

Agenda

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General Purposes Licensing Casework Sub-Committee Extraordinary Meeting

This meeting will be held on:

Date: **Tuesday 22 October 2024**

Time: **6.00 pm**

Place: **St Aldate's Room - Oxford Town Hall**

For further information please contact:

Committee & Member Services Team, Committee Services Officer

📞 01865 252946

✉ DemocraticServices@oxford.gov.uk

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 Edward Mundy (Chair)	A, C	
Councillor Simon Ottino	A	
Councillor Mohammed Azad		

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 - 26
<p>Guidance on the procedure to be followed is attached.</p> <p>The Council's Policy on the Relevance of Warnings, Offences, Cautions and Convictions is attached.</p>	
4 Street Trading variation application (Lucy Hedges: Full of Beans)	27 - 36
<p>To consider the variation of a street trading application for Lucy Hedges and reach a decision.</p>	
5 Peripatetic Street Trading application (Lucy Hedges: Full of Beans)	37 - 56
<p>To consider the street trading application for Lucy Hedges and reach a decision.</p>	
6 Exempt Matters and Confidential Session	
<p>If the Sub-Committee wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding or following agenda items it will be necessary for the Sub-Committee to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 specifying the grounds on which their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	

Part Two – Exempt Business

Matters exempt in accordance with paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972, which includes:

- information relating to any individual
- information which is likely to reveal the identity of an individual
- business affairs of a person other than the Council
- information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

7 New application to drive Private Hire Vehicles

57 - 86

To consider the confidential report and reach a decision.

8 Suitability to continue to drive Private Hire Vehicles

87 - 104

To consider the confidential report and reach a decision.

9 Dates of future meetings

The dates of future meetings (if required) are:

Date	Sub-Committee
26 November 2024	C
7 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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LICENSING AUTHORITY:

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS

Consideration of the Grant, Renewal, Suspension
or Revocation of Hackney Carriage / Private Hire
Driver & Vehicle Licences, & Private Hire Operator
Licences



This policy was adopted by the Oxford City Council at the meeting of the Full Council on 17th March 2022 and comes into force on 1st April 2022.
The Policy shall be in place for period of five (5) years from that date, however it will remain under review should amendments be necessary.

OXFORD CITY COUNCIL

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

CONTAINED WITHIN THIS POLICY YOU WILL FIND:

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POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

Consideration of the Grant, Renewal, Refusal, Suspension or Revocation of Hackney Carriage and Private Hire Driver's Licences, Vehicle Licences, and Private Hire Operator Licences.

1. Introduction

- 1.1 The aim of Local Authority licensing of the Taxi and Private Hire trades is to protect the public. With this in mind, Public Protection must be at the forefront when determining whether an individual is considered a 'fit and proper' person to hold a licence. The Licensing Authority is entitled and bound to treat the safety of the public as the paramount consideration.
- 1.2 The Hackney Carriage and Private Hire trade have a specific role to play in an integrated transport system. They are able to provide demand responsive services in situations where public transport is either not available (for example in rural areas, or outside 'regular' hours of operation such as in the evenings or on Sundays), and /or for those with mobility difficulties. Hackney Carriage and Private Hire vehicles support the night-time economy by playing a vital part in the safe dispersal of people in the city.
- 1.3 The Council's aim is to ensure that the public have reasonable access to Taxi and Private Hire services, due to the part they play in a local transport provision. Therefore, it is essential that the councils' Hackney Carriage and Private Hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.
- 1.4 It is the Council intention to license well-run and responsible businesses and individuals. Its purpose, therefore, is to prevent licences being issued to or used by those who are not suitable persons, taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their position to cause distress, harm or suffering to any passenger or other person and that they meet the 'fit and proper' person test.

2. Objectives

- 2.1 The Licensing Authority will carry out its Hackney Carriage and Private Hire functions with the view to promote the following objectives:
 - The protection of public safety and health
 - The promotion of a professional and respected Hackney Carriage and Private Hire trade
 - Access to an efficient, modern and effective transport service
 - The protection and improvement of the environment, local economy and quality of life
- 2.2 The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. In promoting these objectives the Authority shall expect all licence holders and applicants to continuously demonstrate they can meet or exceed specifications set by the Council.
- 2.3 The purposes of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers and that they meet the 'fit and proper' person test.

3. Status

- 3.1 This policy contains information about legal requirements, government guidance, procedures and standards in relation to its taxi licensing functions. It has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on the Council the duty to carry out licensing functions in respect of Hackney Carriage and Private Hire vehicles, drivers and operators.
- 3.2 In exercising its duties when carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons shall be given for doing so.
- 3.3 The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. However, certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a reasonable transitional period which will be determined and provided by officers acting under delegated powers, during which necessary changes must be made by all licence holders.
- 3.4 The policy provides guidance for applicants, proprietors, drivers and operators to assist them with application processes and operation of their business. This guidance, application forms, current fees, as well as criteria, conditions and regulations relating to Taxi and Private Hire licensing functions can be found in the following documents:

- **Hackney Carriage and Private Hire Driver Licence Application Pack**
- **Hackney Carriage and Private Hire Vehicle Licence Application Pack**
- **Private Hire Operator Licence Application Pack**

These are available on the relevant Council website or by contacting the General Licensing Team. In order to ensure that the most up to date version is used, applicants and licence holders should not store these forms on their own system but should download the latest version of a form when it is required.

The Council provides all such relevant information on its website at: www.oxford.gov.uk/taxilicensing

- 3.5 This policy will remain existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Head of Regulatory Services and Community Safety in consultation with the Chair of the General Purposes Licensing Committee is authorised to make minor administrative amendments to the policy where necessary, and to amend the policy to reflect any changes in legislation, statutory guidance or similar.

4. Legislation and Best Practice Guidance

- 4.1 All licence holders must comply with the provisions relating to Hackney Carriage and Private Hire drivers and vehicles contained in legislation, including but not limited to the following:

- The Local Government (Miscellaneous Provisions) Act 1976
- The Local Government Act 1972
- Town Police Clauses Act 1847 (as amended)
- Town Police Clauses Act 1889
- Road Safety Act 2006
- Equality Act 2010
- Public Health Act 1875

- 4.2 The Department for Transport (DfT) has responsibility for Hackney Carriage and Private Hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states local authorities will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. The DfT has also published the Statutory Taxi and Private Hire Vehicle Standards in July 2020 focusing on protecting children and vulnerable adults, as well as benefiting all passengers. The council has taken account of the recommendations in both documents to shape this policy.

