

Agenda

General Purposes Licensing Committee

This meeting will be held on:

Date: **Monday 6 February 2023**

Time: **6.15 pm**

Place: **Long Room - Oxford Town Hall**

For further information please contact:

Celeste Reyeslao, Committee and Members Services Officer

📞 01865 252946

✉️ democraticservices@oxford.gov.uk

Members of the public can attend to observe this meeting and.

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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Committee Membership

Councillors: Membership 15: Quorum 5: No substitutes are permitted.

Councillor Edward Mundy (Chair)

Councillor Mary Clarkson (Vice-Chair)

Councillor Tiago Corais

Councillor Barbara Coyne

Councillor Lizzy Diggins

Councillor Paula Dunne

Councillor Andrew Gant

Councillor Rae Humberstone

Councillor Mark Lygo

Councillor Katherine Miles

Councillor Lois Muddiman

Councillor Rosie Rawle

Councillor Jo Sandelson

Councillor Louise Upton

Councillor Naomi Waite

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

		Pages
1	Apologies for absence	
2	Declarations of interest	
3	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 <p>The Head of Regulatory Services and Community Safety Hire has submitted a report to seek agreement of the licence fees for 2023/24 where the Council has discretion over the level of fee charged.</p> <p>Recommendation: That the General Purposes Licensing Committee resolves to:</p> <ol style="list-style-type: none"> 1. Agree the licence fees and charges for 2023/24 as set out in the Appendix 1 and recommend them to Council. 	7 - 14
4	Miscellaneous Licensing: Fees and Charges for the 2023/24 Financial Year <p>The Head of the Regulatory Services and Community Safety has submitted a report to seek agreement of the licence fees for 2023/24 where the Council has discretion over the level of fee.</p> <p>Recommendations: That the General Purposes Licensing Committee resolves to:</p> <ol style="list-style-type: none"> 1. Agree the licence fees and charges for 2023/24 as set out in Appendix 1 and recommend them to Council. 	15 - 18
5	Consultation responses and proposed Final Version of Revised Street Trading Policy 2023 <p>The Head of Regulatory Services and Community Safety has 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.</p>	19 - 48

Recommendations: That the General Purposes Licensing Committee resolves 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. **Recommend** the endorsed Policy to Council for adoption with effect from 01 April 2023, with section 5.9 (single use plastics) to take effect on 01 October 2023.

6 Minutes of the previous meeting

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Recommendation: That the minutes of the meeting held on 26 September 2022 and Extraordinary meeting held on 30 November 2022 be APPROVED as a true and accurate record.

7 Dates and times of meetings

The Committee is scheduled to meet at 6.15pm on the following dates:

- 18 May 2023
- 25 September 2023
- 05 February 2024

Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you 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". 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.

Members Code – Other Registrable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing** of one of your Other Registrable Interests*** then you must declare an

interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Members Code – Non Registrable Interests

Where a matter arises at a meeting which ***directly relates*** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests, then you must declare the interest.

You must not take part in any discussion or vote on the matter and must not remain in the room, if you answer in the affirmative to this test:

“Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting.”

Otherwise, you may stay in the room, take part in the discussion and vote.

*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.

** Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person’s quality of life, either positively or negatively, is likely to affect their wellbeing.

*** Other Registrable Interests: a) any unpaid directorships b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any Body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

To: General Purposes Licensing Committee
Date: 6th February 2023
Report of: Head of Regulatory Services and Community Safety
Title of Report: 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

Summary and recommendations	
Purpose of report:	To seek agreement of the licence fees for 2023/24 where the Council has discretion over the level of fee charged
Corporate Priority	Enable an Inclusive Economy
Policy Framework	None
Recommendation(s): That the General Purposes Licensing Committee resolves to:	
1. Agree the licence fees and charges for 2023/24 as set out in the Appendix 1 and recommend them to Council	

Appendices	
Appendix 1	Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers, Sex Establishments and Street Parties Fees and Charges 2023/24

Introduction

1. The purpose of this report is to seek agreement to the licence fees and charges that should apply for 2023/24, for those activities where the Council has discretion. This report does not cover the fees for Licensing and Gambling Act activities, which are reported separately to the Licensing and Gambling Acts Committee.
2. The fees and charges detailed within this report and found at **Appendix 1** relate solely to the functions of the General Licensing Team. A further report will be provided to Members in relation to the fees and charges related to the functions of the Miscellaneous Licensing Team.

3. The relevant legislation for the functions detailed in this report are Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Scrap Metal Dealers Act 2013, Local Government (Miscellaneous Provisions) Act 1982.
4. The statutory principle in relation to the setting of fees is that they should be reasonable, proportionate and not exceed the cost of the procedures and formalities of the relevant licensing scheme, including staffing, training, administration, testing, inspections, hearings, and regulation.
4. Licence fees set by the Council and administered in the General Licensing function consist of Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders (Street Parties), Scrap Metal Dealers and Sex Establishments.

Commercial Events and events with no commercial element (including Street Parties)

5. The making of Temporary Road Closure Orders under the Town Police Clauses Act 1847 is a discretionary service and the Council may make a charge for carrying it out, as long as the charge does not exceed the costs to the Authority.
6. A number of Road Closure applications have been made in the last years for events involving a commercial element, such as for Christmas Market, Little Clarendon Street Market, Art Market, North Parade Market, Christmas Light Festival etc.
7. A number of Road Closure applications have been submitted in the last years for Street Parties which do not include a commercial element. Such closures are community and local residents based and we can see steady increase of such events following the pandemic.
8. It is important to note that where the application meets the test of being for a community or charitable event with no commercial gain the fee can be waived by the Authority in support of such events.
9. Members are asked to note that the fees have been revised and minor increase has been applied to cover the Authority costs, due to inflationary pressures. Important to note is that the fees haven't been increased for more than five years. The fees can be found in **Appendix 1**.

Hackney Carriage and Private Hire Licence Fees and Charges

9. The Authority has introduced three (3) new fees and charges in this section
 - a) Private Hire Wheelchair Accessible Vehicle (WAV) fee of £100 - This fee offers a discounted fee for licensing a Private Hire Vehicle which is wheelchair accessible. This is to encourage the Private Hire sector to license more WAV's and ensure the service is accessible in Oxford.
 - b) Trust ID (DBS and / or RTW) fees of £12 / £8 - Authority has contracted a provider to be able to verify applicants ID documents for Disclosure & Barring Services (DBS) and Right to Work (RTW) checks online, via Trust

ID, secured and Home Office approved provider. Being able to complete the checks online, removes the need for face-to-face appointments at Town Hall, improves the efficiency, allow instant checks and ensure less delays for applicants.

10. Members should also note that the Hackney Carriage and Private Hire fees have been revised and minor increase has been applied to cover the Authority costs due to inflationary pressures. Important to note is that the fees haven't been increased for more than five years. The fees can be found in **Appendix 1**.

Scrap Metal Dealers

11. The licensing of Scrap Metal Dealers and collectors is an executive function which is the responsibility of Cabinet. Therefore the setting of fees does not fall to this Committee. The fees for this function can be found in **Appendix 1** for Members to note, which also have been revised due to inflationary pressures.

Sex Establishments and Sexual entertainment venues

12. Fees and charges for those functions have been revised and minor increase has been applied to cover the Authority costs, due to inflationary pressures. Important to note is that the fees haven't been increased for more than five years. The fees can be found in **Appendix 1**.

Financial implications

13. The Council is responsible for collecting licence fees for these functions. Predicted income from licence fees is included in the Council's budget estimates for 2023/24.

