

# Agenda

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## General Purposes Licensing Casework Sub-Committee

This meeting will be held on:

Date: **Tuesday 27 July 2021**

Time: **6.00 pm**

Place: **Oxford Town Hall**

**For further information** please contact:

Jennifer Thompson, Committee and Member Services Officer, Committee Services Officer

☎ 01865 252275

✉ [DemocraticServices@oxford.gov.uk](mailto:DemocraticServices@oxford.gov.uk)

**Access to all or the majority of this meeting is limited to committee members; officers attending to assist the committee or present reports; and those invited to attend. The reasons for these restrictions are set out for each item later in the agenda**

**Members of the public may only observe during the open part(s) of the meeting and must leave the meeting during the restricted parts.**

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**Committee Membership**

Councillors: Membership 3: Quorum 2: substitutes are permitted.

Councillor Rae Humberstone (Chair)	B, D	
Councillor Edward Mundy	B	
Councillor Elizabeth Wade	B, D	

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

# Agenda

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<b><u>PUBLIC BUSINESS</u></b>		
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<b>2</b>	<b>Declarations of Interest</b>	
<b>3</b>	<b>Minutes</b>	9 - 10
	<b>Recommendation:</b> That the open minutes of the meeting held on <b>7 June 2021</b> be APPROVED as a true and accurate record.	
<b>4</b>	<b>Procedure to be followed at the meeting</b>	11 - 28
	Guidance on the procedure to be followed is attached.	
	The Council's policy on the relevance of warnings, offences, cautions and convictions is attached.	
<b>5</b>	<b>Breach of Street Trading Conditions</b>	29 - 108
	The Head of Regulatory Services & Community Safety has submitted a report asking the Sub-Committee to determine the action to take in relation to Street Trading Consents.	
	The Sub-Committee is asked to consider written and verbal evidence and make the determination.	
<b>6</b>	<b>Exempt Matters</b>	
	If the Sub-Committee wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding or following agenda items it will be necessary for the Sub-Committee to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 specifying the grounds on which their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	

**PART TWO**  
**EXEMPT BUSINESS**

In accordance with paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972, which includes:

- information relating to any individual
- information which is likely to reveal the identity of an individual
- business affairs of a person other than the Council
- information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

**7 Confidential Minutes**

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**Recommendation:** That the confidential minutes of the meeting held on **7 June 2021** be APPROVED as a true and accurate record.

**8 Application to continue to hold a licence to drive Private Hire Vehicles**

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The Head of Regulatory Services & Community Safety has submitted a report asking the Sub-Committee to determine a person's suitability to continue to drive Private Hire Vehicles in the City.

The Sub-Committee is asked to consider written and verbal evidence and make the determination.

**9 Application to continue to hold a licence to drive Private Hire Vehicles**

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The Head of Regulatory Services & Community Safety has submitted a report asking the Sub-Committee to determine a person's suitability to continue to drive Private Hire Vehicles in the City.

The Sub-Committee is asked to consider written and verbal evidence and make the determination.

## 10 Determination of suitability to hold a Hackney Carriage and Private Hire Driver Licence

The Head of Regulatory Services & Community Safety has submitted a report asking the Sub-Committee to determine a person's suitability to continue to drive Private Hire Vehicles in the City.

The Sub-Committee is asked to consider written and verbal evidence and make the determination.

## 11 Dates of Future Meetings

The dates of future meetings (if required) are:

Date	Sub-Committee	Date	Sub-Committee
06 September 2021	C	01 March 2022	C
18 October 2021	D	11 April 2022	D
30 Nov 2021	A		
17 January 2022	B		

## **Information for those attending**

### **Recording and reporting**

Members of public and press can record, or report in other ways, the parts of the meeting open to the public.

**It is not permitted to record or report or make public any part which is not open to the public apart from the formal record of the meeting.**

The Council asks those recording to follow the protocol which can be found on the Council's [website](#). Those speaking in the open part of the meeting should be aware that they may be recorded during their speech and any follow-up. Those attending a meeting should be aware that recording may take place and that they may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

### **Councillors 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.

## **Minutes of a meeting of the General Purposes Licensing Casework Sub- Committee on Monday 7 June 2021**

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### **Committee members present:**

Councillor Clarkson (Chair)

Councillor Coyne

Councillor Miles

### **Officers present for all or part of the meeting:**

Jennifer Thompson, Committee and Members Services Officer

Alison Daly, Lawyer

Joshua Curnow, Senior Licensing Compliance Officer

Lucy Longford, Licensing Compliance Officer

No apologies were received

### **1. Apologies for Absence**

No apologies were received

### **2. Declarations of Interest**

None.

### **3. Procedure to be followed at the meeting**

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

### **4. Minutes**

The Sub-Committee resolved to approve the minutes of the meeting held on 1 February 2021 as a true and accurate record.

### **5. 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 one case relating to Hackney Carriage and Private Hire Vehicle licensing in private.

## **6. Determination of suitability 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 whether or not a person should continue to hold a licence to drive Private Hire Vehicles in the City.

The Sub-Committee resolved to **revoke with immediate effect** the person's licence to drive Private Hire Vehicles in the City.

## **7. Confidential Minutes**

The Sub-Committee resolved to approve the confidential minutes of the meeting held on 1 February 2021 as a true and accurate record.

## **8. Dates of Future Meetings**

The Sub-Committee noted the dates listed on the agenda.

**The meeting started at 6.00 pm and ended at 7.30 pm**

Chair .....

**Date: Tuesday 27 July 2021**

*When decisions take effect:: immediately.  
Details are in the Council's Constitution.*

## OXFORD CITY COUNCIL

### General Purposes Licensing Casework Sub-Committee

#### HEARING PROCEDURE for Hackney Carriages and Private Hire licensing, Street Trading consents and Sex Establishment licenses

##### **The Meeting**

The General Purposes Licensing Casework Sub-Committee (Sub-Committee) consists of three members of the General Purposes Licensing Committee. With the consent of the applicant, or person who is subject of the hearing, the Sub-Committee can consist of two councillors. The Sub-Committee is responsible for reaching a decision upon the application having heard representations and considering all relevant material presented.

All members must be present throughout the hearing. If for any reason a member needs to withdraw during the proceedings the hearing should be temporarily adjourned until the member returns, or the member should not participate any further in the hearing. Any departure should therefore be avoided wherever possible. A member who arrives after the hearing has commenced is not allowed to participate in that hearing.

##### **Closed and Open Hearings**

Street Trading hearings 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 doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

Taxi licensing hearings will usually be considered in private as cases coming before the Sub-Committee involve private and personal information relating to the case subject. Most taxi hearings will therefore be held in private and will be treated as confidential and not for publication.

##### **Declaring Interests**

To avoid any suggestion of bias, members should not take part in any hearing if they have any interest, financial or otherwise, in the outcome, or if they have any connection with or have been approached by a person who is the subject of an item on the Sub-Committee's agenda. Members must take care not to be

influenced by their role on any other council committee. Licensing decisions must be taken strictly on the criteria allowed by the relevant legislation.

### **The Paperwork**

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.

for Street Trading hearing only:

- Any observations on the application or matter made by the Police and/or other technical advisor to the Sub-Committee
- Any representations of objection to the application

### **Attendees at the Hearing**

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

For Street Trading hearings only:

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

Where appropriate the police or technical advisors to the Sub Committee may make their observations.

The Sub-Committee may ask questions of the Police and/or technical advisors.

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

Where written representations of objection have been received the Sub-Committee will have regard to those representations. Any objectors can attend the hearing to speak in support of their written objection. However, the Sub Committee will not require repetition of points already made in written representations. Only objectors who have sent written representation during the consultation period can speak.

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.

The Sub-Committee may ask questions of any objector.

Other parties may ask factual questions of any objector. Cross-examination will only be permitted with the consent of the Chair.

### **Non-Attendance of the Case Subject/Applicant**

If a case subject/ applicant has had reasonable notice of the hearing fails to attend either in person or through their representative, the Sub- Committee can proceed with the hearing in their absence.

The Sub-Committee may grant an adjournment if a reasonable explanation has been given for failure to attend or an adjournment has been specifically requested, and there is no reason to think that the person would fail to attend on another occasion. If a case subject has expressed an intention not to attend, or has repeatedly failed to attend, it would be proper for the Sub-Committee to hear the case in their absence.

The Sub-Committee should be prepared to adjourn proceedings if questions arise which cannot be dealt with satisfactorily in the case subject's absence. In deciding whether to hear the case in the absence of the case subject, the Sub-Committee should take into account whether they have sent a representative to act on their behalf and whether delay in hearing the case is likely to result in hardship (for example, where the case subject has stated that his or her need is urgent).

### **Conduct of Proceedings**

The role of the Chair is to control the proceedings. All questions must be put through the Chair.

Members of the Sub-Committee will have read and familiarised themselves with the papers and issues. The Sub-Committee does not therefore require points to be made or repeated at length.

The hearing shall take the form of a discussion managed through the Chair. Formal cross- examination shall not be permitted unless the Chair considers that cross-examination in a particular circumstance would assist. In exercising this

discretion to permit cross-examination, the Chair must have regard to the rules of natural justice and the right to a fair hearing.

In considering an application, the Sub-Committee may take into account documents or other information relied on by a party in support of their application or representation. Copies of the information should be supplied to the Licensing Authority at least two working days before the hearing or, with the consent of the Chair after that time.

If a person attending the hearing is acting in a manner that the Chair considers is disruptive, the Chair will require that person to 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.

Before the end of the hearing any person who was required to leave the hearing 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**

The Chair commences the hearing by introducing themselves and the other Sub-Committee members. The Chair asks all of the other parties present to introduce themselves and explain in what capacity they are attending.

Licensing officers will present the report relating to the application or matter to be heard by the Sub-Committee. They shall say who the applicant is, what the application is for and explain the paperwork before the Sub-Committee.

- The person appearing before the Sub-Committee may ask questions of the licensing officers or their report.
- Members of the Sub-Committee may ask question of the licensing officer on their presentation.

The person appearing before the Sub-Committee will present their case.

- Licensing officers may ask questions of the person appearing before the Sub-Committee.
- Members of the Sub-Committee may ask question of the person appearing before them.

For Street Trading hearings only:

If present, Police, technical advisors and objectors will present their case.

- Licensing officers may ask questions of the person appearing before the Sub-Committee.

- Members of the Sub-Committee may ask question of the person appearing before them.

All parties will be given the opportunity to summarise briefly their key points. The order shall be:-

- Licensing officer
- Objectors (for Street Trading hearings)
- Police and/or technical advisors (for Street trading hearings)
- Applicant

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. All other officers, applicants/ case subjects and members of the public will leave the room.

If it is necessary to recall any party for clarification of any point, then all parties should be recalled.

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.

The person appearing before the Sub-Committee shall be advised orally of their 21 day right of appeal, (starting from the date of the letter) and that the decision and rights of appeal shall be notified to them in writing.