5. Enforcement Procedures

- 5.1 Enforcement is part of the overall licensing control process exercised by the Council and is taken to:

- **ensure public safety**
- **maintain standards within the trade**
- **support the policies of the council**
- **respond to complaints**
- **support partnerships with neighbouring local authorities, and other agencies such as the Police and Driver and Vehicle Standards Agency (DVSA)**

All enforcement will be proportionate, transparent and in accordance with the Council's Corporate Enforcement Policy. The Council will ensure that its enforcement system meet the objectives set out in the policy whilst avoiding undue burden and costs upon licence holders.

- 5.2 This Authority will deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Regulatory Services and Community Safety, the Hackney Carriage and Private Hire General Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with the definition of a “fit and proper” person. Hackney Carriage and Private Hire drivers and operators maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear for their physical safety**
- **cause any person to doubt their integrity**
- **brings the integrity of the Council in to disrepute for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

- 5.3 The Council's enforcement process addresses persistent, low level breaches through to serious, possibly criminal, behaviour. Sanctions range from advice and warnings, to the suspension and revocation of a licence and / or prosecution. Failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions :

- **the issue of an Advisory letter**
- **the issue of a warning (appropriate to the incident reported)**

- the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)
 - the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984
 - the issue of a Formal Caution
 - the referral of the matter to the Head of Regulatory Services and Community Safety
 - the referral of the matter to the Hackney Carriage and Private Hire General Licensing Sub-Committee
 - the referral of the matter to the Law and Governance department for consideration of prosecution
- 5.4 Licensing Officers are permitted to instruct an existing licence holder to undertake new or repeated courses or training (driving standards, safeguarding, disability awareness, etc.) at any time, to ensure their standards have not fallen below the council expectations for a 'fit and proper' person. The Licensing Officer will provide detailed reasons for the requirement
- 5.5 All case notes, evidence and enforcement outcomes are recorded on the Council's case management system. The council understands the importance of ensuring that personal data, including sensitive personal data is always treated lawfully and appropriately and that the rights of individuals are upheld. You can find the council data protection policy online <https://www.oxford.gov.uk/privacy>
- 5.6 **"Warning" System:**

Advisory Letter: A letter advising that although the incident, allegation, an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the incident has caused concern to the Council as to the suitability to hold such a licence. The Advisory Warning usually addresses a low level non-compliance, which can be issued at any level on the scale of warnings. If similar behaviour or non-compliance persists, it may lead to an escalation in the level of warning issued.

First Level Warning: A letter advising that although the incident, allegation, an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, which deals with more serious incidents, repetitious behaviour or non-compliance, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe.

Second Level Warning: A letter advising that although the incident, allegation, an offence, caution or conviction was not severe enough to have warranted a Final Warning, suspension or revocation of the licence, the behaviour or the offence committed is unacceptable and has caused significant concern to the Council as to the suitability to hold such a licence. A Second Level Warning deals with serious incidents, repetitious behaviour or non-compliance. If in the future, similar behaviour is illustrated, the consequences shall be much more severe.

Final Warning: A letter advising that although the incident, allegation, an offence, caution or conviction did not warrant the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused major concern to the Council as to the suitability to hold such a licence. A Final Warning deals with major incidents, as well as escalation of warning level due to repeated non-compliance. If in the future, similar behaviour or any other non-compliance is illustrated, the licence holder should expect the matter to be addressed through the escalation warning system.

5.7 Suspension, Revocation and Sub-Committee interventions

Councillor Warning: A Decision issued by the Hackney Carriage and Private Hire Licensing Sub-Committee, likely to also include additional conditions being imposed on a licence, advising that although the incident, an offence, caution or conviction, and / or accumulation of Warnings issued by the Licensing Officers did not warrant the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension or revocation of his/her licence.

Immediate Suspension: A Decision issued by Head of Regulatory Services and Community Safety or the Hackney Carriage and Private Hire Licensing Sub-Committee advising that in the view of the serious nature of the incident, allegation, an offence, caution or conviction the Council has decided there is reasonable cause to suspend the licence with immediate effect in the interests of public safety. Suspension is not indefinite and the Authority may consider determination of the individual 'fit and proper' status during the suspension period. An individual has the right of appeal to the Magistrates' Court within 21 days from the decision, however the suspension shall remain in force pending the outcome of any appeal.

Immediate Revocation: A Decision issued by Head of Regulatory Services and Community Safety or Hackney Carriage and Private Hire Licensing Sub-Committee advising that in the view of the serious nature of the incident, allegation, an offence, caution or conviction the Council has decided there is reasonable cause to revoke the licence with immediate effect in the interests of public safety. The revocation is indefinite. The individual has the right of appeal to the Magistrates' Court within 21 days from the decision.

Hackney Carriage and Private Hire Licensing Sub-Committee: A committee having powers to determine the suitability of a new applicant to be granted a licence or existing licence holder to maintain a licence, by assessing if the person meets the Authority's definition of a "fit and proper" person. The Licensing Sub-Committee hearings are conducted in person. Parties attending the hearing

consist of the Sub-Committee panel (three elected members), council legal adviser, clerk, Licensing Officer and the new applicant or current licence holder, who are entitled to be accompanied by a representative should they need assistance. An applicant for a new Hackney Carriage and/ or Private Hire driver licence is entitled to have their application determined by the Licensing Sub-Committee, taking into account the policy recommendations. Each application shall be considered on its own merits. The Licensing Sub-Committee could determine to grant or renew a licence, refuse to grant or renew a licence, suspend or revoke a licence.

6. Definitions

Appeal: A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

Offence: commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

Caution: A caution is a formal warning given to an adult who has admitted to an offence and has consented to the caution.

Conviction: Judicially determining that someone is guilty of a crime

Free of convictions: This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence. The following question shall be posed:

“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

Hackney Carriage Vehicles: A vehicle that can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a taxi rank within their district to await the approach of passengers; a vehicle available for Public Hire within the controlled district.

Hackney Carriage and Private Hire Licensing Sub-Committee: A committee having powers given to it by the General Purposes Licensing Committee of the Council, to determine the suitability of an applicant to be granted a licence or existing licence holder to maintain a licence, when the Head of Regulatory Services and Community Safety is unable to determine whether such a person meets the Authority's definition of a “fit and proper” person.

Head of Regulatory Services and Community Safety: Holds delegated authority to make day to day decisions regarding the suitability of any person seeking the grant or renewal of a licence, and decisions regarding the suspension or revocation of any licence holder.