Legal issues

14. The power to levy fees is contained in the legislation relevant to each function or in the Local Government Act 2003 in relation to discretionary services. Fees and charges should reasonably represent the costs of carrying out the function.

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GENERAL PURPOSES LICENSING COMMITTEE	2022/23	2023/24	Increase/	Increase/
FEES & CHARGES 2023/2024	Charge	Charge	(Decrease)	(Decrease)
	£	£	£	%
Taxi Licensing:				
VEHICLES				
Hackney Carriage	400.00	420.00	20.00	5.00
Hackney Carriage (Low Emission Vehicle)	300.00	315.00	15.00	5.00
Hackney Carriage (ULEV Early Adopter Discount)	0.00	0.00	0.00	0.00
Hackney Transfer of Ownership	100.00	105.00	5.00	5.00
Hackney Change of Vehicle	100.00	105.00	5.00	5.00
Hackney Temporary Vehicle	75.00	78.00	3.00	4.00
Private Hire	262.00	275.00	13.00	4.96
Private Hire (Low Emission Vehicle)	162.00	170.00	8.00	4.94
Private Hire (ULEV Early Adopter Discount)	0.00	0.00	0.00	0.00
Private Hire (Wheelchair Accessible Vehicle (WAV))	N/A	100.00	N/A	New
Private Hire Transfer	100.00	105.00	5.00	5.00
Private Hire Change of Vehicle	100.00	105.00	5.00	5.00
Private Hire Temporary Vehicle	75.00	78.00	3.00	4.00
Taxi Licensing:				
DRIVERS				
Hackney Combined (1 year licence)	115.00	120.00	5.00	4.35
Hackney Combined (3 year licence)	345.00	360.00	15.00	4.35
Hackney Combined (3 year licence only) for Oxfordshire Licensed drivers with 1 full year on current licence	230.00	240.00	10.00	4.35
Hackney Combined (3 year licence only) for Oxfordshire Licensed drivers with 2 full years on current licence	115.00	120.00	5.00	4.35
Private Hire (1 year licence)	101.00	106.00	5.00	4.95
Private Hire (3 year licence)	303.00	318.00	15.00	4.95
Private Hire (3 year licence only) for Oxfordshire Licensed drivers with 1 full year on their current licence	202.00	212.00	10.00	4.95
Private Hire (3 year licence only) for Oxfordshire Licensed drivers with 2 full year on their current licence	101.00	106.00	5.00	4.95
Taxi Licensing:				
ADDITIONAL CHARGES:				
Mandatory Safeguarding and Disability Awareness Training - Oxfordshire County Council Charge (Provider)	50.00	50.00	0.00	0.00
Local Knowledge & Safeguarding Test	75.00	78.00	3.00	4.00
Local Knowledge & Safeguarding Re-Test	75.00	78.00	3.00	4.00
DBS Application (check) - at cost / DBS Charge	50.00	50.00	0.00	0.00
DVLA check - for new applicants only, at cost	7.00	7.00	0.00	0.00
Trust ID - DBS and RTW Online Check	N/A	12.00	N/A	New
Trust ID - DBS Online Check only	N/A	8.00	N/A	New

GENERAL PURPOSES LICENSING COMMITTEE	2022/23	2023/24	Increase/	Increase/
FEES & CHARGES 2023/2024	Charge	Charge	(Decrease)	(Decrease)
	£	£	£	%
Licence badge/replacement badge	10.00	11.00	1.00	10.00
Replacement external plate	25.00	26.00	1.00	4.00
Internal Vehicle Licence Plate	15.00	16.00	1.00	6.67
Replacement Internal Vehicle Licence Plate	15.00	16.00	1.00	6.67
Exempt badge/replacement badge	25.00	26.00	1.00	4.00
Replacement approved fare chart	4.00	4.00	0.00	0.00
Replacement approved no smoking signs (includes VAT)	2.00	2.00	0.00	0.00
Duplicate paper licence (replacement)	5.00	6.00	1.00	20.00
Unpaid Cheque Charge	30.00	32.00	2.00	6.67
Amendments to Private Hire Operator Licence	100.00	105.00	5.00	5.00
Charge for Vehicle Exemption Notice	50.00	52.00	2.00	4.00
Taxi Licensing:				
PRIVATE HIRE OPERATOR LICENCE				
Vehicle 3 & under (1 year licence)	490.00	514.00	24.00	4.90
Vehicle 4 & over (1 year licence)	980.00	1028.00	48.00	4.90
Vehicle 3 & under (5 year licence)	2,450.00	2,570.00	120.00	4.90
Vehicle 4 & over (5 year licence)	4,900.00	5,140.00	240.00	4.90

GENERAL PURPOSES LICENSING COMMITTEE	2022/23	2023/24	Increase/	Increase/
FEES & CHARGES 2023/2024	Charge	Charge	(Decrease)	(Decrease)
	£	£	£	%
Road Closures				
Commercial Event Road Closures- Events (under 500 people)	105.00	115.00	10.00	9.52
Commercial Event Road Closures- Market and Street Fairs	255.00	280.00	25.00	9.80
Commercial Event Road Closures- Events (500 or more people)	305.00	335.00	30.00	9.84
Road Closure with no commercial element inc Street Parties	16.00	17.00	1.00	6.25
Scrap Metal Dealers (Three Year Licence)				
New Site Licence	1220.00	1280.00	60.00	4.92
Renewal Site Licence	1220.00	1280.00	60.00	4.92
Variation Site Licence	300.00	315.00	15.00	5.00
New Mobile Collector Licence	605.00	635.00	30.00	4.96
Renewal Mobile Collector Licence	605.00	635.00	30.00	4.96
Variation Mobile Collector Licence	300.00	315.00	15.00	5.00
Sex Establishments				
Sex establishment (Sex Shop or Sex Cinema)- New	2508.00	2630.00	122.00	4.86
Sex establishment (Sex Shop or Sex Cinema)- Renewal	2508.00	2630.00	122.00	4.86
Sex establishment (Sex Shop or Sex Cinema)- Variation/ transfer	449.00	469.00	20.00	4.45
Sexual entertainment venues new	5880.00	6170.00	290.00	4.93
Sexual entertainment venues renewal	5880.00	6170.00	290.00	4.93
Sexual entertainment variation/ transfer	449.00	469.00	20.00	4.45

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To: General Purposes Licensing Committee
Date: 6th February 2023
Report of: Head of Regulatory Services and Community Safety
Title of Report: Miscellaneous Licensing: Fees and Charges for the 2023/24 financial year

Summary and recommendations	
Purpose of report:	To seek agreement of the licence fees for 2023/24 where the Council has discretion over the level of fee charged
Corporate Priority	Enable an inclusive economy and Support Thriving Communities
Policy Framework	None
Recommendation(s): That the General Purposes Licensing Committee resolves to:	
1. Agree the licence fees and charges for 2023/24 as set out in Appendix 1 and recommend them to Council	

Appendices	
Appendix 1	Acupuncture, Ear Piercing, Electrolysis & Tattooing, Animal Boarding, Dangerous Wild Animals, Dog Breeding, Pavement Cafes, Pet Shops, Exhibiting Animals, Riding Establishments, Street Trading and Zoos.