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**LICENSING AUTHORITY:**  
**POLICY ON THE  
RELEVANCE OF  
WARNINGS,  
OFFENCES,  
CAUTIONS &  
CONVICTIONS**

Consideration of the Grant, Renewal, Suspension or Revocation of Hackney Carriage / Private Hire Driver & Vehicle Licences, & Operator Licences





# OXFORD CITY COUNCIL

## POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

CONTAINED WITHIN THIS POLICY YOU WILL FIND:

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# **POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS**

## **Consideration of the Grant, Renewal, Suspension or Revocation of Hackney Carriage and Private Hire Driver's Licences, Vehicle Licences, and Private Hire Operator Licences.**

### **Introduction**

Hackney Carriage and Private Hire have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal hours" of operation such as in the evenings or on Sundays). The Hackney Carriage/Private Hire vehicles play an integral part in the dispersal of people to support the night time economy.

It is the Council's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to cause distress, harm or suffering to any passenger or other person.

It is important that the Council's powers are used to ensure that Hackney Carriages and Private Hire vehicles in the City are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

### **Licensing Objectives**

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following licensing objectives:

- **Safety and health of drivers and the public;**
- **The promotion of a professional and respected Hackney Carriage and Private Hire trade;**
- **To prevent crime and disorder and to protect consumers;**
- **Improve the local environment, economy and quality of life; and**
- **To promote the aims and vision of Oxford City Council and its Partners.**

The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

### **Status**

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy and any other relevant Council policy, each case will be considered on its own merits.

**Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of warnings, offences, cautions and convictions in respect of applications for the grant of new licences, and the renewal of existing Hackney Carriage and Private Hire vehicle driver's, operator's and proprietor's licences, and the maintaining of such licences.**

The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period which will be determined by officers acting under delegated powers, during which necessary changes must be made.

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a caution or a conviction), but to ensure that public safety is not compromised. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Officers when processing applications.

### **Enforcement Procedures**

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Community Services, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions (including Officers requesting that additional background checks be carried out):

- **the issue of a warning (appropriate to the incident reported)**
- **the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)**
- **the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the referral of the matter to the Head of Community Services**
- **the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee**
- **the referral of the matter to the Law and Governance department for consideration of prosecution**

## Definitions

**Appeal:** A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

**Offence:** commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

**Caution:** A caution is a formal warning given to an adult who has admitted to the commission of an offence and has consented to the caution.

**Conviction:** Judicially determining that someone is guilty of a crime

**Free of convictions:** This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

**Fit and Proper Person:** A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

**Hackney Carriages:** A vehicle that can carry passengers for hire or reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a vehicle available for public Hire.

**Hackney Carriage and Private Hire Licensing Sub-Committee:** A committee having powers given to it by the General Purposes Licensing Committee of the Council, to determine the suitability of an applicant to be granted a licence or existing licence holder to maintain a licence, when the Head of Community Services is unable to determine whether such a person meets the Authority's definition of a "fit and proper" person.

**Head of Community Services:** Who holds delegated authority to make day to day decisions regarding the suitability of any person seeking the grant or renewal of a licence, and the suspension of any licence holder.

**Mitigating Circumstances:** The circumstances surrounding an offence, caution or conviction. These may alter the seriousness of a crime.

**Private Hire Vehicles:** A vehicle which must be pre-booked with a Private Hire operator. This type of vehicle cannot ply for hire (stand in a rank, wait without a booking in a "prominent position" giving rise to the impression that the vehicle is available for hire, or undertake a journey that has not been pre-booked by the hirer with the Private Hire Operator).

**Proprietor:** The person in possession of a Hackney Carriage or Private Hire vehicle licence.

**Operator:** This means a business that makes provision for the invitation or acceptance of bookings for a Private Hire vehicle.

**Refusal:** To decide not to give something

(Within this Policy any reference to refusal will also be a reference to revocation or suspension).

**Revoke:** To take something away permanently.

**Suspend:** To take something away temporarily.

**Advisory Warning:** Either verbally given or a letter advising that although an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be more severe, possibly leading to an escalation in the level of warning issued, or the suspension of the licence.

**First Level Warning:** A letter advising that although an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence

**Second Level Warning:** A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

**Final Warning:** A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

**Councillor Warning:** A Decision issued by the Hackney Carriage & Private Hire Licensing Sub-Committee (likely to also include additional conditions being imposed on a licence) advising that although an offence, caution or conviction, and / or accumulation of Warnings issued by the Licensing Officers was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

## **Introduction to the Guidelines Relating to the Relevance of Convictions Powers and Duties**

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on Oxford City Council (the "Authority") the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney Carriage and Private Hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order. All categories that criminal offences fall into are deemed to be relevant to the role of a Private Hire and Hackney Carriage driver.

In order to assess an individual's suitability to hold a licence, this Authority requires all applicants to provide an Enhanced Disclosure & Barring Services Report and a DVLA Disclosure; and the Authority will take into account all endorsement penalty points, cautions and convictions when considering an application for a driver's licence, irrespective of offence, sentence imposed or age when the offence is committed. All motoring and criminal offences must be declared on the application form. Any failure to declare any endorsement penalty points, offences, cautions or convictions either when making an application, or within 7 days of receipt of their issue, may lead to the appropriate enforcement actions being taken in regard to the suitability of such a person being considered "fit and proper" to hold a licence issued by the Authority.

### **Suitability**

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has displayed a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:

- **Hackney Carriage & Private Hire Driver Licence Application Pack**
- **Hackney Carriage & Private Hire Vehicle Licence Application Pack**
- **Private Hire Operator Licence Application Pack**

Alternatively, the Council provides all such relevant information on its website at: [www.oxford.gov.uk/taxilicensing](http://www.oxford.gov.uk/taxilicensing)

### **Offences, Cautions and Convictions**

The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc) that may affect a person's suitability to hold a Hackney Carriage/Private Hire driver's licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability. In addition, applicants must disclose any recent formal cautions they have received and any pending matters. The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Cautions are included under the definition of 'convictions' and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer will bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Cautions will be taken into consideration for a period of five years.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A summary of the Act is provided at Appendix 1.0. The fact that a conviction is not yet spent under the Act may be relevant in the determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for licensed drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court or the Police have found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence. Such cases may be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee for determination.

**In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.**

### **A "Fit and Proper Person"**

When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:

- **Honesty and trustworthiness** – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust.
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- **A good and safe driver** – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence. A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

**Protecting the Public**

The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine **each case on its own merits**.

**History**

The Licensing Officer may take into account a persons history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account, in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

**Best Practice Guidance**

In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport, and the advice provided by the Institute of Licensing has been taken into account.

# GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

## GENERAL POLICY

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.
3. In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.
4. Cautions will be taken in to consideration for a period of five years.
5. A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before the application form was received in the Taxi Licensing Office.
6. Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation of a licence issued by the Authority.

The following examples afford a general guide on the action to be taken where convictions are admitted.

### Driving & Traffic Offences

Private Hire and Hackney Carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.

Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused. Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it never the less attracts penalty points to a DVLA licence. The Council considers 'death by careless driving' or 'death by dangerous driving' to be a very serious and you should therefore refer to the **Major Traffic Offences** section. For information on alcohol and drug related offences see **Drunkenness & Drugs** sections.

New applicants should not normally be considered if they have acquired more than three penalty points within the twelve months prior to the application for the grant of a licence; or they have in the previous two years been convicted of any single offence which resulted in a points penalty of five or more points, or offences totalling more than six points.

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant's DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four months has elapsed following its restoration and a warning should be issued as to future conduct.

If the DVLA driving licence of an applicant or an existing driver is revoked following the acquisition of six or more points during the first two years since passing the DVLA driving test, then a period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Drivers already licensed who are convicted during the course of the licence of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, should be interviewed and may be referred to the Licensing Sub-Committee.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the licence will be suspended. A period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee before the licence is reinstated.

Drivers already licensed and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 7 days of any conviction.

For existing licence holders, a guideline is provided below in relation to penalty points:

**5 or less penalty points:** For 5 or fewer points on an applicant's driving licence, a licence will usually be granted, with an advisory warning.

**6 or more penalty points:** Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a written warning unless exceptional circumstances justify a refusal.

**"Totting Up" under S35 Road Traffic Offenders Act 1988:** Where an applicant has been disqualified under the "totting up" procedures, the Licensing Officers will normally consider refusal until there has been a **period of 12 months** free of relevant convictions. If an applicant has agreed "exceptional hardship" and avoided disqualification, refusal will still be considered and a **period of 12 months** free of relevant convictions required.

### Motor Insurance Offences

An isolated incident in the past should not necessarily bar an applicant from being issued a licence; however, the Council takes a serious view of motor insurance offences. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a Hackney Carriage or Private Hire licence. In this instance, at **least 3 years** after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for an insurance offence, can be considered.

### **Major traffic offences**

E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc. If the applicant has been convicted of one isolated major traffic offence a **period of 12 months** free of convictions will usually be expected prior to consideration of grant.

If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a **period of 2 years** free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

We consider 'death by careless driving' or 'death by dangerous driving' to be a very serious offence. If the applicant has been convicted of such an offence a **period of 3 years** free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the Hackney Carriage & Private Hire Licensing Sub-Committee.

### **Plying for Hire**

A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one's vehicle available for public hire whilst using a licensed Private Hire vehicle. It is not appropriate for Private Hire drivers to park in prominent positions (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by the Private Hire Operator. If witnessed by the Licensing Officer, the licence holder should expect further enforcement measures to be taken against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.

The Licensing Officer may request from the Private Hire Operator details of all bookings given to the driver, and further evidence if required that would assist with the Licensing Officer's case. If a Private Hire Operator is complicit in allowing the driver to book a journey, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the company itself.

The Licensing Authority regularly carries out what are known as "Test Purchase" Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.

### **Drunkenness (With Motor Vehicle)**

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. A conviction for this offence should raise grave doubts as to the applicants' fitness to hold a licence and at least 3 years should elapse (after the restoration of the driving licence) before an application for a licence is considered.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

### **Drunkenness (Not in Motor Vehicle)**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, more than one conviction for drunkenness could indicate a medical problem necessitating critical examination.

### **Drugs**

A serious view should be taken of this type of offence. An applicant with a conviction or caution for any drug related offence should be required to show a period of at least 3 years free of conviction or caution before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

Any person convicted of supplying drugs should not be considered for the grant of a licence for at least 5 years following conviction. If the applicant has received a custodial sentence, the 5 years should be counted from the completion of the full sentence. If a licence is granted, the applicant should be warned of the serious consequences of driving a motor vehicle whilst under the influence of drugs.

### **Police Bail**

Hackney Carriage and Private Hire drivers are expected to adhere to this Policy's definition of a "fit and proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on bail, depending upon the nature of the alleged offence, should expect to have their licence suspended by the Head of Community Services. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

### **Police Recommendation**

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person who is charged by the Police for an alleged offence, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect to have their licence suspended by the Head of Community Services. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

### **Indecency Offences**

As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers. Applicants with any cautions or convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a Hackney Carriage or Private Hire drivers licence until they can show a substantial period (at least 5 years) free of such offences before being considered to hold a licence. Any applicant with a single caution or conviction of this kind should expect to have their application determined by the Hackney Carriage and Private Hire Licensing Sub-Committee. A person with more than once caution or conviction for any indecency offence would not normally be considered to be a suitable applicant. A person who already holds a licence with this Authority, if charged with any indecency offence may expect to have their licence immediately suspended until the case is resolved by either the Police or by the Courts.