Mitigating Circumstances: The circumstances surrounding an incident, offence, allegation, caution or conviction. These may alter the seriousness of a crime.

Private Hire Vehicle: A vehicle which must be pre-booked with a Private Hire Operator. This type of vehicle cannot ply for hire (stand in a taxi rank, wait without a booking in a “prominent position” giving rise to the impression that the vehicle is available for hire) or undertake a journey that has not been pre-booked by the hirer with a Private Hire Operator.

Proprietor: The person in possession of a Hackney Carriage or Private Hire vehicle licence.

Operator: A business that makes provision for the invitation or acceptance of bookings for Private Hire Vehicles.

Refusal: To decide not to give something

(Within this Policy any reference to refusal will also be a reference to revocation or suspension)

Revoke: To take something away permanently.

Suspend: To take something away temporarily.

7. Guidelines Relating to the Relevance of Convictions - Powers and Duties

7.1 The Rehabilitation of Offenders Act 1974 (“1974 Act”) and associated amendments sets out the period after which a conviction/caution/warning would be regarded as ‘spent’ and not normally require details of that conviction to be provided on any relevant application form. In 2002 the Rehabilitation of Offenders Act 1974 was amended to exclude hackney carriage and private hire drivers from the 1974 Act. The driving of hackney carriages and private hire vehicles was listed as a ‘Regulated Occupation’ in relation to which questions may be asked as to the suitability of individuals to be granted a licence. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0.

7.2 Applicants for, or current licence holders of, taxi driver, vehicle or operator licences must therefore provide details of all convictions, warnings, reprimands, injunctions, cautions, Community Protection Notices, Criminal Behaviour Orders, community service orders, restraining orders, traffic offences, other court orders, Notices or Orders associate with child or adult safeguarding concerns, driver education courses, disqualifications and fixed penalty notices (including for traffic offences), including

any that would previously have been regarded as spent under the 1974 Act or may not currently show on any replacement DVLA driver's licence, or another other notice or legal matter pertaining to a criminal or anti-social behaviour incident. In addition, any pending court cases or hearings must be declared, and details of any licences previously held, suspended or revoked. The Authority will take the information provided into account irrespective of offence, sentence imposed or age when the offence is committed.

- 7.3 Failure to disclose any information detailed in paragraph 7.2 in writing within 48 hours of receipt of their issue, or the making of false declarations will be considered to be an act of dishonesty and may result in the application being refused or the licence revoked. Applicants must seek the advice of an officer if they cannot remember full details that they are required to declare or have any uncertainty about what details they are required to provide.
- 7.4 All licence holders are required to inform the council in writing within 48 hours if they are arrested, formally interviewed (voluntary) or charged with an offence by the police or other enforcement body. This is to allow the council to be aware of any public safety concerns and to take appropriate action. Failing to notify the council may result in additional enforcement action against the licence.
- 7.5 In order to assess an individual suitability to hold a licence, this Authority requires all applicants to provide a current Enhanced Disclosure and Barring Services (DBS) Certificate and a DVLA Disclosure. All licence holders must subscribe to the online DBS update service and maintain the subscription for the full duration of the licence. Where a driver fails to maintain their subscription with the online DBS Update service, or the DBS update check reveals new information their licence may be suspended with immediate effect on the grounds of public safety. The licence holder will have to submit a new DBS application, provide the DBS Certificate and online subscription, which may take several weeks to be processed by DBS.
- 7.6 Where the Authority has a reasonable cause for concern in regards to a licence holder, an Enhanced DBS update check may be carried out. Should the check reveal any concerns or new information, the driver shall be notified of the outcome. The Authority shall also carry out an annual background checks (DBS) to ensure no changes in circumstances occurred during the validity of the licence.
- 7.7 A licence may be suspended or revoked with immediate effect pending the outcome of any investigation or trial where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:
 - Driving or being in charge of a vehicle whilst under the influence of alcohol or drugs
 - A drug related offence
 - An offence of a sexual nature
 - An offence involving violence
 - An offence involving dishonesty
- 7.8 A licence may also be suspended or revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought or if the police determine to take no further action. In all cases the licence holder will be given an opportunity to make representations and these will be taken into account by the decision maker/s.

8. Suitability to Hold a Licence - A 'Fit and Proper' Person

- 8.1 When considering whether someone should serve the public as a taxi driver, the range of passengers that a driver may carry must be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who could be intoxicated, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:
 - **Honesty and trustworthiness** – drivers are very often trusted with sensitive information whilst carrying out their duties. They have the knowledge of passenger vulnerabilities, convey customers who do not know the city and its locations, as well as manage a property lost in the vehicles. They must not abuse their position of trust.
 - **Abusive behaviour** – drivers are often subject to a disagreement, unpleasant or dishonest behaviour. The Council does not consider that such situations excuse any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, attempt to defuse the situation and to address disputes through the proper legal channels.
 - **A good and safe driver** – Passengers paying for a transport services rely on their driver to get them to their destination safely. Licensed drivers are professional drivers and should be fully aware of all road traffic legislation and conditions attached to the licence.
- 8.2 Licensing authorities have a duty to ensure that any person to whom they grant a Taxi or Private Hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 8.3 Licensing Authorities have a duty to safeguard the public. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given 'the benefit of doubt'. If the committee or delegated officer is only "50/50"

as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction and can take into consideration conduct that has not resulted in a criminal conviction.

- 8.4 The relevant legislation provides that the Council may grant a licence **ONLY** if it is satisfied that the individual is a 'fit and proper' person – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**
- 8.5 The Licensing Authority is entitled to take into account all matters concerning an applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the Hackney Carriage or Private Hire trade. This consideration is far wider than criminal convictions or other evidence of unacceptable behaviours, and the entire character of the individual will be considered. This can include but is not limited to, the individual's attitude and temperament.
- 8.6 Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has failed to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore prudent for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.
- 8.7 Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:
 - **Hackney Carriage and Private Hire Driver Licence Application Pack**
 - **Hackney Carriage and Private Hire Vehicle Licence Application Pack**
 - **Private Hire Operator Licence Application Pack**

9. Information Sharing

- 9.1 Applicants and licensees are required to disclose if they hold or have previously held a licence with another authority. As well as, if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Where drivers have been licensed with other authorities, this authority shall carry out checks with those authorities for any information that may be relevant to the application being considered. In addition, the council will use the National Anti-Fraud Network's - National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations (known as 'NR3'), to share information and mitigate the risk of non-disclosure of relevant information by applicants.
- 9.2 The police are an invaluable source of intelligence when assessing whether a licensing applicant or current licence holder is a 'fit and proper' person. This Authority is committed to work in partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, action taken by the licensing authority as a result of information received may be reported to the police. Safeguarding concerns resulting in a revocation or refusal on public safety grounds may be reported to the police and other relevant agencies.
- 9.3 In order to assist effective information sharing on a local level, this Authority is a partner in the Oxfordshire Joint Operating Framework (JOF) for the Transportation of Children and Adults with Care and Support Needs and Taxi Licensing. The framework provides a single set of minimum standards for agencies with responsibilities for transporting children and adults with care and support needs in Oxfordshire, including addressing vetting, training, awareness raising and most importantly information sharing between agencies.

