

Agenda

General Purposes Licensing Casework Sub-Committee Extraordinary Meeting

This meeting will be held on:

Date: **Monday 3 June 2024**

Time: **6.00 pm**

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

For further information please contact:

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

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

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All public papers are available from the calendar link to this meeting once published

Committee Membership

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

Councillor Mary Clarkson	B, D
Councillor Jo Sandelson	B
Councillor Ian Yeatman	B

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
Part One - Public Business	
1 Apologies for absence	
2 Declarations of Interest	
3 Procedure to be followed at the meeting	7 - 32
Guidance on the procedure to be followed is attached. The Council's Policy on the Relevance of Warnings, Offences, Cautions and Convictions is attached.	
4 Street Trading Application for Pannekoeke, Summertown Cycles	33 - 48
To consider the street trading application for land to the front of Summertown Cycles and reach a decision.	
5 Street Trading application to extend the terminal hour of trading	49 - 52
To consider the street trading application to extend the terminal hour of trading and reach a decision.	
6 Dates of future meetings	
The dates of future meetings (if required) are: 10 June 2024 (C) 22 July 2024 (D) 2 September 2024 (A) 14 October 2024 (B) 26 November 2024 (C) 17 December 2024 (D) 13 January 2025 (A) 18 February 2025 (B) 10 March 2025 (C)	

14 April 2025 (D)



Information for those attending

Recording and reporting

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

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

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

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

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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OXFORD CITY COUNCIL

General Purposes Licensing Casework Sub-Committee

HEARING PROCEDURE for Hackney Carriages and Private Hire licensing (hearings held in private), Street Trading consents and Sex Establishment licenses (hearings held in public)

The Meeting

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

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

Closed and Open Hearings

Street Trading hearings shall normally take place in public. However, the Sub-Committee may exclude the press and the public from all or part of a hearing where exempt information (*section 100A(4) Local Government Act 1972*) is concerned and the Sub Committee considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

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

Declaring Interests

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

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

The Paperwork

Officers of the Licensing Authority (the City Council) will prepare the paperwork for the application that is to be heard by the Sub-Committee. The paperwork will include:-

- A summary of the application or matter for determination, the representations received and of any other relevant material
- A copy of the application and any other supporting material supplied by the applicant.

for Street Trading hearing only:

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

Attendees at the Hearing

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

For Street Trading hearings only:

Observations of Police and/or Technical advisors

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

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

Other parties may ask factual questions of the Police and/or technical advisors. Cross-examination will only be permitted with the consent of the Chair.

Objector's case

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

Where a number of objectors have made representations which are similar in nature the Sub-Committee will expect a spokesperson to be appointed to represent the group.

The Sub-Committee may ask questions of any objector.

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

Non-Attendance of the Case Subject/Applicant

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

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

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

Conduct of Proceedings

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

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

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

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

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

If a person attending the hearing is acting in a manner that the Chair considers is disruptive, the Chair will require that person to leave the hearing and may:

- (a) refuse to permit that person to return; or
- (b) permit him / her to return only on such conditions as the Sub-Committee may specify.

Before the end of the hearing any person who was required to leave the hearing may submit in writing any information which they would have been entitled to give orally had they not been required to leave.

Order of Proceedings

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

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

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

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

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

For Street Trading hearings only:

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

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

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

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

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

At the end of the submissions, the Chair will announce that the hearing is adjourned while the Sub-Committee deliberate in private. The Sub-Committee will be accompanied by the committee clerk and legal advisor during their deliberations. All other officers, applicants/ case subjects and members of the public will leave the room.

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

The Chair will either:

- Announce the decision of the Sub-Committee and confirm that a written determination with reasons will be sent to the parties by a given date.
- or
- Close the hearing and confirm that once a decision has been made a written determination with reasons will be sent to the parties by a given date.

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

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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 to seek to make positive change and facilitate healthier food 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:

- (a) 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 fees.

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 SA3.2
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. 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.
30. 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...
31. 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.
32. 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

33. 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.
34. 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).
35. 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

36. 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.
37. The items to be sold must be agreed before a Weekly Consent will be issued.
38. The sale of food and/or drink is not permitted by Weekly Street Traders.
39. 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.