**No application will be considered from a person currently on the <sup>24</sup>Sex Offender's Register.**

## **Violence**

As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for any form of offence that involves violence of any description. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be given.

Offences involving breaches of public order should be treated seriously even if the case resulted in the applicant being bound over. More than one offence of this nature may indicate a propensity for this type of behaviour and at least three years free of conviction should be shown before an application is entertained.

## **Dishonesty**

Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc.

Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction or if a custodial sentence, 3 to 5 years from the completion should be required before entertaining an application.

Failure to declare endorsement penalty points, offences, cautions and convictions is regarded as a serious matter, whether it is through the omission of such incidents when submitting an application to the Authority, or by not informing the Authority within 7 days of receipt of their issue.

**Any person, who fails to declare on his or her application any such issues, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.**

## **Complaints Made Against Drivers**

Complaints are frequently made against Hackney Carriage and Private Hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer's discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns and if deemed appropriate request additional background checks be carried out. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence, and the matter referred to the Licensing Sub-Committee for determination.

## **Warnings Issued By The Licensing Officers**

The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the City. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence, are dealt with by way of Warnings. It is this Authority's policy to provide advice and education to the licensed trade in order to meet the licensing objectives as described in this Policy.

The levels of Warning issued by the Licensing Officers are proportionate to the incidents that they deal with, however should a licence holder be found to be continually failing to meet with the requirements of their licence, the level of Warning shall be escalated, until such time as the Licensing Officer has no alternative other than to refer the matter to the Head of Community Services, the Hackney Carriage and Private Hire Licensing Sub-Committee, or the Law and Governance department.

A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect to have additional condition imposed on the licence to ensure compliance. In certain cases the consequences could be much more severe and the licence holder should expect the matter to be dealt with by way of the suspension or revocation of his or her licence.

In cases where the licence is revoked, a period of 24 months must elapse before a further application may be made to the Authority. Should an applicant submit an application before 24 months has elapsed, he or she should expect the application to be refused by the Head of Community Services.

Any applicant or licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written complaint, to the Licensing Team Leader within **21 days of the Warning being issued**.

## **Conclusion**

Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire licence. A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.

It is this Authority's policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard. The main purpose of the Licensing Officer's assessment is to ensure the public safety; not to punish or financially penalise licence holders. By applying these guidelines, the Council is seeking to maintain the high standard of quality of Hackney Carriage and Private Hire drivers, operators and proprietors in the City, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates' Court within **21 days of the notice of decision**.

## APPENDICES

### Appendix 1.0: Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note that it is from **the date of conviction** that the time commences for the Rehabilitation of Offenders Act.

The table below shows the Rehabilitation Periods as determined by the age of the individual and how they were dealt with at the time of conviction or disposal

Sentence /disposal	Rehabilitation period if aged 18 or over when convicted / disposal administered	Rehabilitation period if aged under 18 when convicted / disposal administered
A custodial sentence of over 48 months	Never spent	
A custodial sentence of over 30 months but not exceeding 48 months	7 years from the date on which the sentence (including any licence period) is completed	42 months from the date on which the sentence (including any licence period) is completed
A custodial sentence of over 6 months but not exceeding 30 months	48 months from the date on which the sentence (including any licence period) is completed	24 months from the date on which the sentence (including any licence period) is completed
A custodial sentence of up to 6 months	24 months from the date on which the sentence (including any licence period) is completed	18 months from the date on which the sentence (including any licence period) is completed
Fine	12 months from the date of the conviction in respect of which the fine was imposed	6 months from the date of the conviction in respect of which the fine was imposed
Community order	12 months from the last day on which the order has effect	6 months from the last day on which the order has effect
Simple, caution, youth caution	Spent immediately	
Compensation order	On discharge of the order (i.e. when it is paid in full)	

The period of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. **The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.**

**To:** General Purposes Licensing Casework Sub  
Committee

**Date:** 27<sup>th</sup> July 2021

**Report of:** Head of Regulatory Services & Community Safety

**Title of Report:** Breach of Street Trading Consent Conditions –  
Mr Michael Hall

## Summary and Recommendations

**Purpose of the report:** To consider a Street Trading Consent where the street trader has breached the conditions of their consent and the Street Trading Policy.

**Report Approved by:**

**Finance:**

**Legal:** Daniel Smith (solicitor) Law and Governance

**Policy Framework:** Street Trading Policy 2020

**Recommendation(s):** Sub-Committee is requested to determine what action to take in relation to Mr Michael Hall's Street Trading Consents, taking into account the details in this report and any representations made at this Sub-Committee meeting.

## Appendices

### Appendix A

- i) Street Trading Consent and Conditions 2021-2022 for van K244UKR
- ii) Street Trading Consent and Conditions 2020-2021 for van K244UKR
- iii) Street Trading Consent and Conditions 2021-2022 for van YP56VVA

### Appendix B

- i) Redacted email and photographs from a member of the public received 31.03.2021

- ii) Redacted email received from a member of the public 19.04.2021
- iii) Redacted email and photographs from a member of the public received 30.04.2021
- iv) Redacted email and photo received from the Principal of Oxford Spires Academy, Glanville Road 24.06.2021
- v) Redacted email received from a member of staff at Oxford Spires Academy, Glanville Road 28.06.2021
- vi) Signed statement of Michael Watson, Licensing Officer, Oxford City Council Business Regulation Team, including time and date stamped photographs exhibited as MEW1 and MEW2.
- vii) Signed statement of Claire Siddle, Compliance Assistant, Oxford City Council Business Regulation Team.

#### Appendix C

- i) Redacted email chain received 07.04.2021 to 08.04.2021
- ii) Redacted email with photographs received 07.04.2021

#### Appendix D

- i) Signed statement of Claire Siddle, Compliance Assistant, Oxford City Council Business Regulation Team, including time and date stamped photographs exhibited as CLS/1.

#### Appendix E

- i) Extract of minutes of a meeting of the General Purposes Licensing Casework Sub-Committee on Wednesday 30<sup>th</sup> May 2018.

#### Appendix F

- i) Warning letter emailed to Mr Michael Hall by Michael Watson 08.07.2021
- ii) Mr Michael Hall's response to Michael Watson's warning letter 13.07.2021

### **Legislative Background/Legal Framework**

1. In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 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 decisions.

2. 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**

3. The Street Trading Policy was adopted by Council in April 2020 and came into force on 1<sup>st</sup> April 2020 for existing traders. Paragraph 5.2 of the Policy states that the Head of Regulatory Services and Community Safety is authorised to:

“5.2(c)(i) Refer Consent holders to the General Purposes Licensing Casework Sub-Committee: when there has been a complaint about the trader or the trader has breached the conditions of their Street Trading Consent.”

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

4. Mr Michael Hall holds four Street Trading Consents in total for the following sites and vehicles: an Ice Cream Trike on Catte Street, an Ice Cream Trailer at Magdalen College, a Ford Transit Van registration YP56 VVA and a Ford Transit Van registration K244 UKR. Mr Hall has held these Consents for over five years.
5. The current Consent for ice cream van K244 UKR was issued on 1<sup>st</sup> April 2021 and will expire on 31<sup>st</sup> March 2022. Mr Hall is permitted to trade as a Peripatetic Consent holder, Monday to Sunday 12:00-21:00hrs selling ice cream, confectionary and cold drinks. The previous year’s Consent was issued on 31<sup>st</sup> March 2020 and expired on 31<sup>st</sup> March 2021.
6. This matter has been referred to the Sub Committee in accordance with paragraph 5.2 of the Policy due to three complaints received by the Business Regulation Team from:

- The Principal of Oxford Spires Academy School
- An individual who holds a Street Trading Consent
- A concerned member of the public

### **Contravention 1 – Oxford Spires Academy**

7. The first complaint was received on Wednesday 31<sup>st</sup> March 2021 from a member of the public who resides at an address on Glanville Road. The complaint was regarding Mr Hall's ice cream van K244 UKR trading daily from outside Oxford Spires Academy, Glanville Road, Cowley. The member of the public advised that the van was parking directly outside the school and idling for up to an hour. The complainant submitted photographic evidence showing the vehicle in situ on Monday 29<sup>th</sup> March 2021, Thursday 22<sup>nd</sup> April 2021 and Friday 30<sup>th</sup> April 2021.
8. The complainant independently contacted the Principal at Oxford Spires Academy to ascertain whether they had invited Mr Hall to trade outside their premises – the Principal's PA responded to the complainant to advise they had not (Appendix B(i))
9. Oxford City Council Licencing Officer, Michael Watson subsequently made contact via telephone with the Principal's Office at Oxford Spires Academy to request clarification on whether they had invited Mr Hall to trade outside their premises.

Appendix B(iv) details Marianne Blake, School Principal's response. It advises the van is frequently parked approximately 25 metres from the gate and for more than 20 minutes at any one time. She subsequently advises they would like the trader to cease this activity.

Appendix B(v) is a further email from a member of staff at Oxford Spires Academy advising that the trader continued to park uninvited, within 25 metres of the school gates and for longer than 20 minutes at a time.

10. In response to the complaints received from the member of the public, two separate observations were undertaken by the current Business Regulation Team Licensing Officer, Michael Watson and Compliance Assistant, Claire Siddle. These observations took place on Thursday 10<sup>th</sup> June 2021 and Thursday 24<sup>th</sup> June 2021. On both occasions, the van with registration mark K244 UKR was witnessed parking

no more than 50 meters from the gates of Oxford Spires Academy, and remained stationary for a period of more than 20 minutes. Statements and photographs by Michael Watson and Claire Siddle are included in Appendices B(vi) and B(vii).

11. The evidence clearly shows Mr Hall has breached the following Conditions Specific to Peripatetic Traders, to which his consent is subject.

“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.”

### **Contravention Two – Port Meadow**

12. The second complaint was received on Wednesday 7<sup>th</sup> April 2021 from another Street Trading Consent holder. The complaint was regarding Mr Hall's ice cream van K244 UKR trading from Port Meadow over the Easter Weekend on Friday 2<sup>nd</sup> April 2021 and Saturday 3<sup>rd</sup> April 2021.

13. Mr Hall's Consent for vehicle index K244 UKR permits him to trade within the areas specified on the Consent attached as Appendix A(i) and Appendix A(ii) of this report. The Consent does not include Port Meadow.

14. Mr Hall has therefore breached Condition 3 under the General Conditions for Annual and Weekly Street Trading Consent.

“3. Street Trading Consent relates only to the area/site vehicle or stall specified on the Certificate of Street Trading Consent.”

### **Contravention Three – Pembroke Square**

15. The current Consent for ice cream van YP56 VVA was issued on 1<sup>st</sup> April 2021. It is valid from 1<sup>st</sup> May 2021 and will expire on 31<sup>st</sup> August 2021. Mr Hall is permitted to trade from Pembroke Square in the ice cream van with registration YP56 VVA, Monday to Sunday between the hours of 12:00 and 18:00; selling ice cream and cold drinks.