10. Protecting the Public

- 10.1 It is not the Licensing Authorities role to balance a driver's right to work against the public's right to protection. The Licensing Authority is duty bound to treat the safety of the public as its principle consideration. Having considered and applied the appropriate guidelines, the council shall determine each case on its own merits.
- 10.2 The character of the driver in its entirety is the central consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a 'fit and proper' person.

11. Licensing history

- 11.1 The Licensing Officer may take into account a person's licensing history whilst holding a licence, from this or any other Authority. The Licensing Officer may take into account, in deciding whether a person is a 'fit and proper' person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, any enforcement actions, their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

12. Safeguarding

- 12.1 The council acknowledge that all licensed drivers who transport children, young people and vulnerable adults play a very important role in safeguarding, and this is why mandatory training is required for all licensed drivers. **The key message is that safeguarding is everyone's responsibility.**
- 12.2 The Authority recognise the opportunities provided by Taxi and Private Hire drivers to spot the signs and alert the appropriate authorities to concerns about the safety of children and adults with care and support needs. Taxis and Private Hire vehicles regularly transport passengers who may be vulnerable, for example when the passenger is under the influence of alcohol or drugs or is travelling alone, hence the need to promote the highest safeguarding standards to protect both passengers and drivers
- 12.3 Vulnerable children and adults are those whose mental health, disability, age, illness or other reasons means that they may be unable to take care of themselves and/or unable to protect themselves against serious harm or potential exploitation. Some people may have more advanced needs than others and therefore are more likely to face abuse or be directly abused by others because they require assistance to speak, move themselves or understand others; these are some of the types of needs that make them vulnerable.
- 12.4 Drivers are expected to report all safeguarding concerns to the police if there is an immediate risk of harm to a child or vulnerable adult and / or the relevant social care providers. Drivers are also expected to inform the Private Hire Operator under whose licence they operate at the time and inform the Council's Licensing Authority.

GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

1. General Principles

- 1.1 Each case shall be considered on its own merits.
- 1.2 Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire Licence. However, they should remain free of conviction for an appropriate period of time, according to the circumstances, before the Licensing Authority will consider whether a licence should be granted or renewed. This places passenger safety as the priority while enabling those with past offences to be considered for a licence. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.
- 1.3 Cautions shall also be taken into consideration. They can give indication as to an applicant's (licensee) character and whether they are a 'fit and proper' person to hold or be granted a licence. A caution is given where there is sufficient evidence for a prosecution and guilt has been admitted.
- 1.4 Should a Court have found as a matter of fact that a person has committed an offence, the Licensing Authority will not take into consideration the applicant's assertion that they did not commit the offence. The applicant can, however, explain any mitigating circumstances that led to them committing the offence, which could be taken into account when determining whether the applicant is a 'fit and proper' person to hold a licence. Such cases may be referred to the Hackney Carriage and Private Hire General Licensing Sub-Committee for determination.
- 1.5 In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.
- 1.6 Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation to hold a licence issued by the Authority.
- 1.7 A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before a valid application form was received in the Taxi Licensing Office.
- 1.8 Where an applicant has more than one conviction / caution showing a pattern or tendency irrespective of time since the convictions, serious consideration shall be given as to whether they are a 'fit and proper' person to hold a licence.
- 1.9 In relation to a single conviction / caution, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence may be granted. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed.

2. Assessment of previous convictions

2.1. Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

2.2. Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

2.3. Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least ten (10) years have elapsed since the completion of any sentence imposed.

2.4. Possession of weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed.

2.5. Sexual and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. The licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

2.6. Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed

Failure to declare endorsement convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving is regarded as a serious matter, whether it is through the omission of such matters when submitting an application to the Authority, or by not informing the Authority within 48 hours of receipt of their issue.

Any person, who fails to declare on his or her application any such matters, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.

2.7. Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least ten (10) years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five (5) years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

2.8. Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed.

2.9. Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of transporting the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence. However, applicants with multiple motoring convictions indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

New applicants should not normally be considered if they have acquired more than three penalty points within the twelve months prior to the application for the grant of a licence; or they have in the previous two years been convicted of any single offence which resulted in a points penalty of five or more points, or offences totalling more than six points.

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant's DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four (24) months has elapsed following its restoration and a warning should be issued as to future conduct.

If the DVLA driving licence of an applicant or an existing driver is revoked following the acquisition of six or more points during the first two years since passing the DVLA driving test, then a period of twenty-four (24) months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Any motoring conviction while a licensed driver demonstrates that the licensee does not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a 'fit and proper' person to retain a licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the Hackney Carriage or Private Hire licence shall be suspended or revoked. A period of twenty four (24) months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire General Licensing Sub-Committee for determination.

Drivers already licensed by the authority and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 48 hours of any new conviction.

For **existing licence holders**, a guideline is provided below in relation to penalty points:

6 or less penalty points: Where any current licence holder, has 6 or fewer points on their DVLA driving licence, the Licensing Officer will usually consider granting the licence with a written warning, as long as the licensee remains 'fit and proper' person. The number, type and frequency of an offence(s) will be taken into account when considering the level of warning.

7 or more penalty points: Where any current licence holder is convicted during the course of the licence of any single offence which results in a penalty of six or more points or acquires

seven or more penalty points should expect their licence to be suspended, refused or revoked taking into account the number, type and frequency of an offence(s). In exceptional circumstances the Licensing Officer may request an additional / new driving standards test at the expense of the Licence Holder.

“Totting Up” under S35 Road Traffic Offenders Act 1988: Where an applicant or current licence holder, has been disqualified under the “totting up” procedures, the Authority will normally consider refusal until there has been a **period of twelve (12) months** free of relevant convictions. If an applicant has agreed “exceptional hardship” and avoided disqualification, refusal shall still be considered and a **period of twelve (12) months** free of relevant convictions required.