Introduction

1. The purpose of this report is to seek agreement to the licence fees and charges that should apply for 2023/24, for those activities where the Council has discretion. This report does not cover the fees for Licensing Act and Gambling Act activities, which are reported separately to the Licensing and Gambling Acts Committee.
2. The fees and charges detailed within this report and found at **Appendix 1** relate solely to the functions of the Business Regulation Team. A further report will be provided to Members in relation to the fees and charges related to the functions of the General Licensing Team.
3. The statutory principle in relation to the setting of fees is that they should be reasonable, proportionate and not exceed the cost of the procedures and

formalities of the relevant licensing scheme, including staffing, training, administration, testing, inspections, hearings, and regulation.

4. Licence fees set by the Council and administered in the Miscellaneous Licensing function within the Business Regulation Team comprise the following: Acupuncture, Ear Piercing, Electrolysis & Tattooing, Animal Boarding, Dangerous Wild Animals, Dog Breeding, Pavement Cafes, Pet Shops, Exhibiting Animals, Riding Establishments, Street Trading and Zoos.
5. Members are asked to note that the fees have been revised and minor increases applied to cover the Authority costs, due to inflationary pressures.
6. In 2020 central Government brought in Pavement Licences under new temporary provisions in the Business and Planning Act 2020. Originally a 12 months scheme, the Pavement Licence provisions have subsequently been extended twice and currently run until September 2023. The mandatory £100 fee set by Government is insufficient to meet service costs. In the event that the provisions are not extended beyond that date, the pre-existing Street Cafes provisions would be the only way to gain permission for outdoor tables and chairs. It is therefore proposed that, in the event that the Pavement Licence provisions are not extended beyond September 2023, fees for a Street Café Licence be amended from a single charge of £100 to reflect the number of tables and chairs applied for. The proposed fees are set out in Appendix A.
7. The Council is responsible for collecting licence fees for these functions. Predicted income from licence fees is included in the Council's budget estimates for 2023/24.

Legal issues

8. The power to levy fees is contained in the legislation relevant to each function or in the Local Government Act 2003 in relation to discretionary services. Fees and charges should reasonably represent the costs of carrying out the function.

Report author	David Stevens
	Principal Lead Officer, Business Regulation Team Regulatory Services and Community Safety 01865 252556 dstevens@oxford.gov.uk

Appendix A: Proposed Fees & Charges for 2022/2023 applicable to the Miscellaneous Licensing functions within the Business Regulation Team

Regulatory & Community Safety Fees and Charges 2023/24					
	2021/22 Charge	2022/23 Charge	2023/24 Charge	Increase/ (Decrease)	Increase/ (Decrease)
	£	£	£	£	%
Street Trading Consents - subject to approval by General Purposes Licensing Committee					
City Centre & Late Night Traders					
Application Fee	345.00	355.00	360.00	5.00	1.41
Annual consent (Pro Rata for period of Consent)	8,180.00	8,180.00	8,300.00	120.00	1.47
Weekly Consent (Weekly Rota)	183.00	183.00	185.00	2.00	1.09
All other traders					
Application Fee	345.00	355.00	360.00	5.00	1.41
Annual consent (Pro Rata for period of Consent)	2,780.00	2,780.00	2,820.00	40.00	1.44
Peripatetic traders (mobile traders- e.g. icecream vans, sandwich vans)					
Application fee	115.00	120.00	125.00	5.00	4.17
Annual consent (Pro Rata for period of Consent)	1,445.00	1,445.00	1,465.00	20.00	1.38
General Charges					
Replacement Consent	34.50	35.00	37.00	2.00	5.71
Identification badge (per badge)	34.50	35.00	37.00	2.00	5.71
Events					
Street Trading at event for commercial benefit (up to 5 days) - per stall	29.50	32.00	35.00	3.00	9.38
Street Trading at event for commercial benefit (6 or more days) - per stall	47.50	50.00	55.00	5.00	10.00
Street Trading at event for community / charity benefit	No Fee	No Fee			
Street Café Licences - subject to approval by General Purposes Licensing Committee					
Annual Fee as set by the Business and Planning Act 2020	100.00	100.00	100.00	0.00	0.00
Proposed annual fees if the Business and Planning Act 2020 is not extended:					
1-4 tables	N/A	150.00	160.00	10.00	6.67
5-10 tables	N/A	200.00	210.00	10.00	5.00
10 or more tables	N/A	250.00	260.00	10.00	4.00
				0.00	
				0.00	
Miscellaneous Licensing - subject to approval by General Purposes Licensing Committee					
Acupuncture, ear piercing, electrolysis & tattooing (only payable on first registration - person)	126.00	130.00	140.00	10.00	7.69
Acupuncture, ear piercing, electrolysis & tattooing (only payable on first registration - premises)	253.00	260.00	280.00	20.00	7.69
Boarding for cats and/or dogs	306 + vet fee	315 + vet fee	330 + vet fee	15.00	4.76
Hiring out horses	306 + vet fee	315 + vet fee	330 + vet fee	15.00	4.76
Breeding dogs	306 + vet fee	315 + vet fee	330 + vet fee	15.00	4.76
Selling animals as pets	306 + vet fee	315 + vet fee	330 + vet fee	15.00	4.76
Keeping or training animals for exhibition	285 + vet fee	285 + vet fee	300 + vet fee	15.00	5.26
Request for variation	132.00	135.00	145.00	10.00	7.41
Request for re-inspection	132 + vet fee	132 + vet fee	140 + vet fee	8.00	6.06
Dangerous Wild Animals	455 + vet fee	465 + vet fee	490 + vet fee	25.00	5.38
Zoo	455 + vet fee	465 + vet fee	490 + vet fee	25.00	5.38

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To: General Purposes Licensing Committee
Date: 6th February 2023
Report of: Head of Regulatory Services and Community Safety
Title of Report: Consultation responses and proposed final version of revised Street Trading Policy 2023

Summary and recommendations	
Purpose of 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.
Corporate Priority:	Enable an Inclusive Economy; Support Thriving Communities
Policy Framework:	Council Strategy 2020-24
Recommendation(s): That the General Purposes Licensing Committee resolves to:	
<ol style="list-style-type: none"> Note the outcomes from the public consultation on the Street Trading Policy review timeline. Endorse the Final Draft Street Trading Policy 2023 at Appendix B Recommend the endorsed Policy to Council for adoption with effect from 1st April 2023, with section 5.9 (single use plastics) to take effect on 1st October 2023 	

Appendices	
Appendix A	Street Trading Policy Consultation Report
Appendix B	Street Trading Policy 2023 Proposed Final Version.

Introduction and background

- At its meeting on 30 November 2022, the General Purposes Licensing Committee approved the draft Street Trading Policy Consultation Version presented to it, subject to amendments to be made by the Principal Lead Officer in consultation with the Chair of the General Licensing Purposes Committee.

2. These amendments were made and a public consultation subsequently was carried out between 12th December 2022 and 13th January 2023. A report on the Consultation is attached at **Appendix A**

Consultation Report

3. As the Report shows, nearly a hundred online representations were received, from members of the public, groups and street traders. In general, more respondents supported each of the changes covered in the Consultation Questions than respondents who did not. Most respondents gave contact details and permission for officers to respond to their enquiries and inform them of the outcomes from the consultation.

Government Ban on Single Use Plastics

4. On 14th January 2023 the Government announced plans for a ban on single-use plastic plates, trays, bowls, cutlery, balloon sticks, and certain types of polystyrene cups and food containers. The ban will be introduced from October 2023, allowing businesses time to prepare. Draft Regulations, to be enforced by County Councils in England, have been published.
5. From October, businesses will not be able to supply these products to customers and this includes retailers, takeaways, food vendors and the hospitality industry. However, the ban does not apply to plates, trays, and bowls that are used as packaging in shelf-ready pre-packaged food items. The announcement states that, for example it would include pre-packaged salad bowls and bowls filled with food at the counter of a takeaway.
6. The emerging legislation and guidance is likely to be relevant to the Street Trading Policy and Business Regulation Team officers will monitor their progress and advise Members and the trade if they become aware that further changes to the Policy are needed.

