

Minutes of a meeting of the General Purposes Licensing Committee on Monday 6 February 2023

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Committee members present:

Councillor Mundy (Chair)	Councillor Diggins
Councillor Dunne	Councillor Lygo
Councillor Miles	Councillor Muddiman
Councillor Rawle	Councillor Upton
Councillor Waite	

Officers present for all or part of the meeting:

Alison Daly, Legal Adviser
Nicholas Cox, Business Regulation Team Manager
Emma Thompson, Senior Licensing Compliance Officer
Celeste Reyeslao, Committee and Member Services Officer

Apologies:

Councillor(s) Clarkson, Corais, Coyne, Gant, Humberstone and Sandelson sent apologies.

16. Declarations of interest

There were no declarations.

17. Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers, Sex Establishments and Street Parties: Licence Fees and Charges for the 2023/24 Financial Year

The Head of Regulatory Services and Community Safety had submitted a report to seek agreement of the licence fees for 2023/24 where the Council has discretion over the level of fee charged.

The Senior Licensing Compliance Officer introduced the report. Following no substantial variation to the fees and charges in the last five years, it was proposed that an increase of approximately 5% to the current fees and charges was made in 2023/24 in order to cover the Licensing Authority's costs due to inflationary pressures and reasonably represent the costs of carrying out the function.

The Senior Licensing Compliance Officer highlighted the introduction of two new fees for the following functions:

- Private Hire Wheelchair Accessible Vehicle (WAV) fee of £100 which would be offered at a discounted rate to encourage the Private Hire sector to licence more specialist type vehicles and ensure these services were accessible in Oxford.
- Trust ID fees of £12 (DBS and RTW) and £8 (DBS) which would allow applicants to verify ID documents for Disclosure & Barring Services (DBS) and Right to Work (RTW) checks online. The Senior Licensing Compliance Officer confirmed that Trust ID was a secured and Home Office approved provider.

In response to questions, the Senior Licensing Compliance Officer confirmed that:

- In addition to Road Closure Orders, events such as Christmas Markets would also require Temporary Events Notice licence which falls outside the remit of the General Purposes Licensing Committee.
- The proposed licence fee for Private Hire Vehicle applications that were wheelchair accessible was £100 regardless of emissions.
- Low emission Private Hire Vehicles that were also wheelchair accessible were rare and serviced a niche market such as daytime school runs which was less profitable than normal operating Private Hire Vehicles.

Cllr Diggins had put forward an amendment to the Appendix 1 of the report to include a new fee of £62 to the Licence Fees and Charges for 2023/24 Financial Year for Private Hire Vehicles that were Low Emission and Wheelchair Accessible which was a further discounted rate from the proposed £100 licence fee.

After putting to the vote, the Committee agreed to adopt the amendment.

The Committee resolved to:

1. **Delegate** authority to the General Licensing Team Leader to amend Appendix 1 of the Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers, Sex Establishments and Street Parties: Licence Fees and Charges for the 2023/24 Financial Year, in consultation with the Chair of the General Licensing Purposes Committee, to include a new discounted fee of £62 for Private Hire Vehicles that are Low Emission and Wheelchair Accessible;
2. **Agree** the licence fees and charges for 2023/24 as amended and recommend them to Council.

18. Miscellaneous Licensing: Fees and Charges for the 2023/24 Financial Year

The Head of Regulatory Services and Community Safety had submitted a report to seek agreement of the licence fees for 2023/24 where the Council has discretion over the level of fee charged.

The Business Regulation Team Manager introduced the report. It was proposed that a minor increase to the current fees and charges was made in 2023/24 in order to cover the Licensing Authority's costs due to inflationary pressures.

In relation to the Pavement Licence provisions set by the Business and Planning Act 2020, the Business Regulation Team Manager advised that the mandatory annual fee of £100 had been extended twice and currently run until September 2023. It was

therefore proposed that fees for a Street Cafe Licence be amended from a single charge of £100 to reflect the number of tables and chairs applied for, in the event that the Pavement Licence provisions were not extended beyond September 2023.

In response to questions relating to a percentage differential on the proposed charge increases, it was confirmed that city centre and late night traders were also required under the Licensing Act 2003 to hold a premises licence covering the sale of hot food and drinks between the hours of 11pm and 5am on top of the proposed miscellaneous licensing charges and that the fees imposed by these two departments were taken into consideration.