BUILDING PRIDE IN OUR CITY

Licensing Authority

www.oxford.gov.uk



Street Trading Policy

Business Regulation Team
Oxford City Council
Town Hall
St Aldate's
Oxford
OX1 1BX
email: street_trading@oxford.gov.uk
phone: 01865 252862



To: General Purposes Licensing Casework Sub Committee

Date: 03 June 2024

Report of: Head of Planning & Regulatory Services

Title of Report: Street Trading application for Pannekoeke, Summertown Cycles

Summary and recommendations	
Purpose of report:	To inform the determination of a street trading application on land to the front of Summertown Cycles
Corporate Priority:	Enable an inclusive economy Support thriving communities
Policy Framework:	Street trading Policy 2024 Council Strategy 2020-2024
Recommendation(s): That the General Purposes Licensing Casework Sub-Committee resolves to:	
1.	Determine the applications, taking into account the details in this report and any representations made at this Sub-Committee meeting.

Introduction and background

1. In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 the Council can manage street trading by designating streets as “consent streets”, “licence streets” or “prohibited streets”. All streets within Oxford are currently designated “consent streets” and any trading requires the grant of a street trading consent. Street trading consent may be granted as the Council “thinks fit”. When exercising the power to grant and enforce consents the Sub Committee should only take into account relevant considerations; must give each applicant or consent holder a fair hearing and should give reasons for their decisions.
2. Street trading consent is granted subject to the Council’s standard conditions. The Sub Committee may amend or attach any additional conditions to a Consent that it considers “reasonably necessary”.
3. The proposed site for street trading is on private land to the front of Summertown Cycles, 200-202 Banbury Road, Oxford, OX2 7BY. Mr Leslie has permission from the land owner to use this location.

4. There hasn't been a trader on this spot previously, and as such this is a new application.
5. The proposed trading unit is a converted horse box, selling coffee, tea, hot chocolate, soft drinks, pastries and cakes.

Determination of Applications for Consent

6. Prior to a Consent being granted or refused, the application is subject to a 14 day consultation period with stakeholders being given the opportunity to share observations and concerns. Our stakeholders include Oxfordshire County Council Highways Authority, Thames Valley Police, Oxford City Council Planning Service, Oxford City Council Environmental Health Services (Commercial Pollution and Food Safety) and Ward Councillors. All comments received are taken into consideration when determining the grant of a Consent.
7. The Street Trading Policy 2023 requires new Street Trading applications to be referred to the Council's General Purposes Licensing Casework Sub-Committee who will use the criteria listed in the Policy in their determination of the application. A range of Criteria are listed, with each case being assessed on its merits and individual circumstances, where appropriate, may be taken into consideration. When there are representations relating to public safety, the Responsible Head of Service acting under delegated powers may refuse an application.

Reason for referral to Licensing Sub Committee

8. The application is referred to the Licensing Sub Committee as per point 6 above. The application and relevant supporting documents can be found in the appendix to this report.
9. In response to the consultation process, there have not been any adverse comments.
10. Any consent granted will be subject to the satisfactory receipt of all of the required documentation listed in section 6.1 of the Street Trading Policy.
11. The Applicant has requested permission to trade Monday – Saturday between 08:00 – 17:00, Sunday 10:00 – 15:00.
12. Any consent granted will be issued to expire on 31 March 2025 in line with the Council policy of having a single renewal date. The successful applicant would need to submit a renewal application to the Council prior to 1 February 2025 should they wish to continue trading after 31 March 2025.

Policy Considerations

13. The Policy requires that when determining an application for the grant or renewal of a Consent, the Council will consider the following factors, as per section 6.8 of the Policy:

(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 environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, recycling and waste disposal.

(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.

14. The application has been assessed against the required criteria and is considered to be valid.

Financial implications

15. The Council collects fees for Street Trading Consents. Predicted income from Consent fees are included in the Council's budget.

Legal issues

16. The Sub Committee may grant a Street Trading Consent if it 'thinks fit'. Consent may be revoked at any time. A street trader cannot be said to enjoy security of tenure and there is no requirement for the Council to give compensation for the loss of any Consent (other than any refund of Consent fees paid in advance). However, any decision to refuse an application or terminate Street Trading Consents may be subject to a judicial review and if held to be unreasonable then compensation may result.

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

Human Rights Act Considerations

18. Article 1 of the first Protocol of the European Convention on Human Rights provides that every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. However a street trading consent is not generally considered to be a possession in law and the protection in Article 1 is therefore not directly engaged.