Provision of litter bins

7. Several respondents asked about the implementation of this requirement given that some street trading locations are better provided with public litter bins than others. Whilst officers consider that the provision of a trader-located bin is likely to help reduce street litter, the Committee may wish to consider that the requirement only applies when there is no existing public litter bin within 20 metres. To assist the committee a potential amendment would be that Annexe 1 Condition 17 is amended to read as follows: *"The Consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, including by making a bin available for customers to use where a public litter bin is not available within 20 metres from their vehicle."*

Implementation programme

8. The current proposed implementation date for the revised Street Trading Policy 2023 is 1st April 2023. However, the proposed ban on the use of single use plastic and polystyrene is likely to require some traders to change how they present items for sale, to obtain new stock and perhaps new suppliers. They may wish also to use up existing stock items and materials. As noted in section 3.6 of the Consultation Report it was a repeated concern that time should be allowed to comply with the new requirement.

9. The current Street Trading Policy was introduced six months after publication, thereby allowing traders time to comply with the then new requirements concerning recycled/ part recycled packaging. Members may wish to recommended to Council a similar six months delay specifically for the new requirement in Section 6.6.

Proposed Street Trading Policy 2023 Final Version

10. The proposed final version of the revised Street Trading Policy is set out at Appendix B. There are no changes to the ban on the sale of e-cigarettes and plastic and helium balloons and sky lanterns which were proposed in the Consultation Version and are contained in paragraph 6.5.
11. The potential post-Consultation changes referred to in this Report (at Section 6.6 and Annexe 1 Condition 17 in the Policy) are highlighted by means of a shaded background in order to assist Members to identify them in context. The shading will be removed before publication.
12. Members are requested to endorse the Street Trading Policy 2023 Final Draft at Appendix B and to recommend the endorsed Policy to Council for adoption with effect from 1st April 2023, with section 6.6 (single use plastics) to take effect on 1st October 2023.

Financial implications

13. The Council is entitled to make reasonable charges for its licensing services, based on the costs of performing those functions. The Street Trading Policy Review 2022-23 is expected to deliver a Policy which will enhance the operation and management of the Street Trading service so that fee income is proportionate to costs.

Legal issues

14. The Street Trading Policy Review brings an opportunity to check on current legislation and best practice and ensure that the Council meets legal requirements. The legal issues arising from the proposed changes are included within this report.

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Background Papers: None

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Street Trading Policy Consultation 2022-23

STREET TRADING POLICY 2022-23 CONSULTATION REPORT

1. Introduction

A public engagement exercise was undertaken in December 2022-January 2023 following publication of a draft proposed Street Trading Policy 2023 which had been , approved for consultation purposes by the City Council's General Purposes Licensing Committee (GPLC). The key components of the exercise were:

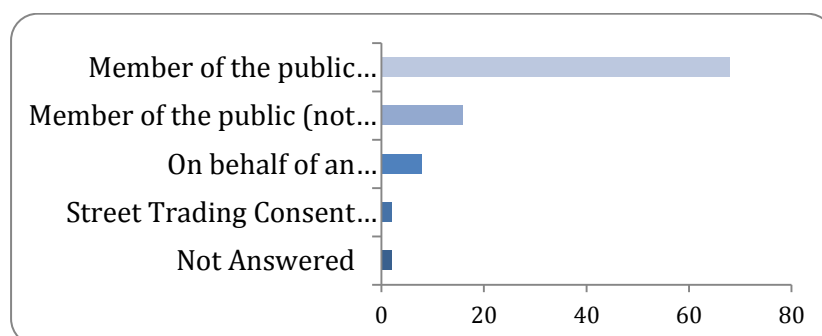
- an online questionnaire focusing on the proposed changes entitled “*Your views on the proposed Street Trading Policy 2023*”
<https://consultation.oxford.gov.uk/regulatory-services-and-community-services/street-trading-policy-review-2022-23>
- direct mailing to all current street trading consent holders of printed versions of the online documents
- direct emailing to key internal and external stakeholder teams asking them to respond via the online consultation portal.

The activity ran from 12/12/2022 to 13/01/2023.

2. Participation

Online Survey

There were 96 online responses to the survey. 91 of these gave their name and 87 gave email contact details (for follow-up purposes only). 94 respondents said in which given capacity they were responding, as follows:



Option	Total	Percent
Member of the public (Oxford resident)	68	70.83%
Member of the public (not Oxford resident)	16	16.67%
On behalf of an organisation/company/community group	8	8.33%
Street Trading Consent Holder	2	2.08%
Other	0	0.00%
Not Answered	2	2.08%

Street Trading Policy Consultation 2022-23

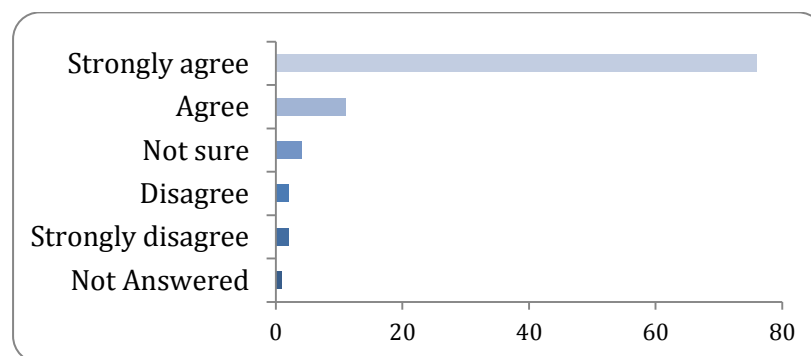
Those persons responding on behalf of an organisation/company/community group, described or gave the name of 8 groups

Of the 96 respondents, when asked if we could contact them to advise on the outcome of the consultation 74 (77%) said yes and 22 (23%) replied no.

3. Responses to the Consultation Questions

3.1. Single Use Plastic in Street Trading

There were 95 responses to this part of the question.



Option	Total	Percent
Strongly agree	76	79.17%
Agree	11	11.46%
Not sure	4	4.17%
Disagree	2	2.08%
Strongly disagree	2	2.08%
Not Answered	1	1.04%

Other comments

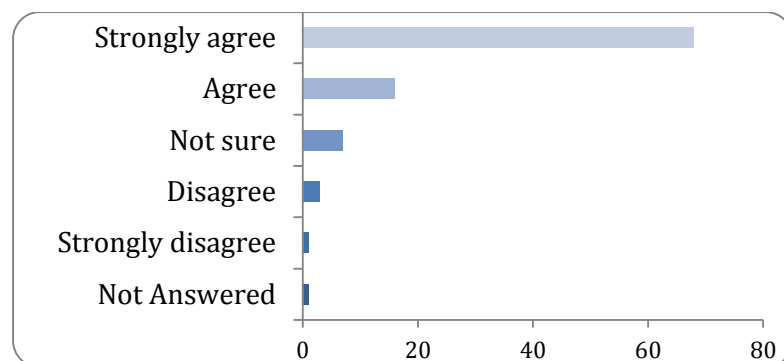
There were 32 responses to this part of the question, mostly in support as indicated by the response data. Individual comments requiring a response are being answered by the Business Regulation Team and colleagues

Officer comment: Central government is introducing a ban on the sale of single use plastics from October 2023. Draft Regulations have been published and guidance is under development. The emerging legislation and guidance is likely to be relevant to this Question.