16. These matters have been referred to the Sub Committee in accordance with paragraph 5.2 of the Policy due to a Council Officer witnessing a breach of Street Trading Consent.
17. On Monday 14<sup>th</sup> June 2021 at 14:35 hours, a Claire Siddle witnessed a van other than YP56 VVA parked at the Pembroke Square Street Trading Pitch. The van parked, as if to trade from this Street Trading pitch was Mr Hall's van, registration K244 UKR. See Appendix D(i).
18. Mr Hall's Consent permits him to trade from the vehicle specified, within the area specified on the Consent found at Appendix A(iii) of this report. The Consent only permits the van with the registration mark YP56 VVA to trade from Pembroke Square, and does not authorise any other vehicle to trade from this site.
19. Mr Hall therefore breached Condition 3 under the General Conditions for Annual and Weekly Street Trading Consent.

“3. Street Trading Consent relates only to the area/site vehicle or stall specified on the Certificate of Street Trading Consent.”

### **History**

20. Prior to the breaches reported in the subheadings 'Contravention One', 'Contravention Two', and 'Contravention Three', the minutes of the General Purposes Licensing Casework Sub-Committee on Wednesday 30<sup>th</sup> May 2018 (Appendix E(i)), show that Mr Hall received a verbal warning from the previous Licensing Officer, Samantha Broome on Wednesday 14<sup>th</sup> March 2018. The warning was in relation to breaches of Conditions 3 and 33. He was also reminded of a previous verbal warning he received in 2017. He then attended a face to face appointment with Samantha Broome on Monday 30<sup>th</sup> April 2018 to discuss further reports he had breached the conditions of his Consent. He was advised his Consent was to be put before the Sub-Committee as per the Street Trading Policy.
21. Mr Hall attended the General Purposes Licensing Casework Sub-Committee Meeting on Wednesday 30<sup>th</sup> May 2018. The Sub-Committee discussed the matters and voiced their concern that two further breaches of the conditions of Street Trading Consent had been reported a matter of weeks after Mr Hall received a verbal warning for similar breaches. They agreed not to revoke Consent but made it clear that

should further breaches be committed, this would require Mr Hall's Consent being brought before the Sub-Committee to reconsider. See Appendix E(i).

### **Summary and Conclusion**

22. As evidenced above, Mr Hall has received previous verbal warnings from a Licensing Officer, and subsequently attended a General Purposes Licensing Casework Sub-Committee meeting in 2018 in relation to similar breaches of the conditions of Street Trading Consent.
23. Mr Hall has a history of non-compliance and has breached conditions of the Street Trading Consents he holds in relation to vehicles K244 UKR and YP56 VVA on at least three occasions since last appearing at the Sub Committee.
24. Mr Hall was informed of the most recent reports and breaches in a letter sent by Michael Watson via email on 8<sup>th</sup> July 2021. The letter is listed in Appendix F(i) and advises Mr Hall that the matters would be referred to a Sub-Committee Meeting for their consideration.
25. Mr Hall responded to Michael Watson's letter on Tuesday 13<sup>th</sup> July by email – see Appendix F(ii).

### **Financial Implications**

26. The Council collects fees for Street Trading Consents. Predicted income from Consent fees are included in the Council's budget.
27. Local Government (Miscellaneous Provisions) Act 1982 Schedule 4, paragraph 7 (10) states the council may remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the licence when a Consent is revoked.

### **Legal Implications**

28. The Sub Committee may grant a Street Trading Consent if it 'thinks fit', see paragraph 1 above. Local Government (Miscellaneous Provisions) Act 1982 Schedule 4, paragraph 7 (10) states a Street Trading Consent may be revoked at any time. A street trader cannot be said to enjoy security of tenure and there is no requirement for the Council to give compensation for the loss of any Consent (other than any refund of Consent fees paid in advance). However, any decision to revoke

a Street Trading Consent may be subject to a judicial review and if held to be unreasonable then compensation and legal costs may result.

29. Any revocation of Consent must be proportionate, taking into account all relevant circumstances and the Consent holder's right to a fair hearing. An application should not be refused arbitrarily and without clear reason.

### **Human Rights Act Considerations**

30. 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.

31. Nevertheless, with the advice of Law & Governance and in the interest 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 the author:** Claire Siddle

Tel: 01865 252910

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

## Regulatory Services and Community Safety

St Aldate's Chambers, 109 St. Aldate's, Oxford OX1DS

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 Street Trading Consent to:

Consent Holder: Michael Hall

Consent Number: 21/00636/STREET

Consent Issued: 31<sup>st</sup> March 2021

Valid For: 1st April 2021 to 30th September 2021 and 1st March 2022 to 31st March 2022

Fee: £840.00

Vehicle/Stall Details: K244 UKR Ford Transit Van

Ward Areas: Blackbird Leys, Iffley Fields, Cowley Marsh, St. Mary's, Hinksey

Permitted Trading Days and Hours - Monday to Sunday 12:00 hours to 21:00 hours

Articles Sold: Ice Cream, Soft Drinks and Sweets

**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.

A handwritten signature in black ink, appearing to read 'Ian Wright', is positioned above a horizontal line.

Ian Wright  
Head of Regulatory Services and Community Safety

## 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 1<sup>st</sup> July, 1<sup>st</sup> October and 2<sup>nd</sup> 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.

Regulatory Services and Community  
Safety

St Aldate's Chambers, 109 St. Aldate's, Oxford OX1 DS

Switchboard: 01865 249811

Fax: 01865 252344

www.oxford.gov.uk



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

Oxford City Council grant Street Trading Consent to:

Consent Holder: Michael Hall

Consent Number: 20/00931/STREET

Consent Issued: 31<sup>st</sup> March 2020

Valid For: 1st April 2020 to 30th September 2020 and 1st March 2021 to 31st March 2021

Fee: £840.00

Vehicle/Stall Details: K244 UKR Ford Transit Van

Ward Areas: Blackbird Leys, Iffley Fields, Cowley Marsh, St. Mary's, Hinksey

Permitted Trading Days and Hours - Monday to Sunday 12:00 hours to 21:00 hours

Articles Sold: Ice Cream, Soft Drinks and Sweets

**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

Ian Wright  
Head of Regulatory Services and Community Safety

## Regulatory Services and Community Safety

St Aldate's Chambers, 109 St. Aldate's, Oxford OX1DS

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 Michael Hall

Consent Number: 21/00634/STREET

Consent Issued: 1<sup>st</sup> April 2021

Valid From: 1st May 2021

Valid To: 31st August 2021

Fee: £2,760.00

Vehicle/Stall Details: YP56 VVA Ford Transit Van

Area/Site: Street Trading Site 2, St Aldate's End, Pembroke Square, Oxford

Permitted Trading Days and Hours: Trading only between the hours of 12:00 and 18:00  
Monday – Sunday

Articles Sold: Ice Cream and Soft Drinks

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

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Ian Wright  
Head of Regulatory Services and Community Safety

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### **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.

## SIDDLE Claire

---

**From:** [REDACTED]  
**Sent:** 31 March 2021 13:29  
**To:** street\_trading  
**Subject:** Ice cream vendor outside Oxford Spires Academy  
**Attachments:** IMG\_20210329\_152202.jpg; IMG\_20210329\_143606.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,  
following up on the call I had with Clare today, I am writing about the ice cream vendor trading daily outside Oxford Spires Academy.

Their registration number is K244 UKR - Clare has given me confirmation that they do hold a valid street trader's license.

However, they are breaching the [Oxford city council street vendor policies](#) on two separate counts since they are:

\* Not meant to park within 100m of the school - unless it has the explicit invitation of the school. It is parked right outside the school gates (see attached photos), and I have received written confirmation from the school that they have not extended the vendor a formal invitation - see below.

\* Not meant to stay in one place for more than 20 minutes. Daily, it arrives at 2:30 and leaves at 3:30. I have attached photos showing it idling right outside the school gates; the timestamps in the file name (and the metadata within the files) show that they were taken at 14:36 and 15:22 on the same day.

The sound and air pollution caused by the truck idling virtually outside our windows is highly irritating to residents of 36 Glanville Road (I am writing on behalf of, and with support from, the freeholders). I hope this email provides sufficient evidence to help you prevent them from trading in breach of the policy in future.

I look forward to hearing about the progress of this.

Thank you,  
[REDACTED]

I have e-mailed Oxford Spires Academy ([principal@spires.anthemtrust.uk](mailto:principal@spires.anthemtrust.uk)) to enquire about whether they had extended a formal invitation to the ice cream vendor and received the following response:

Dear [REDACTED]

Ms Blake has asked me to reply to you to say that we have not given permission and that she would be happy to forward her concerns also.

Kind regards

[REDACTED]  
Principal's PA

--

This email was Malware checked by UTM 9. <http://www.sophos.com>



46

See all photos + Add to



Edit & Create Share

### File info

Filename  
IMG\_20210329\_143606.jpg

Date taken

29	March	2021
14		36

Size  
5 MB

Dimensions  
4160 x 3128

Shot  
1/800 sec. f/1.8 3.6 mm

ISO  
50

Device  
HRV-LX1

Source  
This PC



48



See all photos + Add to



Edit & Create Share

### File info

Filename  
IMG\_20210329\_152202.jpg

Date taken

29	March	2021
15		22

Size  
4.2 MB

Dimensions  
4160 x 3100

Shot  
1/1600 sec. f/1.8 3.6 mm

ISO  
50

Device  
HRY-LX1

Source  
This PC



**From:** [REDACTED]  
**To:** [SIDDLE Claire](#)  
**Cc:** [WATSON Michael](#)  
**Subject:** Re: Ice cream vendor outside Oxford Spires Academy  
**Date:** 19 April 2021 14:40:56  
**Attachments:** [image001.jpg](#)

---

Good afternoon,

I was waiting until school resumed today to see if they would be back; and indeed they drove up and are parked exactly in the same spot as in the photos above - at 2:35. I can send more photos if necessary but thought I wouldn't since it's just the same as the above.

I will keep a diary of future such breaches but I can confirm that during the previous term before the break, it was here every single school day from approximately 2:30 till 3:30. I anticipate it will continue doing so unless told otherwise by the council.

Looking forward to hearing about the outcome of this,

[REDACTED]

On Wed, Apr 7, 2021 at 4:18 PM SIDDLE Claire <[CSIDDLE@oxford.gov.uk](mailto:CSIDDLE@oxford.gov.uk)> wrote:

Dear [REDACTED],

Thank you for your email and the photographs.

I have cc'd Michael Watson, who is the Council Licencing Officer. Michael and I will be conducting an investigation into the actions of this trader.

Could I please ask that you keep a diary (on notepaper, or even on your phone) of any other dates and times you witness any breaches. The more information, including pictures, the better.

Michael and I will inform you of the outcome of the investigation in due course.

Best wishes,

Claire

**Claire Siddle**

**Business Regulation Compliance Assistant**

Regulatory Services and Community Safety | Environmental Health SA3.2D | Oxford City Council |  
St Aldate's Chambers, 109 -113 St Aldate's | Oxford | OX1 1DS.