2.10. Other motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life; or driving under the influence of drink or drugs; or driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least five (5) years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle-related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving whilst disqualified, fail to stop after an accident, driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed

2.11. Drink driving / driving under influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs

2.12. Using hand-held telephone or hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five (5) years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

2.13. Hackney Carriage and Private Hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed.

2.14. Plying for Hire

A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one's vehicle available for public hire without a licence; this could be by taking a passenger without a booking in a licensed Private Hire vehicle or a picking up a fare without a booking in a Hackney Carriage vehicle outside of its licenced district. It is illegal for Private Hire drivers to park or stop in a prominent positions for the intention of taking a passenger (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by a Private Hire Operator. The licence holder should expect further enforcement measures to be taken against them, including a full inspection of the vehicle and driver compliance against the conditions relating to both licences.

Licensing Officers may request from Private Hire Operator details of all bookings given to a driver, and further evidence if required that could assist with the Licensing Officer's investigation. If a Private Hire Operator is complicit in allowing the driver to book a journey for a member of public, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the Operator itself.

The Licensing Authority regularly carries out what are known as “Test Purchase” Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of seven (7) years should have elapsed before any application is considered.

2.15. Licensing History

Applicants who have had a licence revoked or an application refused by the council or any other local authority will not be licensed for a minimum of five (5) years after the date of the revocation or refusal.

3. Complaints Against Licence Holder

- 3.1. Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.
- 3.2. The Authority operates a robust system for recording and investigating complaints, as well as analysing trends across the trade and individual licensees. This helps the authority to build a fuller picture of the potential risk an individual may pose and could tip the 'balance of probabilities' assessment that the authority must take. All complaints submitted to the Authority are investigated and dealt with by Licensing Officers. The licence holder is invited to make representations in regards to the complaint made against him/her. Should the complaint be of a serious nature, the licence holder may be requested to attend an interview.
- 3.3. The Licensing Officer will consider the conduct of the licence holder and determine what action should be taken, if any, whilst taking into account written submissions, evidence submitted or gathered during the investigation and the circumstances surrounding the alleged incident. The Licensing Officer will also consider the history of all complaints made against the driver to assess any patterns of behaviour and if deemed appropriate request additional background checks to be carried out.
- 3.4. In assisting the process all licensed vehicles are required to display information for passengers on how to make complaints directly to the licensing authority. For renewals, this requirement will take effect from the next licence renewal after the date of publication of this policy. The licensing authority will provide the information card to be displayed

4. Warnings Issued by Licensing Officers

- 4.1. The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the district. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.
- 4.2. Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence are dealt with, in the first instance, by way of Warnings. Unless the incident is of serious nature and must be escalated. It is this Authority's policy to provide advice and to educate the licensed trade in order to meet the licensing objectives as described in this Policy.
- 4.3. The levels of Warning issued by the Licensing Officers shall be proportionate to the incident that they deal with. However, should a licence holder be found to be continually failing to meet with the requirements of their licence, display a repetitious behaviour or be subject to a serious incident, the level of Warning shall be escalated.
- 4.4. A licence holder, who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect the consequences to be much more severe. If deemed necessary the matter will be referred to the Head of Regulatory Services and Community Safety or the Hackney Carriage and Private Hire Licensing Sub-Committee or possibly lead to the suspension or revocation of the licence.
- 4.5. Any licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written submission (licensing@oxford.gov.uk), to the Licensing Team Leader (or higher management) within **21 days of the Warning being issued**.

To: General Purposes Licensing Casework Sub Committee

Date: 22 October 2024

Report of: Head of Planning & Regulatory Services

Title of Report: Street Trading variation application (Lucy Hedges: Full of Beans)

Summary and recommendations	
Purpose of report:	To inform the variation of a street trading consent
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 application, 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 application is to vary the street trading consent determined at a previous hearing of the committee. The minutes of the hearing are included at appendix 1. The trading location is by the terminal at the Redbridge Park and Ride.

4. The application is to allow trading Monday, Thursday and Friday between 06.30 – 10.30. The granted days are Monday, Tuesday and Friday. The granted hours are 08.00 – 12.00.

Determination of Applications for Consent

5. 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.
6. 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

7. The application is referred to the Licensing Sub Committee as per the point above. The application and relevant supporting documents can be found in the appendix to this report.
8. No comments were received in response to the consultation on this application.
9. Daytime pavement trading locations as according to the policy are set to within 08:00 – 21.00.
10. Whilst it is within the scope of the committee to depart from the policy, there must be compelling reasons to do so.
11. The options available to the committee are:
 - a. To grant the variation to the existing consent as applied for
 - b. To partially grant the application, altering times/hours or adding necessary conditions
 - c. To refuse the application
12. In doing so the committee can add or amend any conditions it thinks reasonable to achieve the aims detailed in the policy considerations below.

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.

Equality Act Considerations

19. The Council has a Public Sector Equality Duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who don't share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not (which involves having due regard, in particular, to the need to tackle prejudice and promote understanding).

Environmental Considerations

20. There are no environmental considerations arising directly from this report.

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

Appendices	
Appendix 1	Minutes of determination from previous hearing
Appendix 2	Email(s) requesting change.

Appendix 1: Minutes of Committee

**Minutes of a meeting of the
General Purposes Licensing Casework Sub-Committee
on Monday 2 September 2024**

Committee members present:

Councillor Mundy (Chair)

Councillor Ottino

Councillor Muddiman

Officers present for all or part of the meeting:

Tazafar Asghar, Legal Advisor

Matthew Stead, Senior Licensing Officer

Richard Masters, Senior Licensing Compliance Officer

Celeste Reyeslao, Committee and Member Services Officer

Apologies:

None..

33. Declarations of Interest

None.

34. 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.

35. Minutes

The Sub-Committee resolved to approve the minutes of the meeting held on 22 July 2024 as a true and accurate record.

36. Street Trading application for Lucy Hedges (Full of Beans)

The Head of Planning and Regulations had submitted a report to inform the determination of Ms Lucy Hedges (Full of Beans) street trading application. Lucy Hedges (applicant), Jack Richens (partner) and Matthew Stead, Senior Licensing Officer, joined the meeting.

The Chair outlined the hearing procedures and requested that all attendees introduce themselves.

The Senior Licensing Officer presented a summary of the report, stating that Ms Hedge's application was for a peripatetic coffee bike selling coffee and edible goods. This unique application had not previously been considered in this authority, and did not comply with the trading model outlined in the current Street Trading Policy. For this reason, the Sub-Committee was asked to determine the application and whether it wished to make an exception.