Street Trading Policy Consultation 2022-23

3.2. Plastic and helium balloons and sky lanterns

There were 95 responses to this part of the question.



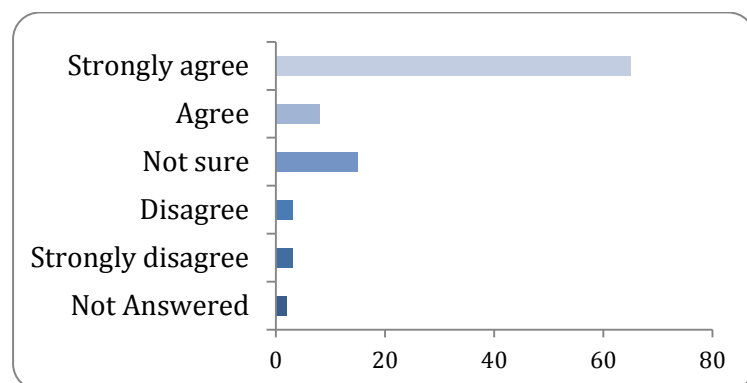
Option	Total	Percent
Strongly agree	68	70.83%
Agree	16	16.67%
Not sure	7	7.29%
Disagree	3	3.12%
Strongly disagree	1	1.04%
Not Answered	1	1.04%

Other comments

There were 26 responses to this part of the question, mostly in support as indicated by the response data. Individual comments requiring a response are being answered by the Business Regulation Team and colleagues.

3.3. E-cigarette sales

There were 94 responses to this part of the question.



Option	Total	Percent
Strongly agree	65	67.71%
Agree	8	8.33%
Not sure	15	15.62%
Disagree	3	3.12%
Strongly disagree	3	3.12%
Not Answered	2	2.08%

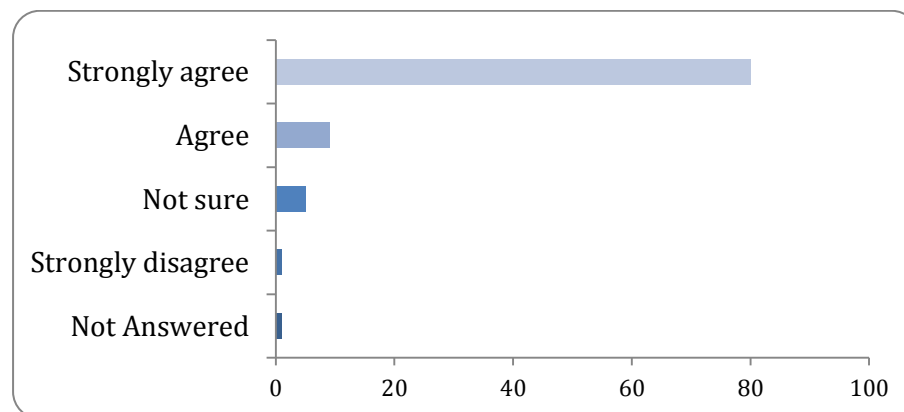
Street Trading Policy Consultation 2022-23

Other comments

There were 19 responses to this part of the question, mostly in support as indicated by the response data. Individual comments requiring a response are being answered by the Business Regulation Team and colleagues.

3.4. Litter bin for customer use

There were 95 responses to this part of the question.



Option	Total	Percent
Strongly agree	80	83.33%
Agree	9	9.38%
Not sure	5	5.21%
Disagree	0	0.00%
Strongly disagree	1	1.04%
Not Answered	1	1.04%

Other comments

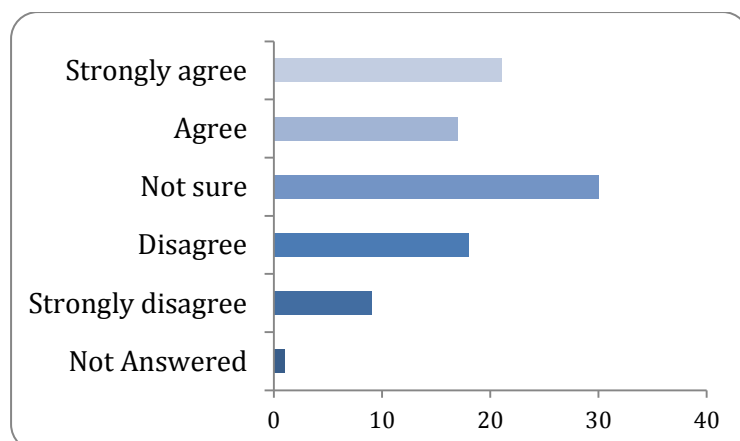
There were 31 responses to this part of the question, mostly in support as indicated by the response data. Individual comments requiring a response are being answered by the Business Regulation Team and colleagues

Officer Comment several respondents asked about the implementation of this requirement given that some street trading locations are better provided with public litter bins than others. Whilst officers consider that the provision of a trader- located bin is likely to help reduce street litter, the Committee may wish to consider that the requirement applies when there is no existing public litter bin within 20 metres

Street Trading Policy Consultation 2022-23

3.5. Street trading at special events

There were 95 responses to this part of the question.



Option	Total	Percent
Strongly agree	21	21.88%
Agree	17	17.71%
Not sure	30	31.25%
Disagree	18	18.75%
Strongly disagree	9	9.38%
Not Answered	1	1.04%

Other comments

There were 33 responses to this part of the question. The data suggests less strong support for this amendment, with several respondents advised against allowing any exemption from environmental requirements and restrictions. For example:

"Free of charges yes. But not allowed to operate in a way forbidden for other traders."

"Charities and community events are not exempt. They should be responsible."

Officer comment verbatim comments indicate that respondents may have misunderstood the scope of exemption for community and charity events. The proposed amendment relates solely to whether fees or charges apply and does not exempt any Street Trading activity from the provisions of the Street Trading Policy

3.6. Any other comments about the Street trading Policy

There were 32 responses to this part of the question, covering a wide range of topics. A repeated concern was that the single use plastic measure would take some time to comply with given that most traders will have stock to use up and may need to find new suppliers.

It's important that these changes are done in a way to minimise the "hit" small, independent businesses have to take. Making sure they have enough time, information and support to adapt

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Street Trading Policy

Proposed Final Version

Subject to approval this version will apply from 1st April 2023



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Glossary

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

Introduction

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

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

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

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

The pursuit of a zero carbon Oxford is a corporate priority of the Council and this Policy includes measures to encourage environmentally sustainable street trading. We will provide guidance on how to achieve these and related measures in support of that priority.

1 Purpose of the Policy

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

2 Consultation

- 2.1 In determining this policy, the Council has undertaken a public consultation exercise involving the following stakeholders and organisations:
 - Thames Valley Police
 - Oxfordshire County Council
 - All current Consent Holders
 - All relevant departments within Oxford City Council
 - Members of the public
- 2.2 The Council has considered and taken into account the views of all consultees.

3 Review of the Policy

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

4 Legislation and current provision

- 4.1 In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (LGA82) should apply to its area. Under Schedule 4 of the Act a local authority can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.
- 4.2 All streets in Oxford City Council area are designated as consent streets and any trading requires consent.
- 4.3 Street Trading is defined as "*the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions*".