Report author	Matthew Stead
Job title	Senior Licensing Officer
Service area or department	Regulatory Services & Community Safety
Telephone	01865 335771
e-mail	mstead@oxford.gov.uk

Appendices	
Appendix A	Pannekoek application pack (confidential details redacted)

Appendix A: Application Pack

Application for Street Trading Consent Local Government (Miscellaneous Provisions) Act 1982



All data contained in this form will be handled in accordance with the Data Protection Act 2018. Information about how Oxford City Council will handle this data can be found at www.ico.gov.uk and also on www.oxford.gov.uk.

Note: Please refer to the checklist attached before you send in your application form – if any of the supporting documentation is missing, your application will NOT be processed.

Part 1 – Your Details	
Full Name	Alec Leslie
Address	[REDACTED]
Postcode	[REDACTED]
Telephone Numbers	Home: Mobile: [REDACTED]
Email address	[REDACTED]
National Insurance Number	[REDACTED]
Date of Birth	[REDACTED]
Nationality	[REDACTED]
[REDACTED] – Convictions	
Do you have any current criminal convictions (unspent under the Rehabilitation of Offenders Act 1974)	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

If **yes**, please give details including date of conviction, court, offence and penalty/sentence (continue on separate sheet if necessary) Please refer to Oxford City Council Street Trading Policy, Annex 4 for further information.

Part 3 – What goods/items will you be selling

Proposed Trading Name	Pannekoek Cafe	
Type of goods to be sold – <i>Please specify all items to be sold</i>	Coffee, tea, hot chocolate, soft drinks, pastries and cakes.	
If you intend to sell hot/cold food which Local Authority are you registered with	Oxford City Council	
If you have been inspected by Environmental Health what is your current Food Hygiene Rating and what date was it awarded	Food Hygiene Rating NA	Date awarded
Details of recyclable or biodegradable packaging you intend to use	Biodegradable cups/lids and recyclable bags.	
Proposed days and times of trading	Days: Mon - Sun Times: Mon - Sat 8am - 5pm, Sun 10am - 3pm	
Full details of the site, sites or peripatetic route you are applying for	Private land to front of Summertown Cycles, 200 - 202 Banbury Road, Oxford, OX2 7BY. To left of shop as you look from Banbury Rd - 3m x 1.7m unit	

Vehicle registration number	NA - horsebox
Vehicle make and model	Rice Horsebox
Revenue Weight of vehicle as on V5C (logbook)	980kg
Address where the vehicle/trailer will be stored when not in use	Stored on site with cameras and locked
Please read page 5, paragraphs 5.9 of the Street Trading Policy and describe how you are going to meet the following factors in boxes (a)-(h) below	
Public Safety	(a) The unit will be cleaned and all food handling procedures will be followed. In addition, all waste will be stored/removed in an efficient and suitable manner. The horsebox will be on private land, away from the footpath as well as allowing access to the shop (agreed with tenants and landlord).
Public Order	(b) The horsebox will not be open past 6pm and no alcoholic drinks will be served. There may be a small number of seats provided, but not in such numbers as to be an issue in relation to public order and all staff will monitor behaviour if appropriate. Takeaway bias removes risk of excessive number of people congregating.
The avoidance of public nuisance	(c) As non-alcoholic drinks are being served during broad, office-type hours, it is unlikely that a nuisance will be caused. However, staff will be vigilant to prevent any issues.
Appearance of the stall or vehicle	(d) The horsebox will be professionally modified and maintained and pictures will be attached as requested. Colour to match Summertown cycles for continuity and aesthetics.
Needs of the area	(e) There are a number of businesses in this area, as well as a bus-stop, a widely used walking/cycle commuting route and many residential properties. Despite a number of cafes to the North, there are very few food/drink offerings to the South of this location and Pannekoek cafe can assist on this front.
Environmental Credentials	(f) Local businesses will be used for the cakes, pastries and coffee offerings and the business owner will collect these by bike. As well as this, all takeaway items will be compostable/recyclable and wholesale orders will be kept to a minimum in order to reduce the reliance on the road network. The unit is also a recycled horse box.

Food Traders	(g) Level 2 certificate attached. Registered with OCC Low sugar children's drinks to be offered as well as low sugar Kombucha. Only water aside from this.
Highway	(h) The horsebox does not impinge on the highways in any way - private land.
Will you be the sole operator of the vehicle or stall?	Yes or No Yes If the answer is No please complete an Employee Form for each member of staff.
Do you agree to comply with the Street Trading policy?	Yes or No Yes

Any additional information to add to this application form - please write here.