Telephone: [REDACTED] | Email: [REDACTED]

Website: [www.oxford.gov.uk](http://www.oxford.gov.uk) | Follow us on Twitter: [www.twitter.com/OxfordCity](https://www.twitter.com/OxfordCity) | Like us on Facebook:  
[www.facebook.com/OxfordCityCouncil](https://www.facebook.com/OxfordCityCouncil)

**[Click here to find out more about how the National Lockdown may affect you](#)**



**Stopping the spread of local coronavirus outbreaks** - Confirmed cases of coronavirus in Oxfordshire: <https://www.oxfordshire.gov.uk/council/coronavirus-covid-19/controlling-local-coronavirus-outbreaks/stopping-spread>

For information on COVID-19 visit [www.gov.uk/coronavirus](http://www.gov.uk/coronavirus)

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** 31 March 2021 13:29  
**To:** street\_trading <[street\\_trading@oxford.gov.uk](mailto:street_trading@oxford.gov.uk)>  
**Subject:** Ice cream vendor outside Oxford Spires Academy

Hello,

following up on the call I had with Clare today, I am writing about the ice cream vendor trading daily outside Oxford Spires Academy.

Their registration number is K244 UKR - Clare has given me confirmation that they do hold a valid street trader's license.

However, they are breaching the [Oxford city council street vendor policies](#) on two separate counts since they are:

\* Not meant to park within 100m of the school - unless it has the explicit invitation of the school. It is parked right outside the school gates (see attached photos), and I have

received written confirmation from the school that they have not extended the vendor a formal invitation - see below.

\* Not meant to stay in one place for more than 20 minutes. Daily, it arrives at 2:30 and leaves at 3:30. I have attached photos showing it idling right outside the school gates; the timestamps in the file name (and the metadata within the files) show that they were taken at 14:36 and 15:22 on the same day.

The sound and air pollution caused by the truck idling virtually outside our windows is highly irritating to residents of 36 Glanville Road (I am writing on behalf of, and with support from, the freeholders). I hope this email provides sufficient evidence to help you prevent them from trading in breach of the policy in future.

I look forward to hearing about the progress of this.

Thank you,

██████████

I have e-mailed Oxford Spires Academy ([principal@spires.anthemtrust.uk](mailto:principal@spires.anthemtrust.uk)) to enquire about whether they had extended a formal invitation to the ice cream vendor and received the following response:

Dear ██████████

Ms Blake has asked me to reply to you to say that we have not given permission and that she would be happy to forward her concerns also.

Kind regards

██████████

Principal's PA

--

This email was Malware checked by UTM 9. <http://www.sophos.com>

**From:** [REDACTED]  
**To:** [SIDDLE Claire](#)  
**Cc:** [WATSON Michael](#)  
**Subject:** Re: Ice cream vendor outside Oxford Spires Academy  
**Date:** 30 April 2021 14:37:48  
**Attachments:** [image001.jpg](#)  
[IMG\\_20210430\\_143152.jpg](#)  
[IMG\\_20210422\\_143825.jpg](#)

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Hello, two weeks since term started and I can confirm that the ice cream van was here every weekday except this Wednesday (when it was raining), from 2:30 until 3:30. As before, I can send photos as I've taken one each day shortly after it arrived.

The noise and pollution it creates error pointlessly idling for 40 minutes until school ends, and the fact that it should not be parking within 100m of the school entrance but does this every time, are getting incredibly irritating for me and the other residents, as I can't even keep my windows open while working.

I hope you will take action against them soon.

[REDACTED]

On Mon, 19 Apr 2021, 14:40 [REDACTED], <[REDACTED]> wrote:

Good afternoon,

I was waiting until school resumed today to see if they would be back; and indeed they drove up and are parked exactly in the same spot as in the photos above - at 2:35. I can send more photos if necessary but thought I wouldn't since it's just the same as the above.

I will keep a diary of future such breaches but I can confirm that during the previous term before the break, it was here every single school day from approximately 2:30 till 3:30. I anticipate it will continue doing so unless told otherwise by the council.

Looking forward to hearing about the outcome of this,

[REDACTED]

On Wed, Apr 7, 2021 at 4:18 PM SIDDLE Claire <[CSIDDLE@oxford.gov.uk](mailto:CSIDDLE@oxford.gov.uk)> wrote:

Dear [REDACTED],

Thank you for your email and the photographs.

I have cc'd Michael Watson, who is the Council Licencing Officer. Michael and I will be conducting an investigation into the actions of this trader.

Could I please ask that you keep a diary (on notepaper, or even on your phone) of any other dates and times you witness any breaches. The more information, including pictures, the better.

Michael and I will inform you of the outcome of the investigation in due course.

Best wishes,

Claire

**Claire Siddle**

**Business Regulation Compliance Assistant**

Regulatory Services and Community Safety | Environmental Health SA3.2D | Oxford City Council |  
St Aldate's Chambers, 109 -113 St Aldate's | Oxford | OX1 1DS.

Telephone: [REDACTED] | Email: [csiddle@oxford.gov.uk](mailto:csiddle@oxford.gov.uk)

Website: [www.oxford.gov.uk](http://www.oxford.gov.uk) | Follow us on Twitter: [www.twitter.com/OxfordCity](https://www.twitter.com/OxfordCity) | Like us on Facebook:  
[www.facebook.com/OxfordCityCouncil](https://www.facebook.com/OxfordCityCouncil)

**[Click here to find out more about how the National Lockdown may affect you](#)**

image001



**Stopping the spread of local coronavirus outbreaks** - Confirmed cases of coronavirus in Oxfordshire: <https://www.oxfordshire.gov.uk/council/coronavirus-covid-19/controlling-local-coronavirus-outbreaks/stopping-spread>

For information on COVID-19 visit [www.gov.uk/coronavirus](http://www.gov.uk/coronavirus)

**From:** [REDACTED] [mailto:[REDACTED]]

**Sent:** 31 March 2021 13:29

**To:** street\_trading <[street\\_trading@oxford.gov.uk](mailto:street_trading@oxford.gov.uk)>

**Subject:** Ice cream vendor outside Oxford Spires Academy

Hello,

following up on the call I had with Clare today, I am writing about the ice cream vendor trading daily outside Oxford Spires Academy.

Their registration number is K244 UKR - Clare has given me confirmation that they do hold a valid street trader's license.

However, they are breaching the [Oxford city council street vendor policies](#) on two separate counts since they are:

\* Not meant to park within 100m of the school - unless it has the explicit invitation of the school. It is parked right outside the school gates (see attached photos), and I have received written confirmation from the school that they have not extended the vendor a formal invitation - see below.

\* Not meant to stay in one place for more than 20 minutes. Daily, it arrives at 2:30 and leaves at 3:30. I have attached photos showing it idling right outside the school gates; the timestamps in the file name (and the metadata within the files) show that they were taken at 14:36 and 15:22 on the same day.

The sound and air pollution caused by the truck idling virtually outside our windows is highly irritating to residents of 36 Glanville Road (I am writing on behalf of, and with support from, the freeholders). I hope this email provides sufficient evidence to help you prevent them from trading in breach of the policy in future.

I look forward to hearing about the progress of this.

Thank you,

██████████

I have e-mailed Oxford Spires Academy ([principal@spires.anthemtrust.uk](mailto:principal@spires.anthemtrust.uk)) to enquire about whether they had extended a formal invitation to the ice cream vendor and received the following response:

Dear ██████████

Ms Blake has asked me to reply to you to say that we have not given permission and that she would be happy to forward her concerns also.

Kind regards

  
Principal's PA

--

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See all photos + Add to



Edit & Create ▾ Share □ ⋮

### File info

Filename  
IMG\_20210422\_143825 (002).jpg

Date taken

22	April	2021
14		38

Size  
4.7 MB

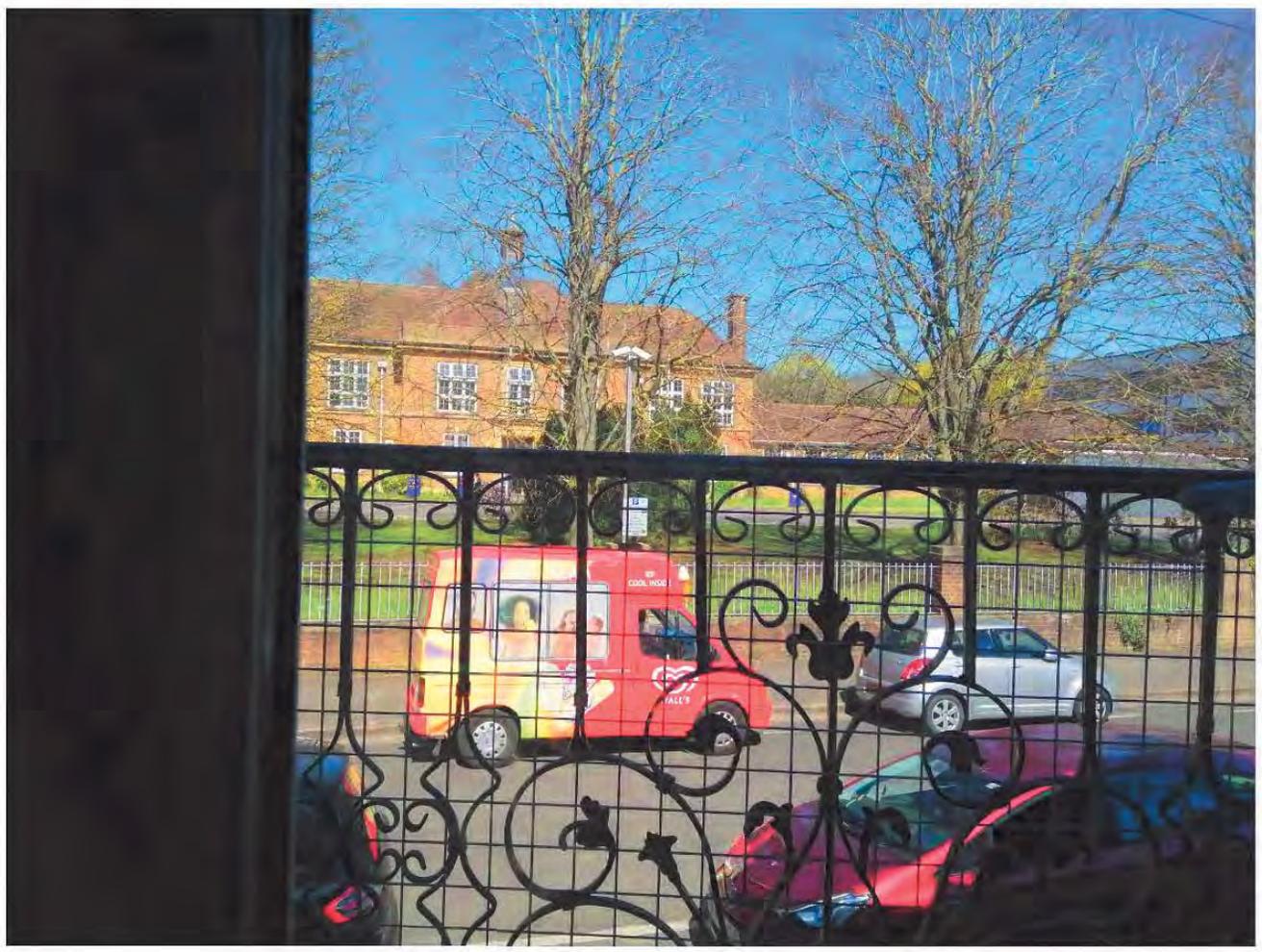
Dimensions  
4160 x 3120

Shot  
1/1600 sec f/1.8 3.6 mm

ISO  
50

Device  
HRY-LX1

Source  
This PC



See all photos + Add to



Edit & Create Share

### File info

Filename  
IMG\_20210430\_143152 (002).jpg

Date taken

30	April	2021
14		31

Size  
2.8 MB

Dimensions  
4160 x 3120

Shot  
1/320 sec. f/1.8 3.6 mm

ISO  
50

Device  
HRY-LX1

Source  
This PC





**From:** [REDACTED]  
**To:** [WATSON Michael](#)  
**Subject:** RE: Ice Cream Van  
**Date:** 24 June 2021 14:51:26  
**Attachments:** [ice cream van.jpg](#)

---

Dear Michael,

Thank you for updating us with the relevant permissions the ice cream van outside of Oxford Spires Academy should have.