The LGA82 exceptions include:

- (4) Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;

- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order;
- (c) Trading as a news vendor;
- (d) Trading at or adjoining a shop premises as part of the business of the shop;
- (e) Offering or selling things as a roundsman

Schedule 4 of the LGA82 defines a street as “*any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980.*” This includes privately owned land

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

5 The Licensing Process and Delegation of Functions

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

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

Full Council sets policies on licensing.

The General Purposes Licensing Committee:

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

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

- a) Decide street trading applications [that are for longer than three months] referred by the Head of Regulatory and Community Safety Services
- b) Decide applications to renew Street Trading Consent when there has been a complaint about the trader or the trader has breached the conditions of their Street Trading Consent in the past year
- c) Decide for cases referred by the Head of Regulatory Service & Community Safety whether to reinstate, suspend, extend suspension, vary or revoke a street trading consent

- 5.3 The General Purposes Licensing Committee has in turn delegated authority to the Responsible Head of Service to:

- (a) Issue Street Trading Consents and to attach such conditions as are necessary under the Local Government (Miscellaneous Provisions) Act 1982;
- (b) Refuse any application for a Consent:

- (i) that is considered unsuitable under this policy;
- (ii) where there are valid adverse comments from any of the following consultees; (Police or Highways on the grounds of Public or Highway safety);
- (c) Refer applications/Consent holders to the General Purposes Licensing Casework Sub-Committee:
 - (i) when there has been a complaint or safeguarding concern about the trader or the trader has breached the conditions of their Street Trading Consent in the past year;
 - (ii) where there are multiple applications for a vacant approved site
 - (iii) where there are valid adverse representations, serious food safety issues or any other reasonable cause for referral
- (d) Suspend a Consent for a period of up to 28 days pending referral to the General Purposes Licensing Casework Sub-Committee, where serious food safety issues or any other reasonable cause are found.

6 Applications for a Street Trading Consent

- 6.1 An application for Street Trading Consent must be made to the Council in writing. The following will be required to be submitted with the application:
- (a) A completed and signed Street Trading Consent Application Form.
 - (b) The full application fee as appropriate.
 - (c) Proof of Identity (a passport or UK driving licence) for applicant and employees
 - (d) Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line. Initial or changed applications only)
 - (e) Colour photographs of the stall or vehicle that is proposed to be used for the street trading activity. (initial or changed applications only)
 - (f) A certificate of Public Liability Insurance that covers the street trading activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000.
 - (g) A current Level 2 Award in Food Safety in Catering certificate for all food handlers.
 - (h) A valid Waste Transfer Contract/Agreement or Waste Carrier Licence.
 - (i) Proof of the applicant's and any prospective employee's right to work in the UK.
 - (j) Disclosure and Barring Service (DBS) checks for applicant and employees (dated within last 30 days before application date). Applies to traders operating in the night time and those who often sell items to children.
 - (k) Gas safety certificate for the vehicle or stall if applicable.
 - (l) A description of the type of food and drinks to include sugar free and lower sugar drinks options.
- 6.2 Street Trading Consents are issued for a period of up to one year and are renewed annually for the period 1 April to 31 March, unless granted for a reduced period.
- 6.3 Before a Street Trading Consent is granted or refused, the Council will carry out a consultation process with various stakeholders including:

- Oxfordshire County Council Highways
- Thames Valley Police
- Ward Councillors
- Planning Service
- Environmental Health Authority for food safety and commercial pollution

Written observations from the above organisations will be sought and taken into consideration when determining an application.

6.4 Street Trading Consents will not normally be granted where:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site.
- There is a conflict with Traffic Orders such as waiting restrictions.
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes.
- The trading unit obstructs the safe passage of users of the footway or carriageway.
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities.
- The supply of hot or cold food, drinks or confectionery between 07:30 and 18:00 within 100 metres of the boundary of a school or college (during term time).

6.5 The council will not allow the sale of:

- Tobacco, tobacco products or e-cigarettes
- Items made of animal fur
- Items that cause or contribute to crime and disorder
- Energy drinks to children below 16 years old.
- the sale of plastic and helium balloons and sky lanterns

6.6 The Council will not allow the use, sale or distribution of single-use plastic, as defined in the Glossary to this Policy, in street trading in Oxford.

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

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

(a) Public safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public. Factors taken into account will include: obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

(b) Public order

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.

(c) Avoidance of public nuisance

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

(d) Appearance of the stall or vehicle

The stall or vehicle must be maintained in good condition, be of smart appearance and meet the criteria, including size, laid down in the standard Consent Conditions. Photographs or sketches, including dimensions, must be provided with all new applications and requests for approval of changes to or replacement of a stall or vehicle. The general appearance of the vehicle or stall will also be considered in order to determine that the unit will not detract from the appearance of the surrounding area.

(e) Needs of the area

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

(f) Environmental sustainability

Measures to minimise the impact of the proposed operation on the local and global environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, recycling and waste disposal, adopting sustainable sourcing approaches to food and drink; using sustainable sources of energy for their trading activities; and considering how their customers' rubbish is dealt with responsibly including composted and recycled.

(g) Food safety and food offer

Applicants to trade in hot or cold food must be able to demonstrate a good understanding of food safety and be registered as a food business with the relevant local authority. As a minimum, food handlers must hold a current Level 2 Award in Food Safety in Catering accredited by The Chartered Institute of Environmental Health or The Royal Institute for Public Health. Consideration will be given to applicant's ability to meet SUGAR SMART Oxford criteria (see Annex 3 for guidance).

(h) Highway safety

The location and operating times will be such that the highway can be maintained in accordance with the Oxfordshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

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

7 Nature of goods on offer

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

8 Suitability of Applicant

8.1 When determining an application for the grant or renewal of a Consent, the Council will consider all relevant information relating to the suitability of the applicant and any employees including:

- Whether they have been cautioned or convicted of any offences of:
 - a. Violence
 - b. Dishonesty
 - c. Drug related offences
 - d. Sexual offences
 - e. Public Order offences
 - f. Food safety or health and safety offences
 - g. Any offence resulting in a sentence of imprisonment

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

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

8.2 The Council reserves the right to request a Disclosure and Barring Service (DBS) check where it considers there is a significant risk to children and/or vulnerable people, e.g. traders operating in the night time and those who often sell items to children.

9 Advertisements

9.1 The use of 'A' boards is prohibited on the highway (unless express permission is given).

9.2 Advertising should only relate to goods offered for sale at the consented site.

9.3 Third party advertisements are prohibited.

10 Peripatetic Street Trading

10.1 Street traders that meet the conditions below will be classed as peripatetic. Ice cream vans and mobile sandwich sellers would typically be deemed to be peripatetic street traders.

10.2 Traders must meet all of the criteria below to be classed as peripatetic:

- Move from location to location.
- Move at least 50 metres from the last trading location and do not return to that location within four hours.
- Do not wait in one location for more than 20 minutes.

11 Renewal Applications for a Street Trading Consent

- 11.1 Street Trading Consents are renewed annually for the period 1st April to 31st March, unless granted for a reduced period. A renewal application for Street Trading Consent must be made to the Council in writing by 1st February.
- 11.2 If a renewal application is not received before the expiry of the current licence, a new application must be made. In this situation, trading will not be permitted until a new Consent is issued.
- 11.3 At renewal, the Council may take into consideration any relevant information about the trading operation
- 11.4 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application may be referred to the General Purposes Licensing Casework Sub-Committee.

12 Advertising new or vacant sites

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

13 Transfers

- 13.1 A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub-letting of a pitch/site is prohibited.

14 Markets

- 14.1 A market or fair, the right to hold which has been obtained by a grant, enactment or order is exempted from the street trading regime and is outside the scope of this policy.

