

Minutes of a meeting of the General Purposes Licensing Casework Sub- Committee on Monday 25 March 2024

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Committee members present:

Councillor Hunt

Councillor Miles (Chair)

Councillor Coyne (substitute)

Officers present for all or part of the meeting:

Tazafar Asghar, Legal Adviser

David Stevens, Principal Lead Officer

Matthew Stead, Senior Licensing Officer

Emma Thompson, Senior Licensing Compliance Officer

KC Prawesh, Licensing Compliance Officer

Celeste Reyeslao, Committee and Member Services Officer

Also present:

Councillor Alex Hollingsworth

Apologies:

Councillor(s) Clarkson sent apologies.

Substitutes are shown above.

86. Declarations of Interest

There were no declarations of interest made.

87. Election of Chair for the meeting

Councillor Katherine Miles was elected Chair for the meeting.

88. Procedure to be followed at the meeting

The Sub-Committee noted the procedure for the hearings, the street trading policy and the policy on the relevance of warnings, offences, cautions and convictions.

89. Minutes

The Sub-Committee resolved to **approve** the minutes of the meeting held on 12 February 2024 as a true and accurate record.

90. Street Trading Renewal Application from Consent Holder

The Head of Planning and Regulatory Services had submitted a report containing information specific to a Street Trading Consent Holder in order that the Sub-Committee could make a decision on the application.

Mr James Sheriff (applicant), David Stevens, Principal Lead Officer, and Matthew Stead, Senior Licensing Officer joined the meeting. Councillor Alex Hollingsworth also joined the meeting.

The Chair initiated a round of introductions, asking everyone to introduce themselves.

The Principal Lead Officer presented a summary of the report stating that Mr Sheriff was before the Sub-Committee concerning a renewal application, prompted by a complaint regarding the location of the street trading vehicle used. The Little Blue Van had been found to be in breach of a Traffic Regulation Order (TRO) as the site it was trading on was a Restricted Zone, where parking, loading, and unloading were prohibited at all times.

It was noted that the County Council did not provide this information during the standard consultation process conducted by the City Council Officers. As a result, it was not disclosed to the Sub-Committee when it granted Mr Sheriff a street trading consent in December 2023.

The Principal Lead Officer stated that the complaint had been taken forward by the County's Civil Enforcement Team who agreed to temporarily suspend enforcement actions against Mr Sheriff until 31 March 2024. He added that both councils were currently in liaison to understand why the information was not raised.

The Principal Lead Officer advised the Sub-Committee that Mr Sheriff's renewal application met the Council's requirements. However, granting a renewal would result in Mr Sheriff trading in a restricted zone, and in direct contravention of the TRO. This meant that Mr Sheriff would be at risk of receiving a penalty charge notice each time he traded from the site. He further stated that a renewal would breach Section 6.4 of the Council's Street Trading Policy which stipulated that *consents will not normally be granted where there is a conflict with Traffic Orders such as waiting restrictions*.

The Principal Lead Officer referred to the officer discussions between the City and County concerning the consultation process, the fundamental traffic and street trading legislation, and the City Council's Street Trading Policy. He indicated that a review of the Council's consultation processes and policy may be necessary to prevent similar situations in the future.

The Sub-Committee raised questions regarding potential alternatives, particularly, the County's flexibility to revoke the TRO. The Sub-Committee also queried the possibility of exploring alternative locations in the City within the framework of the current application.

In response, the Principal Lead Officer explained that a significant portion of Frideswide Square was covered under this restriction, including land considered as public highway. Although a process existed where the TRO could be revoked, any revocation of the TRO was in the gift of the County Council to take forward as the highways authority.

In terms of alternative locations, the Principal Lead Officer mentioned the challenges faced in identifying suitable sites within the City due to existing restrictions. While a vacant site on the High Street presented a possible alternative for the Little Blue Van, the Council's policy necessitated fair advertisement and consideration of all interested applicants, so Mr Sheriff would need to make a separate application once the site was advertised.

The Principal Lead Officer answered further questions, clarifying that the Business Regulation Team offered guidance to individuals in regard to the Street Trading regime but lacked resources to actively search for sites on behalf of applicants. However, the Principal Lead Officer had, on this occasion, enquired of Said Business School on behalf of Mr Sheriff, concerning the area adjacent to the public highway and the Business School. He added that the building itself fell under the jurisdiction of Oxford University and unfortunately the School had said that it would not make this land available for street trading because of contractual obligations to in-house caterers.