The Ice cream van is frequently present. We have noted on many occasions this week that the van is not 100 meters from either of our school gates, please see the attached photos proving this, at best it is 25 meters from the outside gate and even if we counted from the inside gates it is still well within the 100 meters.

In regards to the timings, it is often here much longer than it's allowed 20 minutes. Again, please see attached photo, this is from 23<sup>rd</sup> June 2021. The ice cream van arrived at 2:40 and left at 3:25, this is significantly over the 20 minutes it should have, per the information supplied. This is a regular occurrence and certainly one we would like an end to.

Yours Sincerely,

[REDACTED]

---

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Registered in England & Wales. Company No. 7468210.  
Registered Office: Highbridge House, 16-18 Duke Street, Reading, RG1 4RU.  
Company name changed from "CfBT Schools Trust" in July 2019.  
<http://www.anthemtrust.uk>

--

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**From:** [WATSON Michael](#)  
**To:** [street trading](#)  
**Subject:** FW: Ice Cream Van  
**Date:** 28 June 2021 16:17:58

---

---

**From:** [REDACTED] (Spires) [mailto:[REDACTED]@spires.anthemtrust.uk]  
**Sent:** 28 June 2021 15:43  
**To:** WATSON Michael <MWATSON@oxford.gov.uk>  
**Cc:** [REDACTED] (Spires) <[REDACTED]@spires.anthemtrust.uk>  
**Subject:** Ice Cream Van

Dear Michael,

Hope this Email finds you well , I have been asked by the Principle Ms Blake to liaise with yourself if you have any update on the Ice cream Van ?  
She is still here every day from 2.40pm to 3.30pm .  
way over the 20 minutes time limit she is allowed to be and within the 25 meters of our school gates .  
We are keeping a time sheet with video evidence of this.  
Is it possible for someone from the city council to come and observer her?

Kind regards

[REDACTED]  
[REDACTED]  
Oxford Spires Academy  
[REDACTED]

---

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Registered in England & Wales. Company No. 7468210.  
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Company name changed from "CfBT Schools Trust" in July 2019.  
<http://www.anthemtrust.uk>

--  
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**WITNESS STATEMENT**

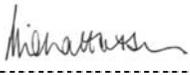
CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, updated August 2017 Part 16

Uniform Ref: 

	/		/	
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Statement of: Michael Watson  
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Licensing

This statement (consisting of \_\_\_\_\_ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  Date: 5<sup>th</sup> July 2021

I am a licensing officer employed in the Business Regulation Team (BRT) at Oxford City Council. My responsibilities include the licensing and compliance enforcement of street trading consents amongst other licensable activities.

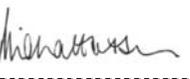
At 14:44 hours on 10th June 2021 I began observations in Barracks Lane with my colleague, Claire SIDDLE. The purpose of our observations was in response to a member of the public who had complained about an ice cream van trading outside the Oxford Spires Academy School.

I parked my vehicle on the south side of Barracks Lane just west of the junction with Glanville Road. I immediately notice an ice cream van index K244 UKR parked no more than 50 metres east from the Oxford Spires Academy School gates on the north side of Barracks Lane. I had a clear and unobstructed view of the ice cream van at all times during the observation.

I know vehicle index K244 UKR to be the ice cream van specified on the street trading consent reference 21/00636/STREET for Michael HALL.

I noticed several people purchasing ice creams within minutes of commencing the observations. I took time and date stamped photographs during the observation and produce these as exhibit MEW/1. They are attached as an appendix (1) to this statement.

At 15:10 hours I left my vehicle and walked to the ice cream van. As I approached, I saw a female purchasing two ice creams for her children. I spoke to the sole occupant of the ice cream van, an IC1 female approximately 60 years old. I now know this female to be Kim Louisa PAYN. I identified her from the photograph on the copy of a passport supplied with her employee form for renewal of the street trading consent 21/00636/STREET for Michael HALL. I asked for a bottle of water and was she

Signature:  Signature witnessed by: \_\_\_\_\_

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, updated August 2017 Part 16

Continuation Statement of: Michael Watson .....

told me she had no water and only had cans of Tango or cola. I asked for a can of Tango, and she said the price was 90 pence. I handed her a £10 note and was given a £5 note, 2 x £2 coins and a 10 pence piece in change.

I returned to my vehicle and continued to observe the ice cream van and take time and date stamped photographs.

At 15:15 hours the street became very busy with school children leaving Oxford Spires Academy School. Many of the school children made purchases from the ice cream van. At 15:17 hours there were approximately 20 children crowded at the ice cream van.

I ended the observation at 15:20 hours.

At 14:30 hours on 24th June 2021 I again visited Barracks Lane with my colleague, Claire SIDDLE. I parked my vehicle on the north side of Barracks Lane just west of the junction with Glanville Road. I had a clear and unobstructed view of the ice cream van at all times during the observation.

The ice cream van vehicle index K244 UKR was parked outside Oxford Spires Academy School in the same location, no more than 50 metres east from the Oxford Spires Academy School gates on the north side of Barracks Lane. I observed the vehicle until 15:00 hours. I took three time and date stamped photographs during the observation and produce these as exhibit MEW/2. They are attached as an appendix (2) to this statement.

Throughout the observations my colleague Claire SIDDLE made contemporaneous notes in her notebook. I have seen these notes and confirm they are a true and correct record of what I observed.

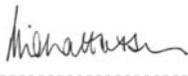
There was clear evidence from the observations that there were breaches of conditions of the street trading consent 21/00636/STREET, specifically:-

**Condition 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).*

**Condition 34.**

*The vehicle must not wait in one location for more than twenty minutes.*

Signature: 

Signature witnessed by: .....



























10 Jun, 2021 15:08



10 Jun, 2021 15:08



10 Jun, 2021 15:09





10 Jun, 2021 15:17







10 Jun, 2021 15:19



24 Jun, 2021 14:32







WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, updated August 2017 Part 16

Uniform Ref: [ ] / [ ] / [ ]

Statement of: Claire SIDDLE
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Compliance Assistant

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [Signature] Date: 6th July 2021

I am Claire SIDDLE, and I am employed as a Compliance Assistant in the Business Regulation Team at Oxford City Council. I have been employed in this role since August 2020. My responsibilities include the licencing and enforcement of the Local Government (Miscellaneous Provisions) Act 1982, including schedule 4 which relates to Street Trading. At 14:44 hours on Thursday 10th June 2021 I began observations in Barracks Lane with my colleague, Michael WATSON. The purpose of our observation was in response to a member of the public who had complained about an ice cream van trading directly outside the Oxford Spires Academy School, Glanville Road, Oxford.

Upon turning left onto Barracks Lane, from Glanville Road, I immediately notice an ice cream van with the registration mark K244 UKR parked no more than 25 metres east from the Oxford Spires Academy School gates on the north side of Barracks Lane. Michael turned the vehicle we were travelling in, and proceeded to park on the south side of Barracks Lane just west of the junction with Glanville Road. I had a clear and unobstructed view of the ice cream van at all times during the observation.

I know vehicle index K244 UKR to be the ice cream van specified on the street trading consent for Michael HALL 21/00636/STREET. I observed several people purchase ice creams within minutes of commencing the observations. Michael WATSON took time and date stamped photographs during the observation, which he has produced as exhibit MEW/1 alongside his statement.

At 15:10 hours I remained in our vehicle, whilst Michael WATSON exited in order to approach the ice cream van. I witnessed him purchase a drink and then return to the driver's side of our parked vehicle.

At 15:15 hours the street became very busy with children leaving Oxford Spires Academy School. Many of the school children made purchases from the ice cream van. At 15:17 hours there were approximately 20 children crowded at the ice cream van. The observation ended at 15:20 hours. Throughout the observation my colleague Michael WATSON

Signature: [Signature] Signature witnessed by:



WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, updated August 2017 Part 16

Continuation Statement of: Claire Siddle .....

made notes at the time in his notebook. I have seen these notes and confirm they are a true and correct record of what I observed.

There was clear evidence from the observation that there were breaches of condition of the street trading consent 21/00636/STREET, namely:-

Condition 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).

Condition 34.

The vehicle must not wait in one location for more than twenty minutes.

The observation ended at 15:20 hours.

At 14:30 hours on Thursday 24th June 2021 I again visited in Barracks Lane with my colleague, Michael WATSON. Michael WATSON parked the vehicle we were in on the North side of Barracks Lane, West of the junction with Glanville Road. At 14:30 hours, I witness the ice cream van with the registration mark K244 UKR turn right from Glanville Road, into Barracks Lane and proceed to park no more than 25 metres east from the Oxford Spires Academy School gates on the north side of Barracks Lane. I had a clear and unobstructed view of the ice cream van at all times during the observation.

I know vehicle index K244 UKR to be the ice cream van specified on the street trading consent for Michael HALL 21/00636/STREET.

Michael WATSON took time and date stamped photographs during the observation, which he has produced as exhibit MEW/2 alongside his statement.

The observation ended at 15:00 hours. Throughout the observation my colleague Michael WATSON made notes at the time in his notebook. I have seen these notes and confirm they are a true and correct record of what I observed.

There was clear evidence from the observation that there were breaches of condition of the street trading consent 21/00636/STREET, namely:-

Condition 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).

Condition 34.

The vehicle must not wait in one location for more than twenty minutes.

Signature: [Handwritten Signature]

Signature witnessed by: .....

**From:** [REDACTED]  
**To:** [SIDDLE Claire](#); [WATSON Michael](#); [street trading](#)  
**Subject:** Re: Problem ice cream van on Port Meadow  
**Date:** 08 April 2021 10:05:45  
**Attachments:** [image001.jpg](#)

---

Hello Claire and Michael,

Thank you for your support and understanding. The vendor in question over the years has caused lots of problems for your predecessors and many other vendors, including not moving every 20 minutes and trading outside their consented hours and areas. Given their performance and record, I would be surprised if they had been given any sort of consent to trade anywhere in Oxford this year or in the future. They previously had a consent to trade in Jericho but the boundaries for Jericho stop short of Port Meadow, which is in Walton Manor ward.