He stated that the application involved five trading locations detailed in paragraph 5 of the submitted report. It was highlighted that the proposed locations had not been previously occupied, and that the proposed period of operation for four locations would exceed the twenty minute maximum time for a peripatetic trader to trade in a location. It was noted that this would be a considerable change in policy.

The Sub-Committee was advised that the application was referred for the consideration of the panel as it did not comply with the Council's current Street Trading policy, however it was the policy of the Council to determine all street trading applications.

In response to questions from the Sub-Committee, the Licensing Officer made the following points:

- Attempts were made to contact the leisure provider regarding the application, however no response was received. The leisure provider had the opportunity to respond during the consultation period.
- The Sub-Committee could grant Ms Hedges a peripatetic licence or a static consent specifying a defined time and location.
- A consent may not be granted for more than proposed days and times being applied for. However the panel may reduce them if minded to do so.
- The applicant could submit additional applications for other licences in the future.
- If the applicant wished to extend trading hours beyond the granted licence, they would need to go through the application process again, including a consultation period before the licensing panel.

Ms Hedges was invited to address the Sub-Committee. She stated that she had been a long-term resident and works as a teaching assistant at a local school. She planned to

use 100% compostable packaging and source supplies from local businesses. She expressed a preference for a peripatetic licence with special dispensation for two hours at specific locations, particularly Redbridge Park and Ride, and proposed trading during early morning hours. She emphasized that her setup would be safe, stable, and considerate of the environment, and she believed there was strong local demand for her coffee service.

The Chair noted that this was the first time they had encountered such an application and that whilst the policy did not provide specific guidance for this situation, the application was welcomed by the Sub-Committee.

The Legal Adviser advised that the Sub-Committee could reject the peripatetic application and instead consider it as a standard application for static consent. If so, the operating hours would be from 0800 to 2100, which could be reduced if good reasons were provided. He clarified that while the Sub-Committee could reduce the hours, it could not extend them, and the consent would apply to only one location.

Following agreement from the Sub-Committee, the meeting broke for 10 minutes to allow the applicant time to decide how they wished to proceed with the application. The Chair clarified to the applicant that if the application was changed from peripatetic to static consent, the operating hours for a single proposed site would be from 0800 to 2100. He emphasized that failing to specify and adhere to these hours would constitute a breach of the conditions.

Ms Hedges stated she would proceed with an application for a Static Consent to operate on Monday, Tuesday, and Friday from 0800 to 1200 at Redbridge Park and Ride.

The Chair thanked Ms Hedges, Mr Richens and the Senior Licensing Officer for their contributions. They were asked to leave the room while the Sub-Committee considered the application.

The Sub-Committee noted the representations made at this hearing. The Sub-Committee considered the timings requested and raised no concerns. Having considered all submissions, the Sub-Committee agreed to approve the proposed street trading application.

The Senior Licensing Officer, Ms Hedges and Mr Richens re-joined the meeting and were informed of the Sub-Committee's decision.

The Chair thanked the applicant for her application and patience, acknowledging the ambitions of the business and stating that it was something the Council would welcome in the future. The Sub-Committee refused the peripatetic application as it fell outside the policy. However, the Sub-Committee granted her application for a Static Consent for Redbridge Park and Ride, trading on Monday, Tuesday, and Friday between 0800 to 1200.

The Chair noted that this arrangement was within policy and did not present any adverse issues. The applicant was reminded to maintain public liability insurance as part of the conditions of the consent.

The General Purposes Licensing Casework Sub-Committee resolved to:

- **Refuse** Ms Hedges' peripatetic application as the scope of the proposed application fell outside of the Street Trading Policy.
- **Grant** Ms Hedges' application for a Street Trading Consent until 31 March 2025.
- **Grant** the trading hours applied for: Monday, Tuesday, and Friday 0800 - 1200.

Appendix 2

Hi Matthew,

Please can I amend my new licensing application times to be on Monday, Thursday and Friday from 6.30am -10.30 am.

Thank you

--

This email was Malware checked by UTM 9. <http://www.sophos.com>

From: [Lucy Hedges](#)
To: [STEAD Matthew](#)
Cc: [street_trading](#); [Councillor WAITE Naomi](#)
Subject: Re: Peripatetic route
Date: 11 September 2024 19:42:08
Attachments: [image001.png](#)
[Full_of_Beans_peripatetic.pdf](#)

Hi,

To be clear, I am asking for 2 separate things.

1. To change the times to the license agreed last week. It was clear to me that they would be happy to do this, but couldn't in that meeting, because on the application I had just written 2 hours, (which could have been from before 8) which would have been long enough for me. Or any hours within the standard day trading times of 8am - 9pm.

The times I want to change to are 6.30 - 10:30 Mondays, Tuesdays and Fridays

I have applied under freedom of information for the data from the carpark to prove that there are many people at the park and ride before 8 am. I should have the information before the end of the month

2. My new peripatetic application (attached and fees paid for) which I don't believe is anything too out of the ordinary.

So in theory I will end up with 2 licenses.

Thanks

It would be great if you could confirm this email asap. I am keen to get this sorted as soon as possible, definitely in time for the October meeting.

Thanks

On Wed, 11 Sept 2024, 16:55 STEAD Matthew, <MSTEAD@oxford.gov.uk> wrote:

Hi Lucy

I have received your route proposal, but you will need to submit a fresh application form with this route as you are applying for a separate street trading consent. In order to vary the consent that has just been determined by the licensing committee you will have to write a letter outlining the reasons why you believe they should depart from their policy in this case. I must advise that the licensing committee, as we saw, can only depart from their policy very rarely.

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To: General Purposes Licensing Casework Sub Committee

Date: 22 October 2024

Report of: Head of Planning & Regulatory Services

Title of Report: Peripatetic Street Trading application (Lucy Hedges: Full of Beans)

Summary and recommendations	
Purpose of report:	To inform the determination of a street trading application
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 application (appendix 1) is for a peripatetic street trading consent.
4. This type of consent limits the trading to 20 minute periods on a route. The proposed route can be found in appendix 2.

5. The proposed trading unit is a purpose built converted tricycle with a coffee machine on (see picture in appendices).
6. The applicant asks to trade for a 20 minute period between 06.30 and 14:00 on Saturdays at the proposed route set out in appendix 2, and provides the reasons for requesting these hours in the application.