Mr Sheriff addressed the Sub-Committee. He explained the rationale for selecting the trading site due to its high footfall and commuter presence, stating that despite being aware of other Street Trading locations, he had chosen this spot and diligently followed the procedures set out on the street trading website. He highlighted his Oxford roots, efforts to support other local businesses and the business's eventual integration within the local community. He described the challenges faced as newcomers to the process, and what he perceived as lapses in County procedures, expressing disappointment in the handling of the situation.

Mr Sheriff stated that he welcomed what the Principal Lead Officer had said about reviewing the consultation procedure.

The Chair thanked Mr Sheriff for his statement.

Councillor Hollingsworth was invited to address the Sub-Committee. He stated that he was making a representation following contact from a number of constituents in his ward, which adjoins the location in question. He acknowledged the challenging situation faced by Mr Sheriff. He advocated for the renewal of Mr Sheriff's consent, emphasising his adherence to procedure and the impact of his business in animating Frideswide Square. He added that, as a lecturer in urban design, he considered the use to be appropriate and commended the Little Blue Van's design. He recalled the views expressed by City Council representatives when Frideswide Square was first being proposed that public spaces of this kind needed to be alive. Councillor Hollingsworth concluded by urging the Sub-Committee to prioritise fairness and consider Mr Sheriff's livelihood in their deliberation. He also proposed that the Council engage with the County on a corporate level to review these matters collaboratively.

Mr Sheriff and the Principal Lead Officer were invited to sum up their representations in turn. No new points were made. Mr Sheriff, Councillor Hollingsworth, the Principal Lead Officer, the Senior Licensing Officer and members of the public were asked to leave the room whilst the Sub-Committee considered the application.

Having considered all submissions and representations, the Sub-Committee noted the following points:

- That it would be fair and reasonable for Mr Sheriff to be able to continue to trade, given the mishandling of the process by the County Council.
- That as a public square, Frideswide Square had an important role in positive urban placemaking and Mr Sheriff's activities were in alignment with the City Council's vision for the area.
- That, given the current parking restrictions at the location, Mr Sheriff's trading activities would be likely to result in him receiving penalty charge notices for which he would be liable.
- That whilst street trading consent was within the gift of the City Council, the enforcement and/or revocation of the TRO was outside the control of the City Council.
- That to address questions about the overall use of Frideswide Square, discussions at corporate level may be needed. This might best be expedited by requesting the Chair of the General Purposes Licensing Committee to call on the relevant Cabinet Members of both City and County Councils to review the traffic restrictions imposed on Frideswide Square and align this with the shared vision of both councils in relation to their policies on public realms.

The General Purposes Licensing Casework Sub-Committee resolved to:

1. **Grant** Mr Sherriff's renewal application for Street Trading Consent, subject to the same conditions to that of his previous consent, enabling him to trade until 31 March 2025;
2. **Refer** the matter of the review of the Council's consultation processes and policy, including Section 6.4 of the Street Trading Policy, to the General Purposes Licensing Committee;
3. **Request** the Chair of the General Purposes Committee to call on the relevant Cabinet Members of both City and County Councils to review the traffic restrictions imposed on Frideswide Square and align this with the shared vision of both councils in relation to their policies on public realms.

91. Exempt Matters and Confidential Session

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

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

92. New application to drive Private Hire Vehicles

The Executive Director for Communities and People had submitted a report to inform the determination of an application to drive Private Hire Vehicles in the City.

The Sub-Committee resolved to:

- **Adjourn** the application to the next available General Purposes Licensing Casework Sub-Committee.

93. New Application to drive Private Hire Vehicles

The Executive Director for Communities and People had submitted a report to inform the determination of an application to drive Private Hire Vehicles in the City.

The Sub-Committee resolved to:

- **Refuse** the application to drive Private Hire Vehicles in the City taking into account the details set out in the report and the representations made at this Sub-Committee meeting.

94. New application to drive Private Hire Vehicles

The Executive Director for Communities and People had submitted a report to inform the determination of an application to drive Private Hire Vehicles in the City.

The Sub-Committee resolved to:

- **Grant** the application to drive Private Hire Vehicles in the City on the condition that any minor or major incidents within the first year of granting the licence the applicant would be required to appear before the Sub-Committee to determine his suitability to continue to hold a licence.

95. Confidential Minutes

The Sub-Committee resolved to approve the confidential minutes of the meeting held on 12 February 2024 as a true and accurate record.

97. Dates of future meetings

The dates of future meetings were noted.

The meeting started at 6.02 pm and ended at 8.40 pm

Chair

Date: Monday 15 April 2024

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.