15 Special Events

- 15.1 For events such as Christmas or Continental Street Markets, the Council will accept one application from the person organising the event. The event street trading application will require full details of each trader attending the event. Consent will be issued to each individual stall holder. This provision aims to promote events and encourage traders to attend.
- 15.2 Trading at charity or small community events, where the proceeds of the event are to be used solely for charitable or community purposes are exempt from the Council's Street Trading requirements.

16 Fees

- 16.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the location, the duration of the Consent, trading hours and the articles to be sold. Details of the current fees can be found on the Council's website

- 16.2 Fees must be paid in advance as set out in Annex 2, General Condition 24.
- 16.3 Applications for Consents must be accompanied by the relevant non-refundable fee. If the application is approved, the balance of the fee will be due before the Consent is issued. If the application is not successful the application fee will be retained to cover the cost incurred in processing the application.
- 16.4 A Consent Holder may terminate a Street Trading Consent by written notice to the Responsible Head of Service. Where trading ceases during the term of Consent, a refund will not be given for any remaining period of less than 3 months. Where payable, a refund of the portion of the fee equal to the remaining full months will be given, less £50 which the Council will retain to cover administrative costs.

17 Conditions

- 17.1 The Council applies Standard Conditions to Street Trading Consents and other Individual Conditions may be added to individual Consents where appropriate.
- 17.2 Standard Trading Hours are:
- (a) Roadside locations for vehicles
 - Daytime site from 08:00 to 18:00.
 - Evening sites for the Sale of Hot Food from 18:30 to 03:00 (can be extended to 04:00 Thursdays, Fridays, and Saturdays on application and subject to approval).
 - (b) Pavement locations
 - 08:00 to 21:00.
 - (c) Weekly Let Sites
 - 08:00 to 21:00.
- 17.3 The Standard Conditions applied to Street Trading Consents are attached to this policy as Annex 1.

18 Enforcement

- 18.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues in accordance with the Council's Corporate Enforcement Policy.
- 18.2 The Business Regulation Team aims to work closely with other enforcement authorities to regulate relevant legislation where necessary.
- 18.3 The Council will investigate any complaints relating to street trading activities e.g. trading without Consent or breach of conditions and may take enforcement action as appropriate. Consent holders should liaise with the Council to resolve complaints.
- 18.4 If the Council feels that there is an issue of public order or threat to public safety associated with any street trading activity it will call for assistance from Thames Valley Police.

- 18.5 Failure to comply with one or more of the standard conditions of Consent may lead to suspension, variation, revocation or non-renewal of Street Trading Consent. The Consent Holder may also be prosecuted where a criminal offence has occurred

19 Revocation

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

20 Contacts

The Street Trading function is part of the Business Regulation Team within Regulatory Services and Community Safety.

Business Regulation Team SA3.2D
Oxford City Council
Town Hall
St Aldate's
Oxford
OX1 1BX

ANNEX 1

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. 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.
 12. The Consent Holder must conduct their business in a professional manner and in a way that minimises risks to employees and others.
 13. 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.
 14. 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.
 15. 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.
 16. 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.
 17. The Consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, including by making a bin available for customers to use where a public litter bin is not available within 20 metres from their vehicle.
 18. A Street Trading Consent must not be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The subletting of a consent site is prohibited.
 19. The Consent Holder must be the principal operator and have day to day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Council of the name and address of that person. An administration fee will be payable.
 20. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Council.

21. Consent holders must make adequate provisions to ensure access for wheelchair users or customers with disabilities.
22. A copy of the Consent must be displayed by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
23. Consent Holders must have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. If food is sold the insurance must specifically include cover against food poisoning to the same amount. Proof of cover must be produced to an officer of Oxford City Council on application and as required.
24. Annual Street Trading Consent fee installments are required quarterly, in advance. The first installment must be paid in advance of the issue of Consent. The remaining fee can be paid in installments on the following dates 1st July, 1st October and 2nd January. Alternatively, annual fees may be paid in full in advance.
25. General Conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed Special Conditions and are listed on the Consent Certificate. These Special Conditions must also be complied with.
26. Consent holders must make full use of their Consent.
27. Consent holders must not sell any of the following items: Tobacco, tobacco products or e-cigarettes; items made of animal fur; items that cause or contribute to crime and disorder; energy drinks to children below 16 years old; plastic and helium balloons and sky lanterns
28. Consent holders must not use, sell or distribute single-use plastic in street trading in Oxford

Conditions Specific to Food Traders

29. All packaging and utensils for use by customers shall be made of recycled or part recycled materials.
30. 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.
31. Food handlers must hold a Level 2 Award in Food Safety in Catering accredited by The Chartered Institute of Environmental Health or The Royal Institute for Public Health with a certificate dated within the last 3 years...
32. 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.
33. 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

34. 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.
35. 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).
36. The vehicle must not wait in one location for more than twenty minutes, moving at least 50 metres to the next trading location. The vehicle must not return to that location within four hours.

Conditions Specific to Weekly Street Traders

37. 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.
38. The items to be sold must be agreed before a Weekly Consent will be issued.
39. The sale of food and/or drink is not permitted by Weekly Street Traders.
40. 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.

ANNEX 2**Guidance on SUGAR SMART Oxford Criteria**

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

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

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

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

ANNEX 3**Guidance on suitability of applicants**

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

a. Violence

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

b. Dishonesty

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

c. Drug related

A Consent application will normally be refused when it is made within 3 years (at least) of a conviction or caution for a drug related offence. For offences of supplying drugs, consent applications will normally be refused for 5 years (at least) following conviction.

d. Sexual Offences and indecency

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

e. Public Order

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

f. Food safety or health and safety

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

g. Any offence resulting in a sentence of imprisonment

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

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

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

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

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

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Licensing Authority

www.oxford.gov.uk



Street Trading Policy

Business Regulation Team
Oxford City Council
Town Hall
St Aldate's
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OX1 1BX

email: street_trading@oxford.gov.uk
phone: 01865 252862



Minutes of a meeting of the General Purposes Licensing Committee on Monday 26 September 2022



Committee members present:

Councillor Mundy (Chair)	Councillor Corais
Councillor Coyne	Councillor Diggins
Councillor Miles	Councillor Muddiman
Councillor Rawle	Councillor Upton

Officers present for all or part of the meeting:

Alison Daly, Lawyer
Emma Thompson, Senior Licensing Compliance Officer
David Stevens, Principal Lead Officer (Business Regulation Team)
Alice Courtney, Committee and Member Services Manager (Interim Acting)
Celeste Reyeslao, Committee and Member Services Officer

Apologies:

Councillor(s) Clarkson, Dunne, Humberstone, Lygo, Sandelson and Waite sent apologies.

8. Declarations of interest

None.

9. Annual Update on Taxi Licensing Activity 2022

Emma Thompson, Senior Licensing Compliance Officer, presented the report which set out the progress made by the Taxi Licensing function during the Council period of March 2020 and September 2022, covering the period of the pandemic. The following points were highlighted:

- The steady recovery of new driver, vehicle and operator licences issued by the Authority following a decline during the pandemic period.
- The increase in the number of cases referred to the General Purposes Licensing Casework Sub-Committee for determination of new/current drivers, and immediate suspensions in the interest of public safety.
- 5 appeals regarding General Purposes Licensing Casework Sub-Committee decisions, where 3 of the appeals were dismissed and costs awarded to the Council against the appellant. 1 appeal was still ongoing.