I look forward to to hearing from you soon.

Kind regards,

[REDACTED]

On Wed, 7 Apr 2021 at 15:48, SIDDLE Claire <[CSIDDLE@oxford.gov.uk](mailto:CSIDDLE@oxford.gov.uk)> wrote:

Hi [REDACTED],

Thank you for your email and the photographs.

I'm sorry to hear you are experiencing these issues. Michael who is the new Licensing Officer (cc'd) and myself will be conducting an investigation into the conduct of this trader.

Please keep us updated on any further issues, sending over dates, times and photographs where possible (if it is safe to do so). If they are abusive again please report this to Police on the non-emergency 101 telephone number or by reporting it online via their website.

Michael and I will inform you of the outcome of the investigation in due course.

Best wishes,

Claire

**Claire Siddle**

**Business Regulation Compliance Assistant**

Regulatory Services and Community Safety | Environmental Health SA3.2D | Oxford City Council | St Aldate's Chambers, 109 -113 St Aldate's | Oxford | OX1 1DS.

Telephone: 01865 252910 | Email: [csiddle@oxford.gov.uk](mailto:csiddle@oxford.gov.uk)

Website: [www.oxford.gov.uk](http://www.oxford.gov.uk) | Follow us on Twitter: [www.twitter.com/OxfordCity](https://www.twitter.com/OxfordCity) | Like us on Facebook: [www.facebook.com/OxfordCityCouncil](https://www.facebook.com/OxfordCityCouncil)

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image001



**Stopping the spread of local coronavirus outbreaks** - Confirmed cases of coronavirus in Oxfordshire: <https://www.oxfordshire.gov.uk/council/coronavirus-covid-19/controlling-local-coronavirus-outbreaks/stopping-spread>

For information on COVID-19 visit [www.gov.uk/coronavirus](http://www.gov.uk/coronavirus)

**From:** [REDACTED] [mailto:[REDACTED]]

**Sent:** 07 April 2021 12:20

**To:** SIDDLE Claire <[CSIDDLE@oxford.gov.uk](mailto:CSIDDLE@oxford.gov.uk)>

**Subject:** Problem ice cream van on Port Meadow

Dear Claire, I hope that you are well. Unfortunately I'm already having problems another vendor, I think it is Adams ice cream. They were on my pitch throughout this Easter Weekend. They stayed stationary and did not move for hours on end and I have photos of the van for both Friday and Saturday, I was away Sunday and Monday but had reports of them being there the entire time. The last exchange I had with this vendor was not pleasant, and in fact they were abusive towards me, as a result I did not challenge them. Please can you take immediate action against them as they caused me, and others considerable trouble over these last few years.

Kind regards,

[REDACTED]

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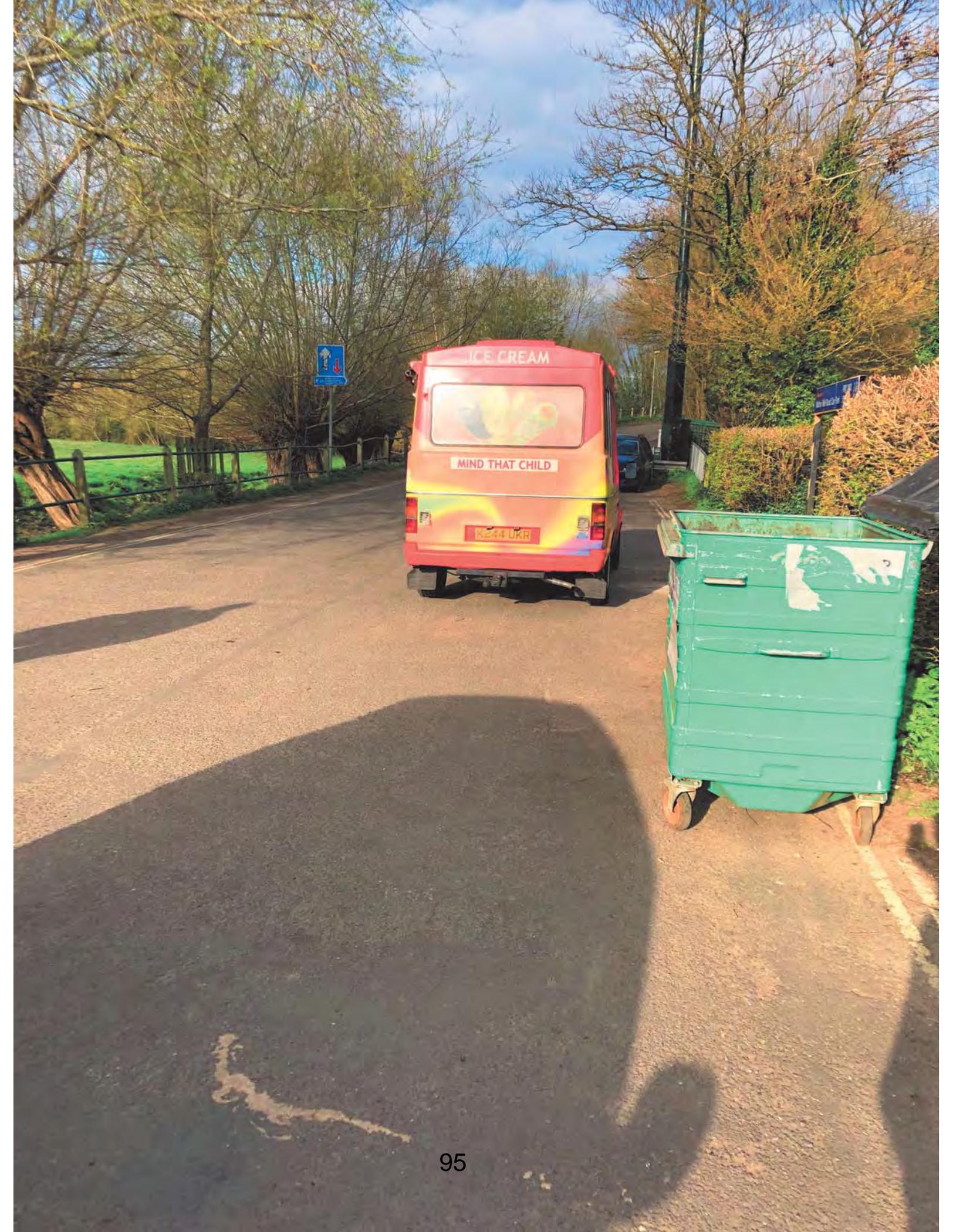
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**From:** [REDACTED]  
**To:** [SIDDLE Claire](#)  
**Subject:** Photos  
**Date:** 07 April 2021 12:21:31  
**Attachments:** [IMG\\_0014.jpg](#)  
[IMG\\_0023.jpg](#)

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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, updated August 2017 Part 16

Uniform Ref: [ ] / [ ] / [ ]

Statement of: Claire SIDDLE
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Compliance Assistant

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [Signature] Date: 6th July 2021

I am Claire SIDDLE, and I am employed as a Compliance Assistant in the Business Regulation Team at Oxford City Council. I have been employed in this role since August 2020. My responsibilities include the licensing and enforcement of the Local Government (Miscellaneous Provisions) Act 1982, including schedule 4 which relates to Street Trading. At 14:35 hours on Monday 14th June 2021 I was stood at the H4 bus stop on the East side of St Aldate's, Oxford. I looked South East towards Pembroke Square and immediately notice an ice cream van with the registration mark K244 UKR. The van parked on the North side of Pembroke Square, facing onto St Aldate's. I had a clear and unobstructed view of the ice cream van at all times.

I know vehicle index K244 UKR to be the ice cream van specified on the Street Trading Consent for Michael HALL 21/00636/STREET. This Street Trading Consent permits Michael HALL to trade from the vehicle K244 UKR in Blackbird Leys, Iffley Fields, Cowley Mark, St Mary's and Hinksey.

I also know that Michael HALL holds a second Street Trading Consent with the reference 21/00634/STREET, for van YP56 VVA. This Street Trading Consent permits Michael HALL to trade exclusively from the van with the index YP56 VVA at Pembroke Square.

There was clear evidence from my observation that there were breaches of conditions of the Street Trading Consents 21/00636/STREET and 21/00634/STREET, namely:-

Condition 3.

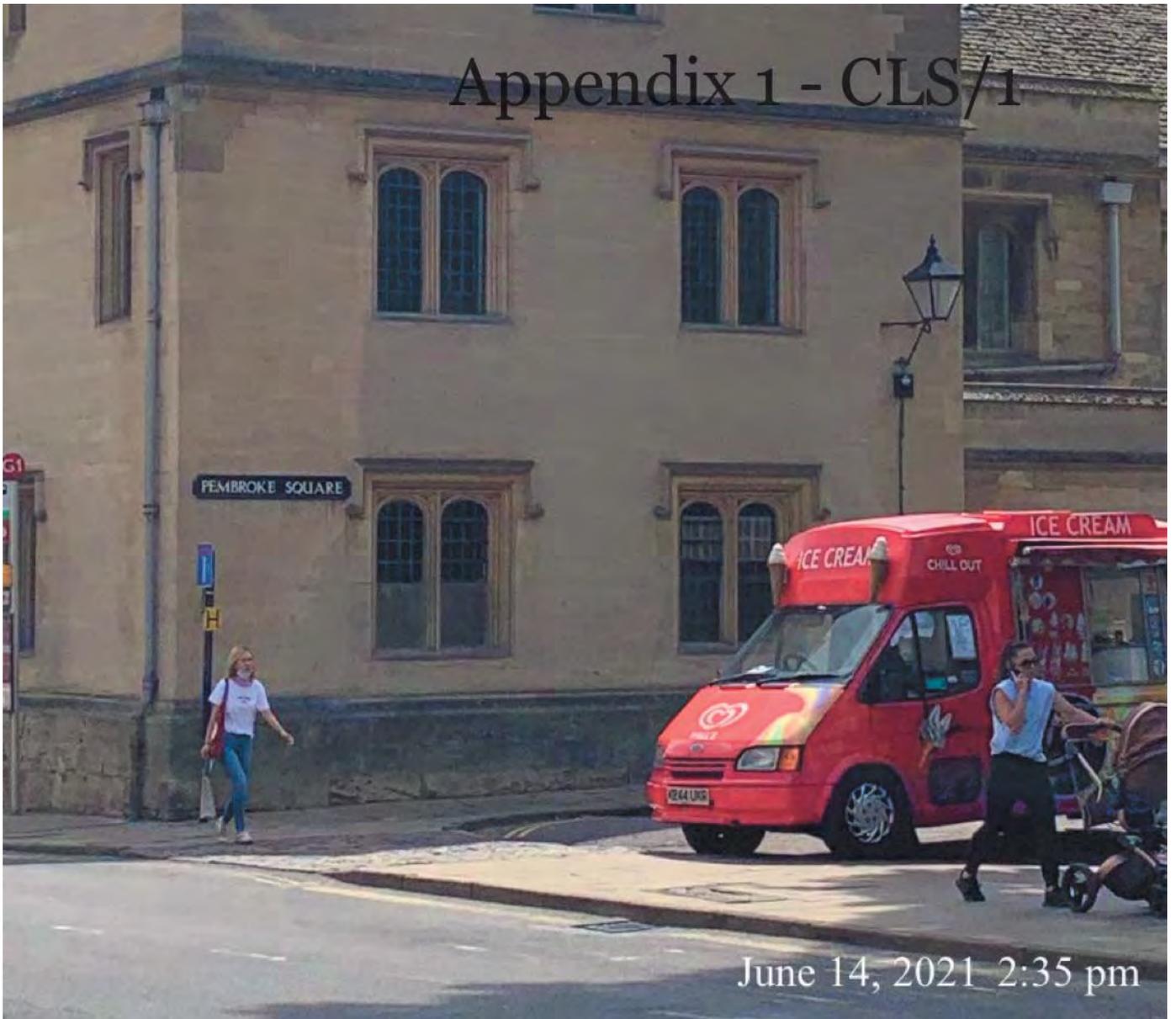
The Street Trading Consent relates only to the area/site vehicle or stall specified on the Certificate of Street Trading Consent.