Determination of Applications for Consent

7. 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.
8. 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

9. The application is referred to the Licensing Sub Committee as per the point above. The application and relevant supporting documents can be found in the appendix to this report.
10. Comments made in response to the consultation process have been included in appendix 4.
11. 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.
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.
13. The options before the committee are:
 - a. To grant the peripatitic street trading consent as applied for; or
 - b. To grant the peripatetic street trading consent with additional conditions; or
 - c. To refuse the application for a peripatetic street trading consent.
14. In doing so the committee can add or amend any conditions it thinks reasonable to achieve the aims detailed in the policy considerations below.

Policy Considerations

15. 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.

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

Financial implications

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

Legal issues

18. 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.

19. 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

20. 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.

Equality Act Considerations

21. The Council has a Public Sector Equality Duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who don't share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not (which involves having due regard, in particular, to the need to tackle prejudice and promote understanding).

Environmental Considerations

22. There are no environmental considerations arising directly from this report.

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 1	Application form
Appendix 2	Proposed peripatetic trading route
Appendix 3	Picture of proposed trading unit
Appendix 4	Comments received from consultation
Appendix 5	Peripatetic Street Trading Consent Standard Conditions

Appendix 1: 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	Lucy Hedges
Address	[REDACTED]
Postcode	[REDACTED]
Telephone Numbers	Home: [REDACTED] Mobile:
Email address	[REDACTED]
National Insurance Number	[REDACTED]
Date of Birth	[REDACTED]
Nationality	[REDACTED]
Part 2 – Convictions	
Do you have any current criminal convictions (unspent under the Rehabilitation of Offenders Act 1974)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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	Full of Beans	
Type of goods to be sold – <i>Please specify all items to be sold</i>	Locally roasted speciality coffee, tea , hot chocolate, iced coffee, cakes and cookies, local pastries, cold drinks	
If you intend to sell hot/cold food which Local Authority are you registered with	Oxford City Council ref [REDACTED]	
If you have been inspected by Environmental Health what is your current Food Hygiene Rating and what date was it awarded	Food Hygiene Rating	Date awarded
Details of recyclable or biodegradable packaging you intend to use	Recyclable cardboard cups and lids, wooden stirrers, sugar in paper wrapping, paper bags for pastries.	
Proposed days and times of trading	Days: Saturdays Times: ~ 6.30am - 14:00	
Full details of the site, sites or peripatetic route you are applying for	https://www.google.com/maps/d/u/0/edit?mid=1mo99DmUuk4J7yPMi997_qc5tLfEJK0&usp=sharing	

Vehicle registration number	Its a bike	
Vehicle make and model	-	
Revenue Weight of vehicle as on V5C (logbook)	-	
Address where the vehicle/trailer will be stored when not in use	[REDACTED]	
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 coffee bike is very low risk to the public, it is a slow moving tricycle, only 1 metre wide so won't block pathways or have any access issues. The coffee machine is gas powered with a safety certificate, but has no naked flames. It has an onboard sink and built in bin. It will be kept in a clean hygienic state. All hot drinks will be served with a biodegradable lid for safety and to keep the drink hot.
Public Order	(b)	There is no risk to public order. It will be open during day times for customers to enjoy in the park.
The avoidance of public nuisance	(c)	The bike is powered by electric and pedal power and is ZeroEmission compliant. There is no noisy diesel engine or generator. Some occasional low level noise from the coffee grinder, which you won't be able to hear unless stood next to the bike. It is the quietest, most environmentally friendly mobile catering option available. I will stop in a suitable place which allows room for a queue if one forms. The will stop in safe areas away from busy pedestrian and vehicle routes
Appearance of the stall or vehicle	(d)	The bike is a very attractive made of sustainably sourced mahogany with a black frame and canopy. It is a very classy looking and sympathetic to Oxford's cycling heritage. The dimensions are 3m x 1m. 
Needs of the area	(e)	My proposed route is through parks where there are no cafe options, plus Redbridge park and ride which desperately needs some refreshments . I plan not to be in Hinksey park when the Farmers market is on, or on Tuesdays and Thursday when the community cafe is open. I am a local resident of Hinksey Park and am aware of the needs of the area. The recent closure of the Akiport cafe on Abingdon road and White House pub has further reduced food and beverage provision in the area.
Environmental Credentials	(f)	The coffee bike is as eco friendly as it could possibly be. It can operate totally off grid through the onboard batteries and gas supply. The bike moves by pedal power with electric assistance, so is carbon neutral. All packaging is 100% biodegradable and all waste will be taken with me. All coffee is supplied from local businesses who responsibly source their beans from independent farmers minimising carbon impacts associated with corporate supply chains. Coffee grounds are used for composting.

Food Traders	(g) All operators are level 2 in food safety and hygiene. I am aiming to have all snacks as low sugar options. There will be no fizzy drinks, crisps or bars of chocolate
Highway	(h) I will to make use of cycle paths and LTN routes and only stopping where I won't be blocking any access or thoroughfare.
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.

I would like to apply for the peripatetic route shown on my map link. I would like to start from 6.30 am due to the park being used early in the morning by dog walkers, lake swimmers, visitors to Hinksey pool which opens at 7 am but the cafe not until 9. I am also keen to cater for the football matches at the Grandpont recreation ground and on Hinksey park. Coffee is an early morning drink so is mostly required when people are in the park in the morning rather than later in the afternoon.



DECLARATION

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.oxford.gov.uk/websitertools/privacy.cfm>.

The data you provide will assist in preventing crime and ensuring public safety. When you sign this application you are consenting to the sharing of this data with other Government Agencies in their efforts to combat crime.

I am aware that if any person knowingly or recklessly makes a false statement or omits any material, particular in giving information on this form, that person shall be guilty of an offence.

This means that if you as the applicant or anyone else gives false information or leaves out any information to help you get a Street Trading Consent, you and/or they can be prosecuted in court.