The cafe will be a positive place with a high level of customer service and a premium placed on the experience of customers and the high quality of locally produced goods.

In the future, there may be further employees but information will be provided as soon as it is available.

Certificate of achievement

High Speed Training certifies that

Alec Leslie

has completed

Food Allergen Awareness

A high quality, interactive training course that teaches food handlers about food hypersensitivities, how they can provide accurate and reliable allergen information and how to safely handle allergenic foods.

Issued On: 22/09/2023
Recommended Renewal Date: 21/09/2026
Certificate Number: T-3769866-3991162
To verify please visit: www.highspeedtraining.co.uk/verify



C. Urey

On behalf of High Speed Training

Certificate of achievement

High Speed Training certifies that

Alec Leslie

has completed

Level 2 Food Hygiene and Safety for Catering

A certified and interactive online course that ensures you understand your legal responsibilities in regards to handling and producing food that's safe for the consumer, and meets the UK/EU requirements for food hygiene and safety.

Issued On: 21/09/2023
Recommended Renewal Date: 20/09/2026
Certificate Number: T-3769866-3987241
To verify please visit: www.highspeedtraining.co.uk/verify



C. Urey

On behalf of High Speed Training

Trailer dimensions and other businesses.

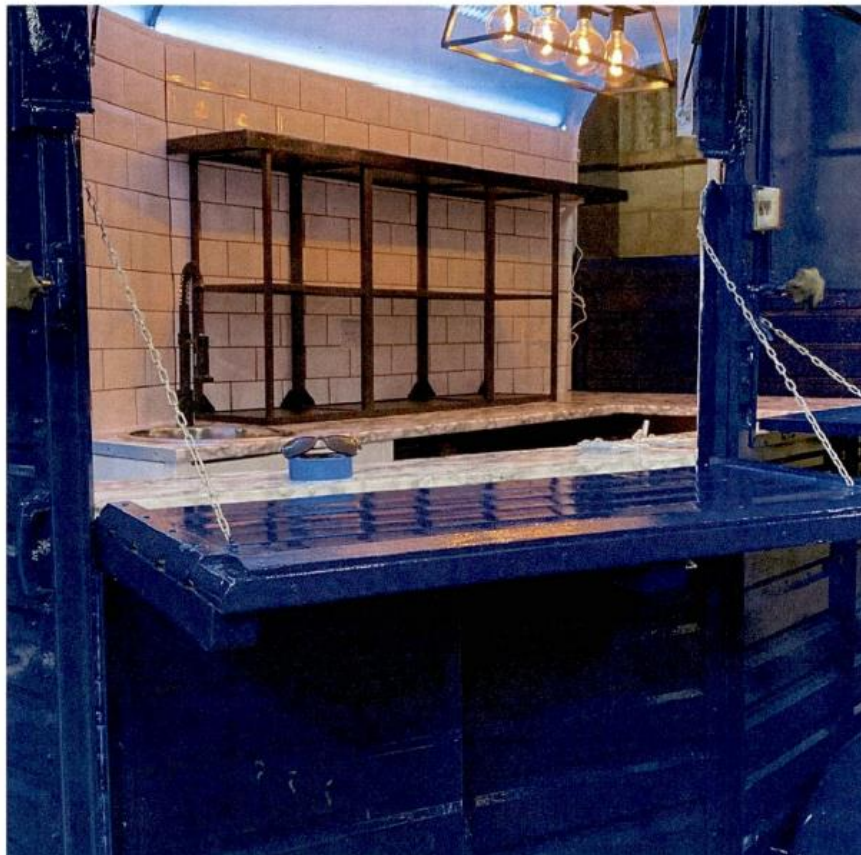
Length – 3.3m

Width – 1.7m

Height – 2.5m



Horsebox outside of Summertown Cycles







Pannekoek Café gas certification and waste transfer note.

No gas to be used on the premises and all waste to be sorted and transferred to that used by Summertown Cycles, 200-202, Banbury Road, OX2 7BY



Monday, 18 March 2024

Matthew Stead

Senior Licensing Officer
Business Regulation Team
Oxford City Council
Town Hall
St. Aldate's
Oxford OX1 1BX

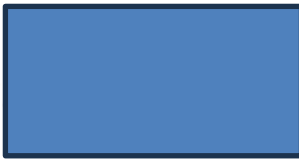
Re: Pannekoek Coffee

Dear Mr Stead,

I am writing in relation to the Pannekoek coffee van and its proposed location. We confirm that we are very happy for Alec Leslie to position his refurbished horse-box outside of our premises Summertown Cycles, at the address below. We have given him our express provision to conduct his business from our premises.

