

Agenda

General Purposes Licensing Committee

This meeting will be held on:

Date: **Thursday 18 May 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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All public papers are available from the calendar link to this meeting once published

Committee Membership

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

Membership will be confirmed at the Annual Council meeting on 17 May 2023.

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 Appointment of Chair for the Council Year 2023-24	
2 Appointment of Vice-Chair for the Council Year 2023-24	
3 Apologies for absence	
4 Declarations of interest	
5 Appointment of Sub-Committees	7 - 10
<p>The Head of Law and Governance has submitted a report to establish four sub-committees for the 2023-24 Council Year to deal with casework flowing from the Committee's own responsibilities.</p> <p>Recommendations: That the General Purposes Licensing Committee resolves to:</p> <ol style="list-style-type: none">1. Agree that the casework hearings for taxi, private hire or other driver or vehicle licences, street trading licences and sex establishment licences should be determined by sub-committees on the basis of the Powers and Duties of GPL Sub-Committees at Appendix A.2. Establish four politically-balanced sub-committees of three members, and agree the membership, each to undertake the casework of the General Purposes Licensing Committee as set out in Appendix A:<ul style="list-style-type: none">• Sub-Committee A: GPL Chair, Labour Cllr A, Lib Dem Cllr A• Sub-Committee B: GPL Vice Chair, Labour Cllr B, Lib Dem Cllr B• Sub-Committee C: GPL Chair, Labour Cllr C, Lib Dem Cllr A• Sub-Committee D: GPL Vice Chair, Labour Cllr D, Lib Dem Cllr B3. Agree that substitution is permitted on each of the four sub-committees but that substitutes must be from the General Purposes Licensing Committee and must maintain political proportionality.4. Agree the meeting dates and time listed below.	

6 Minutes of the previous meeting

11 - 16

Recommendation: to approve the minutes of the meeting held on 06 February 2023 as a true and accurate record.

7 Dates and times of meetings

The Committee is scheduled to meet at 6.00pm on the following dates:

- 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: 18 May 2023
Report of: Head of Law and Governance
Title of Report: Appointment of General Purpose Licensing Sub-Committees

Summary and recommendations	
Purpose of report:	To establish four sub-committees for the 2023-24 Council Year to deal with the casework flowing from the Committee's own responsibilities.
Corporate Priority	None
Recommendations: That the General Purposes Licensing Committee resolves to:	
<ol style="list-style-type: none"> 1. Agree that the casework hearings for taxi, private hire or other driver or vehicle licences, street trading consents and sex establishment licences should be determined by sub-committees on the basis of the Powers and Duties of GPL Sub-Committees at Appendix A. 2. Establish four politically-balanced sub-committees of three members, and agree the membership, each to undertake the casework of the General Purposes Licensing Committee as set out in Appendix A: <ul style="list-style-type: none"> • Sub-Committee A: GPL Chair, Labour Cllr A, Lib Dem Cllr A • Sub-Committee B: GPL Vice Chair, Labour Cllr B, Lib Dem Cllr B • Sub-Committee C: GPL Chair, Labour Cllr C, Lib Dem Cllr A • Sub-Committee D: GPL Vice Chair, Labour Cllr D, Lib Dem Cllr B 3. Agree that substitution is permitted on each of the four sub-committees but that substitutes must be from the General Purposes Licensing Committee and must maintain political proportionality. 4. Agree the meeting dates and time listed below. 	

Appendices	
Appendix A	Powers and Duties of GPL Sub-Committees

1. The General Purposes Licensing Committee (GPL) is asked to establish four sub-committees to deal with casework with terms of reference as set out in the Council's Constitution and in Appendix A of this report.

2. The objective of the structure is to broaden membership and allow the development of skills and experience deficit while retaining consistency in decision making. Local Government legislation requires that the sub-committee needs to be politically balanced. The current composition of the Council means that each sub-committee of 3 should comprise 2 x Labour and 1 x Lib-Dem members.
3. The Council's Constitution (14.2) requires that, when appointing to sub-committees where political balance requirements apply, the Council or committee making the appointment will have regard to the nominations made by political groups and will only deviate from appointing those members in exceptional circumstances with reasons.
4. Sub-committees would be established as below, with 8 out of 10 GPL members able to participate and all 10 able to act as substitutes on any sub-committee of which they were not a member.

Sub-Committee	Chair	Membership
A	GPL Chair	Labour A Lib Dem A
B	GPL Vice Chair	Labour B Lib Dem B
C	GPL Chair	Labour C Lib Dem A
D	GPL Vice Chair	Labour D Lib Dem B

5. Allocating meeting dates for each sub-committee means that members can diarise their meetings. If a meeting is cancelled it would mean that the particular sub-committee would not meet and the next meeting would be as scheduled.
6. Meetings of the Sub-Committees are scheduled to start at 6.00pm on:

Date	Sub-Committee	Date	Sub-Committee	Date	Sub-Committee
22 May 2023	A	16 Oct 2023	A	12 Feb 2024	A
19 Jun 2023	B	28 Nov 2023	B	25 Mar 2024	B
24 Jul 2023	C	18 Dec 2023	C	15 Apr 2024	C
04 Sep 2023	D	15 Jan 2024	D		

Report author	Celeste Reyeslao
Job title	Committee and Member Services Officer
Service area or department	Law and Governance
Telephone	01865 252946
e-mail	creyeslao@oxford.gov.uk

Powers and Duties of General Purposes Licensing Sub-Committees

Powers and Duties

1. To deal with cases concerning applicants for or holders of taxi, private hire or other drivers or vehicle licences brought to the sub-committee by officers
2. To decide taxi and private hire and other vehicle, driver and operator licence applications when the applicant has been issued with a “minded to refuse notice” and has requested a hearing
3. To withdraw and suspend licences for taxis and private hire and other vehicles and their drivers and operators.
4. To decide sex establishment licence applications when there are objections
5. To decide new street trading applications
6. To decide applications to renew street trading permission when there has been a complaint about the trader or the trader has broken the conditions of their street trading permission in the past year or where there is competition for a vacant approved site
 - a. Where a trader is in breach of condition as a result of being in arrears, the Head of Regulatory Services and Community Safety has discretion only to refer significant debt that they feel is not being managed to the General Purposes Licensing Casework Sub-Committee for determination of Consent renewal
7. To decide whether to suspend, extend a period of suspension, end a suspension, vary or revoke a Street Trading Consent for cases referred to the Sub-Committee by the Head of Regulatory Services and Community Safety.

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



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.

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