Signed _____   (The declaration must be signed by the applicant)

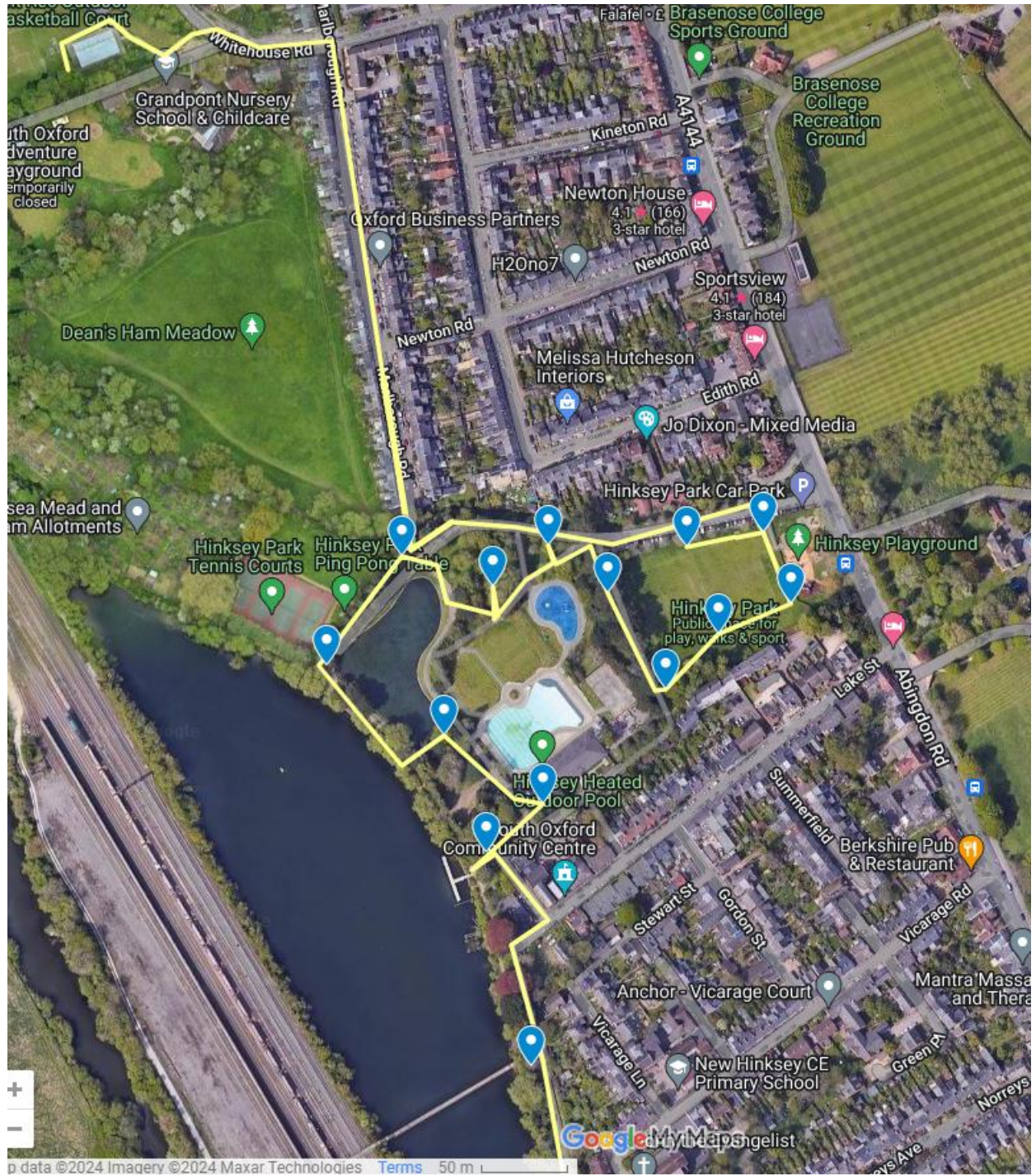
Date: 11 / 09 / 24

Checklist and Notes for New Applicants

Please tick

<p>A copy of your passport and/or right to work in the UK documentation</p> <p>Non UK Nationals must demonstrate that they have the right to work in the UK. You can do this by providing copies of documents or by sharing a right to work code - https://www.gov.uk/prove-right-to-work</p>	✓
<p>Disclosure and Barring Service (DBS) Check</p> <p><i>Note:</i> A current DBS check dated no more than 30 days prior to the date of application, must be submitted in conjunction with your application if you are operating in the night time economy (late nights) or trade primarily to children (ice cream traders)</p>	✓
<p>Public Liability Insurance.</p> <p><i>Note:</i> Consent Holders shall 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 operators vehicle, or stall and any additional equipment under your control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount.</p>	Will be provided, when consent is received.
<p>Photograph or detailed sketch of the proposed vehicle/stall with dimensions.</p>	✓
<p>If you are applying for a static street trading site, sites or a peripatetic route please attached a map and images of the proposed site(s) or route in as much detail as possible.</p>	✓
<p>Copy of a map showing all streets and other public areas within a radius of 500 metres from the proposed location of the street trading site(s).</p> <p><i>Note:</i> The map should be to a scale of 1:2500 and clearly indicate the location of the site in the centre of the map and the locations of the other street traders and outlets trading in similar commodities to those proposed.</p>	Peripatetic route applied for
<p>Waste Transfer Agreement</p> <p><i>Note:</i> You must provide a valid in date Waste Transfer Agreement that details your waste collection arrangements.</p>	Provided after consent received
<p>Necessary application fee.</p> <p><i>Note:</i> Cheques made payable to 'Oxford City Council'. Alternatively you can pay by card over the telephone.</p>	✓
<p>Copies of an up to date Food Hygiene Training certificate of level 2 or higher for you and ALL those who handle food</p> <p><i>Note:</i> Your Certificate must be no more than 3 years old, accredited by The Chartered Institute of Environmental Health or The Royal Institute for Public Health.</p>	✓
<p>Gas safety certificate.</p> <p><i>Note:</i> If you sell hot food from a vehicle or trailer and use gas, you are required to have the gas equipment checked annually by a qualified gas engineer. This is to ensure public safety and that the equipment is safe to use.</p>	Provided after consent received and bike purchased
<p>Note:</p> <ul style="list-style-type: none"> • A serviceable fire blanket and foam extinguisher must be provided in all vehicles selling hot food. 	

Appendix 2







Appendix 3



Appendix 4

Subject: Re: New application for Street Trading Consent and Variation of Existing Consent
Date: 19 September 2024 16:53:25
Attachments: [image001.png](#)

Hi,

Very happy to support this application. I think it will be very popular in the park and will be a valuable addition.

Avoiding Sundays means it won't come into conflict with the Jericho coffee, traders, van out of South Oxford Farmer's market.

Many thanks,

Anna Railton
Labour Councillor for Hinksey Park
Deputy Leader & Cabinet Member for Zero Carbon Oxford
cllrarailton@oxford.gov.uk | 07856 365699

Appendix 5

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 instalments 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.

Failure to comply with these conditions

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

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Agenda Item 7

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Agenda Item 8

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