The horse-box will be fully inside the red line of our forecourt area and we believe that this will be a mutually beneficial enterprise for everyone - in particular the residents of Summertown, because Mr Leslie's coffee is excellent..

Kind regards,



Scott Garrett

Co-owner and Director, Summertown Cycles, Oxford, OX2 7BY

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To: General Purposes Licensing Casework Sub Committee

Date: 3 June 2024

Report of: Head of Planning & Regulatory Services

Title of Report: Street Trading application to extend the terminal hour of trading

Summary and recommendations	
Purpose of report:	To inform the determination of a street trading application to extend the terminal hour of trading
Corporate Priority:	Enable an inclusive economy Support thriving communities
Policy Framework:	Street trading Policy 2023 Council Strategy 2020-2024
Recommendation(s): That the General Purposes Licensing Casework Sub-Committee resolves to:	
1.	Determine the request, taking into account the details in this report and any representations made at this Sub-Committee meeting.

Introduction and background

1. In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 the Council can manage street trading by designating streets as “consent streets”, “licence streets” or “prohibited streets”. All streets within Oxford are currently designated “consent streets” and any trading requires the grant of a street trading consent. Street trading consent may be granted as the Council “thinks fit”. When exercising the power to grant and enforce consents the Sub Committee should only take into account relevant considerations; must give each applicant or consent holder a fair hearing and should give reasons for their decisions.
2. Street trading consent is granted subject to the Council’s standard conditions. The Sub Committee may amend or attach any additional conditions to a Consent that it considers “reasonably necessary”.
3. Mr Shabbir was granted permission to trade from a long standing street trading spot in George Street, Oxford by the General Purposes Licensing Casework Committee in July 2023.

4. Mr Shabbir is a nighttime trader, and was granted the standard nighttime hours as referred to in the policy, which is to say 18:30 – 03:00.
5. Mr Shabbir trades under the business name of Medina Kebabs.
6. We have not received any substantiated complaints relating to Mr Shabbir's manner of trading and Mr Shabbir has complied with any requests which have come his way from the Miscellaneous Licensing Team.
7. The location from which Mr Shabbir trades has received some focus from Oxfordshire County Council, and Mr Shabbir has complied with the county council's directions.
8. As far as the Miscellaneous Licensing Team is aware, Mr Shabbir has adhered to the terms of the Street Trading Consent with which he has been issued.

Reason for referral to Licensing Sub Committee

9. Upon renewal of his street trading consent, Mr Shabbir has requested his hours be extended and wishes for the Committee to consider his request.
10. Section 17.2 of the Oxford City Council Street Trading Policy sets the standard hours for street trading in the evening as "from 18:30 to 03:00 (can be extended to 04:00 Thursdays, Fridays and Saturdays on application and subject to approval."
11. Mr Shabbir initially requested an extension of up to 05:00 every morning, but has not submitted any supporting material or information to support a departure from the stated policy in determining this matter.
12. The request is therefore advanced to the committee to determine whether to extend his hours in accordance with the option (extend to 04:00 on Thursdays, Fridays and Saturdays) provided in the policy.

Policy Considerations

13. The Policy requires that when determining an application for the grant or renewal of a Consent, the Council will consider the following factors, as per section 6.8 of the Policy, it follows that this criteria should also be considered when assessing this request:

(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 environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, recycling and waste disposal.

(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.

Financial implications

14. The Council collects fees for Street Trading Consents. Predicted income from Consent fees are included in the Council's budget.

Legal issues

15. The Sub Committee may grant a Street Trading Consent if it 'thinks fit'. Consent may be revoked at any time. A street trader cannot be said to enjoy security of tenure and there is no requirement for the Council to give compensation for the loss of any Consent (other than any refund of Consent fees paid in advance). However, any decision to refuse an application or terminate Street Trading Consents may be subject to a judicial review and if held to be unreasonable then compensation may result.

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

Human Rights Act Considerations

17. Article 1 of the first Protocol of the European Convention on Human Rights provides that every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. However a street trading consent is not generally

considered to be a possession in law and the protection in Article 1 is therefore not directly engaged.

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Appendices (None)