Iqbal's Street Trading Consents.

52. Exempt Matters

The Sub-Committee resolved that under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the remaining items of business on the grounds that their presence would involve the likely disclosure of exempt information as described in Paragraph 3 of Part 1 of Schedule 12A of the Act.

The Sub-Committee considered matters relating to Hackney Carriage and Private Hire Vehicle licensing in private.

The Sub-Committee had two cases before it.

53. Determination of an application to continue to drive Private Hire Vehicles in the City.

The Head of Regulatory Services and Community Safety had submitted a report to inform the determination of an application to continue to drive Private Hire Vehicles in the City.

The Sub-Committee resolved to:

Renew the application to drive Private Hire Vehicles in the City for one year.

54. Determination of an application to drive Hackney Carriage & Private Hire Vehicles in the City.

The Head of Regulatory Services and Community Safety had submitted a report to inform the determination of an application to drive Hackney Carriage & Private Hire Vehicles in the City.

The Sub-Committee resolved to:

Agree the application for a licence to drive Hackney Carriage & Private Hire Vehicles in the City for one year.

55. Confidential Minutes

The Sub-Committee resolved to APPROVE the confidential minutes of the meeting held on 16 December 2019 as a true and accurate record.

56. Dates of Future Meetings

The dates of future meetings in 2020 (if required) are:

- Monday 16 March
- Monday 27 April

All meetings start at 5.30pm.

The meeting started at 6.30 pm and ended at 8.20 pm

Chair

Date: Monday 16 March 2020