Condition 4.

4. The Street Trading Consent relates only to the vehicle or stall specified on the Certificate of Street Trading Consent. The observation ended at 14:45.

Signature: [Signature] Signature witnessed by:

# Appendix 1 - CLS/1



June 14, 2021 2:35 pm



**Minutes of a meeting of the  
GENERAL PURPOSES LICENSING CASEWORK  
SUB-COMMITTEE  
on Wednesday 30 May 2018**



**Committee members:**

Councillor Clarkson (Chair)

Councillor Lygo

**Officers:**

Daniel Smith, Lawyer

Lesley Rennie, Business Regulation Team Manager

Samantha Broome, Licensing Officer

Joshua Curnow, Licensing Compliance Officer

John Mitchell, Committee and Member Services Officer

**1. Apologies for Absence**

Apologies received from Councillor Landell-Mills.

**2. Declarations of Interest**

None.

**3. Procedure to be followed at the meeting**

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

**4. Minutes**

The Sub-Committee resolved to APPROVE the minutes of the meeting held on 16 April 2018 as a true and accurate record.

**5. Breach of Street Trading Conditions**

The Head of Planning, Sustainable Development and Regulatory Services had submitted a report seeking the Sub-Committee's view about what action to take in the light of Mr Hall's breach of the conditions of his Street Trading Consent.

The Chair confirmed that Mr Hall had received the paperwork associated with this item and that he had been alerted in advance to the fact that, on this occasion, the Sub-Committee would comprise two City Councillors.

The Licensing Officer spoke to the report. Mr Hall holds a Street Trading Consent for his ice cream van which permits him to trade on a peripatetic basis at specified times in designated areas. The matter had been referred to the Sub Committee following two complaints regarding trading from his van in Rose Lane. On both occasions the van was parked on double yellow lines obstructing the footpath and road. Oxfordshire County Council confirmed that parking fines had been issued on both occasions.

Prior to the breaches, on 14 March 2018, Mr Hall attended a meeting with the licensing officer when he had been reminded of previous advice and a verbal warning he had received in 2017 regarding trading in Rose Lane. It was explained to Mr Hall that immediate enforcement action would be taken if further complaints were received.

Mr Hall's Consent does not include Rose Lane or allow him to trade for longer than 20 minutes in one location. On both occasions there was trading from the van for longer than 20 minutes. Mr Hall was therefore in breach of the Consent.

Following receipt of the complaints, Mr Hall attended a further meeting with the licensing officer when it was explained that the matter would be put before the Sub-Committee.

Mr Hall explained that at the time of both incidents described his sister was driving the van and he was not present. He had sold ice creams in Oxford from a vehicle for 20 years. Ice creams had not been sold from anywhere other than permitted sites since the second incident.

The Licensing Officer confirmed that Mr Hall was the owner of the ice cream van and the person to whom the Consent had been granted and that Mr Hall's sister was recognised as an authorised employee for the concession. The meetings referred to in the report had been held with Mr Hall and not his sister as he was the Consent holder.

Mr Hall and the licensing officers left the room while the Sub-Committee considered the points raised.

The Sub-Committee was concerned that despite the warning given to Mr Hall on 14 March 2018, the two breaches described in the report occurred just a few weeks later. Taking account of all the circumstances described, the Committee agreed that the breaches would not warrant revocation of the consent at this point but were clear that a further breach would require the Sub-Committee to reconsider the position

Mr Hall returned to the room. The Chair explained the Sub-Committee's concerns to Mr Hall.

The Sub-Committee resolved to:

**Confirm** that Mr Hall should keep his Street Trading Consent but that another breach would necessitate his appearance before a further meeting of the Sub-Committee.

[REDACTED]

**From:** [WATSON Michael](#)  
**To:** "Mick"  
**Cc:** [street\\_trading](#)  
**Subject:** Breach of Street Trading Consents  
**Date:** 08 July 2021 16:11:23  
**Attachments:** [Hall - Compliance Letter 08.07.21.pdf](#)  
[image001.png](#)  
**Importance:** High

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Dear Mr Hall,

Please see attached letter and acknowledge receipt.

Kind regards,

**Michael Watson**

**Interim Licensing Officer – Business Regulation Team**

Regulatory Services and Community Safety | Environmental Health SA3.2D | Oxford City Council  
| St Aldate's Chambers, 109 -113 St Aldate's | Oxford | OX1 1DS.

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For information on COVID-19 visit [www.gov.uk/coronavirus](http://www.gov.uk/coronavirus)

**Regulatory Services  
& Community Safety**

Direct Line: 01865 252909

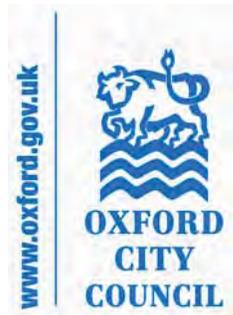
Email: [street\\_trading@oxford.gov.uk](mailto:street_trading@oxford.gov.uk)

**Oxford City Council**

**109-113 St Aldates**

**Oxford OX1 1DS**

**Central Number: 01865 249811**



Mr Michael Hall  
38 Kestrel Crescent  
Oxford  
Oxfordshire  
OX4 6DY

Date: 8<sup>th</sup> July 2021

Dear Mr Hall,

**Local Government (Miscellaneous Provisions) Act 1982 Schedule 4**  
**Breach of Street Trading Consent Conditions by Ice Cream Van K244 UKR**  
**21/00636/STREET and Ice Cream Van YP56 VVA 21/00634/STREET**

The Council received information that you are trading in breach of the conditions of your Street Trading Consent.

We received reports and photographic evidence which suggests the ice cream van index K244 UKR has been trading no more than 25 metres away from the gates of Oxford Spires Academy, Glanville Road, Oxford without invitation from the School and for periods of up to an hour at a time. Further investigation, and observations, by Council officers corroborated the allegations.

Oxford City Council's Street Trading Conditions clearly state:

*'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.'*

We have received a further allegation that your vehicle ice cream van K244 UKR was trading from Port Meadow on 2nd April 2021 and 3rd April 2021.

Oxford City Council's Street Trading Conditions clearly state:

*'3. The Street Trading Consent relates only to the area/site vehicle or stall specified on the Certificate of Street Trading Consent.'*

A Council Officer also witnessed your vehicle ice cream van K244 UKR trading from Pembroke Square on Monday 14<sup>th</sup> June 2021.

Oxford City Council's Street Trading Conditions clearly state:

*'3. The Street Trading Consent relates only to the area/site vehicle or stall specified on the Certificate of Street Trading Consent.'*

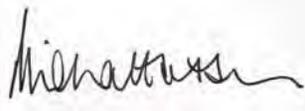
*'4. The Street Trading Consent relates only to the vehicle or stall specified on the Certificate of Street Trading Consent.'*

You have previously received verbal and written warnings from a Licensing Officer in relation to breaching the conditions of your Consent. On 30<sup>th</sup> May 2018 you attended the General Purposes Licensing Casework Sub-Committee, where you were allowed to retain your Consent but advised that a further breach would result in you appearing before another meeting.

Therefore, In accordance with Oxford City Council's Street Trading Policy, I am referring your Street Trading Consents 21/00636/STREET - Ice Cream Van K244 UKR and 21/00634/STREET – Ice Cream Van YP56 VVA to the General Purposes Licensing Casework Committee. The Committee will determine what action to take in relation to these breaches. You will receive a letter in due course confirming the date of the meeting and a copy of the report which will contain the evidence to be put before the Committee for their consideration.

If you require any further information, please do not hesitate to contact me.

Yours sincerely,



Michael Watson  
Interim Licensing Officer  
Business Regulation Team



**From:** [Mick](#)  
**To:** [street trading](#)  
**Subject:** City Ices breach of trading conditions.  
**Date:** 12 July 2021 15:10:06

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Dear Mr Watson,

I am writing to you to help explain the reasons for the breach of trading conditions outlined in your letter of 8th July 2021. As I'm sure you are aware the last year has been incredibly tough for my business to survive. Oxford has seen a massive reduction in tourists who make up a large percentage of my customers and also students who I employ as operatives. The pandemic has made me very busy in covering staff and trying to make ends meet. I admit to the breaches but below is a small paragraph on how the breach came about and mitigating circumstances.

#### Oxford Spires Academy

I hold my hands up for the offence because I know that due to a lack of communication on my employees were not of the trading restrictions outside the school. Due to staff issues and additional work load I reduced my staff supervisory role and left the employees to trade in what I thought was the approved location. For your information prior to the pandemic we held weekly team meetings where we run through all aspects of health and safety and contractual legalities. I decided to stop these meetings in light of additional workload and the risk of face to face interaction with staff. Thinking of it I should have set up a virtual meeting but never got round to it. I admit we are in the wrong and I have now but corrective actions in place.

#### Port Meadow

In April I wrote several emails to Mr Watson regarding trading at Port Meadow. On the dates mentioned I trialled the site and had hoped to have agreement to add this location to my trading consent. I still hope to be able to trade here one day and would like a reply to my request.

#### Pembroke Square

On the day mentioned my vehicle K244 UKR was being used to cover for my normal van YP56 VVA which was having refrigeration issues and I deemed it unsafe to trade. The van was off road for a couple of days and now fully repaired.

I do hope the above helps to explain but I would like to note that I've been a street trader with Oxford City Council since 1986 and in those 35 years we've had very few issues with me, my employees and my company.

I look forward to working with the Council as we start to come out of these tough times.

With kind regards

Michael Hall

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# Agenda Item 7

By virtue of paragraph(s) 1, 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 8

By virtue of paragraph(s) 1, 3, 7 of Part 1 of Schedule 12A  
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# Agenda Item 9

By virtue of paragraph(s) 1, 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 10

By virtue of paragraph(s) 1, 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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