Notable and future work was also underlined including the variation of Hackney Carriage tariffs agreed by the Committee in March 2021; the Statutory Taxi and Private

Hire Vehicle Standards focusing on the protection of children and vulnerable adults which was published by the Department of Transport (DfT) in July 2020; the final revised Policy on The Relevance of Warnings, Offences, Cautions and Convictions approved by the Council in March 2022; and the ongoing implementation of an online application system as a result of the review of the current application processes for taxi and private hire licences. The Senior Licensing Compliance Officer added that the Authority was due to commission an Unmet Demand Survey which had been delayed due to the pandemic.

In response to questions relating to the collection of applicants' gender data, the Senior Licensing Compliance Officer confirmed that the Authority was not privy to this information and as such would require raising a request with ICT in order to retrieve this data. She also pointed out the sensitivity involved if such question was to be mandatory on licensing application forms and suggested an optional gender question would be more appropriate, stating that the information would be gathered for statistics reasons. The Senior Licensing Compliance Officer added that although there had been more female drivers in the system recently, it would be at the discretion of operators to ultimately increase the number of female drivers.

The Senior Licensing Compliance Officer confirmed that there had been an influx of complaints since the LTNs were introduced.

The Committee **noted** the contents of the report.

10. Miscellaneous Licensing Update

David Stevens, Principal Lead Officer (Business Regulation Team), presented the report which set out an update on work relating to two services within the Council's Miscellaneous Licensing function. The report sought the Committee's endorsement of the proposed Street Trading Policy Review Programme for 2022-23. The Principal Lead Officer advised that the current policy, although workable, was due for review since it came into effect in May 2020. The suggested Review would follow a similar programme to the previous review, which involved public consultation and stakeholder collaboration. He proposed an extraordinary meeting be scheduled in alignment with the review timeline to enable the Committee to consider the pre-consultation draft Policy prior to the planned consultation in January 2023.

The Principal Lead Officer advised that the temporary Pavement Licensing provisions had been extended for a second time, pending the implementation of the Levelling Up and Regeneration Bill which proposed that the Fast Track Pavement Licence regime be made permanent, subject to certain changes. The Principal Lead Officer added that a Government grant of £5063 had been paid to the Council and was being used to bring in temporary extra staff resources to deliver this service.

The Committee commented on the remarkable work that the officers had done which resulted in the award of the government grant.

The Committee resolved to:

- **Note** the current position and planned officer actions regarding the matters within the report.

- **Note and endorse** the proposed Street Trading Policy Review 2022-23 timeline, including the proposal that an extraordinary meeting of the GPL Committee be scheduled to align with the proposed review timeline set out in the report.

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

Alice Courtney, Committee and Member Services Manager (Interim Acting), presented the report which set out a motion referred under Part 11.19(d) of Oxford City Council's Constitution to the General Purposes Licensing Committee and summarised possible actions available to the Committee.

The Committee resolved to:

- **Note** and consider the contents of this report.
- **Request** that officers update the consultation draft of the Street Trading Policy to reflect the points highlighted in the motion.
- **Request** that the Chair of the General Purposes Licensing Committee calls on the Cabinet Member for Health and Transport on behalf of the Committee to:
 - Work with stakeholders including at the County Council to consider the feasibility of increasing the provision of street based electric power points for street traders including in parks to phase out the use of diesel generators for energy generation by street traders.
 - Explore ways to encourage street traders to transition to electric vehicles during the initial grace period for the ZEZ with the aim to require street traders to use electric vehicles in the medium term.

12. Minutes of the previous meeting

The Committee agreed to **approve** the minutes of the meeting held on 19 May 2022 as a true and accurate record.

13. Dates and times of meetings

The Committee noted the dates and times of future meetings.

The meeting started at 6.17 pm and ended at 7.00 pm

Chair

Date: Monday 6 February 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.

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Minutes of a meeting of the General Purposes Licensing Committee on Wednesday 30 November 2022

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Committee members present:

Councillor Mundy (Chair)	Councillor Clarkson (Vice-Chair)
Councillor Corais	Councillor Coyne
Councillor Humberstone	Councillor Miles
Councillor Muddiman	Councillor Rawle

Officers present for all or part of the meeting:

David Stevens, Principal Lead Officer, Business Regulation Team
Alison Daly, Lawyer
Alice Courtney, Committee and Member Services Manager (Interim Acting)
Celeste Reyeslao, Committee and Member Services Officer

Apologies:

Councillor(s) Diggins, Dunne, Gant, Lygo, Sandelson, Upton and Waite sent apologies.

14. Declarations of interest

None.

15. Street Trading Policy Review

David Stevens, Principal Lead Officer (Business Regulation Team), presented the report which set out an update on the progress of the Street Trading Policy Review Programme 2022-23 and sought the Committee's approval of the draft Consultation Version to go out to public consultation.

The Principal Lead Officer advised that the policy review timeline, endorsed by the General Purposes Licensing Committee at its meeting on 26 September 2022, was on target. He advised that it was anticipated that the public consultation exercise would run from Monday 12 December 2022 to Friday 13 January 2023.

Cllr Humberstone joined the meeting.

The Principal Lead Officer highlighted that the proposed draft Consultation Version introduced requirements including the use of sustainable food packaging and utensils and a ban on single-use plastic and helium balloons.

He also highlighted the proposed arrangements for Street Trading applications, renewals and debt management for those street traders who were in arrears. He added that the proposed draft Consultation Version sought to clarify arrangements in relation to charity and small community events.

In discussion, the Principal Lead Officer confirmed that the relevant internal Council teams would be consulted, including Environmental Sustainability, Waste Management, Economic Development and General Licensing.

In response to questions, the Principal Lead Officer confirmed that markets (e.g. Gloucester Green Market) were not within the scope of the policy.

The Committee requested that all those who made applications to the Event's Team in the past year be notified of the consultation via email. The Principal Lead Officer undertook to pass on this request to the Events Team and to include the notification in the consultation plan.

The Committee requested the following amendments to the draft Consultation Version:

- Add a definition for "single-use plastic and/or polystyrene" in the Glossary, reflecting the DEFRA definition
- Include a narrative in the introduction section elaborating on the Council's guidance on *Environmental Sustainability and Climate Change*
- Amend sub-section 5.8 by deleting the word '*normally*'
- Amend bullet point four in sub-section 5.8 by adding the words '*and sky lanterns*'
- Delete last bullet point in sub-section 5.8 and insert a new sub-section to form 5.9 '*Council will not allow the use, sale or distribution of single-use plastic in street trading in Oxford.*'
- State that the Council will provide guidance on environmental sustainability as detailed in 5.10(f)
- Amend the consent conditions to include a requirement for Consent Holders to provide litter bins for customer use
- Amend consent conditions to reflect the proposed amendments set out in the draft policy

The Committee resolved to:

1. **Note** the current position and remaining proposed stages in the Street Trading Policy review timeline.
2. **Approve** the draft Street Trading Policy Consultation Version (Appendix A) to go out to public consultation, subject to the amendments set out above.
3. **Delegate authority** to the Principal Lead Officer (Business Regulation Team), to make the amendments to the draft Street Trading Policy Consultation Version (Appendix A) set out above, in consultation with the Chair of the General Licensing Purposes Committee.
4. **Note** the proposed consultation arrangements.
5. **Recommend** the proposed amendments to the Council's Constitution (Appendix B) to Council for adoption, at the point at which the Street Trading Policy is recommended to Council for adoption.

The meeting started at 6.05 pm and ended at 7.20 pm

Chair

Date: Monday 6 February 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.

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