Following discussions, the Committee requested further information relating to the parameters and conditions surrounding the miscellaneous licensing function be brought forward at a future meeting.

The Committee resolved to:

1. **Agree** the licence fees and charges for 2023/24 as set out in Appendix 1 and recommend them to Council.

19. Consultation responses and proposed Final Version of Revised Street Trading Policy 2023

The Head of Regulatory Services and Community Safety had submitted a report to advise the Committee on the results from the public consultation on proposed changes to the Street Trading Policy and recommend a proposed Final Version of the Policy, for onward recommendation to Council.

The Business Regulation Team Manager introduced the report. It was highlighted that nearly a hundred representations from members of public, groups and street traders were received as a result of the public consultation that was carried out between 12 December 2022 and 13 January 2023.

The Business Regulation Team Manager also advised the Committee of the government ban on single-use plastics that would be introduced in October 2023 and gave assurance that BRT officers were to monitor its progress and advise should further changes to the Street Trading Policy were needed.

The Committee commented on the following points:

- The provision on bins and requirements surrounding street traders outside the 20 metre parameter of a public litter bin.
- Street trader responses received from the consultation and their general position on the proposed changes to the policy.
- Inconsistencies in the conditions relating to the use of single-use plastics, recycled and part recycled materials as set out in the policy, section 28 and 29.
- Clarity on charities and small events' exemption as stipulated in section 15.2.

Cllr Lygo raised a question regarding the stipulation on the 20 metre litter bin policy and pointed out that there were two smoking bins at the entrance of the Town Hall within 3 metres of each other, he then queried what the impact would be on the street traders near the site if these bins were to be removed in line with county's policies to be smoke free by 2025. The Business Regulation Team Manager stated that it would need to be worked out and check back for a conclusive answer.

The Committee challenged the proposed delayed enforcement of the single-use plastic ban to 01 October 2023 given the insubstantial response from street traders. It added that when the motion was first put to Council, street traders were given a window of opportunity to use up existing stock in anticipation of the changes to the existing street trading policy.

Cllr Diggins proposed an amendment to section 17 of the policy that would require street traders to provide their own food waste bins, however following discussions and confirmation that this amendment would require public response through another consultation, she withdrew the amendment proposal.

The Committee agreed to adopt the proposed amendments to the Street Trading Policy as follows:

- Removal of Section 29 under Annex 1 General Conditions for Street Trading Consents, *"All packaging and utensils for use by customers shall be made of recycled or part recycled materials."*
- Rewording of Section 15.2 by deleting the word 'requirements' and replacing it with 'fees'.

Members of the Committee had also put forward an amendment to the recommendations that would bring the proposal in its entirety for Council approval effective 01 April 2023.

The Committee resolved to:

1. **Note** the outcomes from the public consultation on the Street Trading Policy review timeline;
2. **Endorse** the Final Draft Street Trading Policy 2023 at Appendix B;
3. **Delegate** authority to the Principal Lead Officer (Business Regulation Team) to make the amendments to the draft Street Trading Policy 2023 Proposed Final Version (Appendix B) set out above, in consultation with the Chair of the General Purposes Licensing Committee;
4. **Recommend** the endorsed Policy in its entirety to Council for adoption with effect from 01 April 2023.

20. Minutes of the previous meeting

The Committee agreed to **approve** the minutes of the meeting held 26 September 2022 and extraordinary meeting held on 30 November 2022 as true and accurate record.

Minute 11 - Sustainable Street Trading Motion referred to General Purposes Licensing Committee under Part 11.19(d) of the Constitution

In response to a question from Cllr Muddiman, Cllr Upton, Cabinet Member for Health and Transport advised that she was expecting to meet with EV Team in the coming week and would provide a progress update in due course.

21. Dates and times of meetings

The Committee noted the dates and times of future meetings.

The meeting started at 6.15 pm and ended at 7.36 pm

Chair

Date: Thursday 18 May 2023

When decisions take effect:

Cabinet: after the call-in and review period has expired

*Planning Committees: after the call-in and review period has expired and the formal
decision notice is issued*

All other committees: immediately.

Details are in the Council's Constitution.