

Agenda

General Purposes Licensing Casework Sub-Committee Special Meeting

This meeting will be held on:

Date: **Wednesday 16 July 2025**

Time: **6.00 pm**

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

For further information please contact:

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Committee Services Officer

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

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

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

Committee Membership

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

Councillor Simon Ottino	C
Councillor Ajaz Rehman	B,D

One further Member will also attend this meeting.

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

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Guidance on the procedure to be followed is attached.

The Street Trading Policy is attached.

4 Exempt Matters and Confidential Session

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.

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

5 Street Trading Application

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To consider the confidential report and reach a decision.

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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Oxford City Council Street Trading Policy: 2025

Glossary

The Council - Oxford City Council

The Applicant - The trader who has submitted an application for Street Trading Consent.

The Consent Holder - An individual that holds a Street Trading Consent.

A Street - Includes any road, footway, beach or other area to which the public have access without payment.

A Consent Street - A street in which street trading is prohibited without the Consent of the Council.

A Street Trading Consent - A permission to trade, which is granted by a council subject to conditions and payment of a fee.

A Roundsman - An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice-cream van is not classed as a roundsman.

A Pedlar - A pedlar is a trader who must:

keep moving, stopping only to serve customers at their request

move from place to place and not circulate within the same area

hold a valid pedlar's certificate, issued by a Chief Constable of Police.

A Peripatetic Trader - A peripatetic street trader is one that:

continually moves from location to location

moves at least 50 metres from the last trading location and does

not return to that location within four hours

does not wait in one location for more than twenty minutes

does not trade within 100 metres of any entrance to any school or college (without formal invitation from the establishment).

The Licensing Officer - An officer employed by the Council and authorised by the Council to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Activities that do not require Street Trading Consent - Trading:

as a pedlar under a pedlar's certificate

as a news vendor

at a market or fair, the right to hold which having been obtained by a grant, enactment or order

at or adjoining a shop premises as part of the business of the shop

as a roundsman (i.e. delivering pre-ordered goods to customers)

from a licensed highway area (.e.g. Pavement or Street Café Licence) under a street collection permit for charitable purposes.

Areas or events where there is an admission fee.

Single Use Plastic - This includes: plates, cutlery, balloon sticks, expanded an

Introduction

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

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

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

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

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

1. Purpose of the Policy

1.1 This Policy sets out the legal framework for the management of street trading in Oxford and will guide the Licensing Authority when it considers applications for Street Trading Consents.

1.2 It outlines how decisions are made and aims to provide a transparent and consistent approach for dealing with the regulation of street trading.

1.3 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and commitment to work in partnership with other enforcement agencies.

2. Consultation

2.1 In determining this policy, the Council has undertaken a public consultation exercise involving the following stakeholders and organisations:

- Thames Valley Police
- Oxfordshire County Council
- All current Consent Holders
- All relevant departments within Oxford City Council
- Members of the public

2.2 The Council has considered and taken into account the views of all consultees.

3. Review of the Policy

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

4. Legislation and current provision

4.1 In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (LGA82) should apply to its area. Under Schedule 4 of the Act a local authority can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.

4.2 All streets in Oxford City Council area are designated as consent streets and any trading requires consent.

4.3 Street Trading is defined as "the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions".

The LGA82 exceptions include:

- (a) Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order;
- (c) Trading as a news vendor;
- (d) Trading at or adjoining a shop premises as part of the business of the shop;
- (e) Offering or selling things as a roundsman

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

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

5. The Licensing Process and Delegation of Functions

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

5.2 Delegation is laid out in the Council's Constitution as follows: Full Council sets policies on licensing.

The General Purposes Licensing Committee:

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

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

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

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

- (a) Issue Street Trading Consents and to attach such conditions as are necessary under the Local Government (Miscellaneous Provisions) Act 1982;
- (b) Refuse any application for a Consent:
 - (i) that is considered unsuitable under this policy;
 - (ii) where there are valid adverse comments from any of the following consultees; (Police or Highways on the grounds of Public or Highway safety);
- (c) Refer applications/Consent holders to the General Purposes Licensing Casework Sub-Committee:
 - (i) when there has been a complaint or safeguarding concern about the trader or the trader has breached the conditions of their Street Trading Consent in the past year;
 - (ii) where there are multiple applications for a vacant approved site

(iii) where there are valid adverse representations, serious food safety issues or any other reasonable cause for referral

(d) Suspend a Consent for a period of up to 28 days pending referral to the General Purposes Licensing Casework Sub Committee, where serious food safety issues or any other reasonable cause are found.

6. Applications for a Street Trading Consent

6.1 An application for Street Trading Consent must be made to the Council in writing. The following will be required to be submitted with the application:

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

6.2 Street Trading Consents are issued for a period of up to one year and are renewed annually for the period 1 April to 31 March, unless granted for a reduced period.

6.3 Before a Street Trading Consent is granted or refused, the Council will carry out a consultation process with various stakeholders including:

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

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

6.4 Street Trading Consents will not normally be granted where:

A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site.

There is a conflict with Traffic Orders such as waiting restrictions.

The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes.

The trading unit obstructs the safe passage of users of the footway or carriageway.

The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities.

The supply of hot or cold food, drinks or confectionery between 07:30 and 18:00 within 100 metres of the boundary of a school or college (during term time).

6.5 The council will not allow the sale of:

Tobacco, tobacco products or e-cigarettes

Items made of animal fur

Items that cause or contribute to crime and disorder

Energy drinks to children below 16 years old.

the sale of plastic and helium balloons and sky lanterns

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

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

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

(a) Public safety

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

(b) Public order

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

(c) Avoidance of public nuisance

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

(d) Appearance of the stall or vehicle

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

(e) Needs of the area

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

(f) Environmental sustainability

Measures to minimise the impact of the proposed operation on the local and global environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, recycling and waste disposal, adopting sustainable sourcing approaches to food and drink; using sustainable sources of energy

for their trading activities; and considering how their customers' rubbish is dealt with responsibly including composted and recycled.

(g) Food safety and food offer

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

(h) Highway safety

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

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

7. Nature of goods on offer

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

8. Suitability of Applicant

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

Whether they have been cautioned or convicted of any offences of:

- a. Violence
- b. Dishonesty
- c. Drug related offences
- d. Sexual offences
- e. Public Order offences
- f. Food safety or health and safety offences
- g. Any offence resulting in a sentence of imprisonment

This will involve the applicant making a declaration to confirm their status relating to any 'unspent' cautions or convictions under the Rehabilitation of Offenders Act 1974.

Guidance on the relevance of cautions and convictions is contained in Annex 4.

Failure to pay the Council's Street Trading Consent fees.

An applicant's history of street trading including whether previous Consents have been used appropriately.

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

9. Advertisements

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

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

9.3 Third party advertisements are prohibited.

10. Peripatetic Street Trading

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

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

Move from location to location.

Move at least 50 metres from the last trading location and do not return to that location within four hours.

Do not wait in one location for more than 20 minutes.

11. Renewal Applications for a Street Trading Consent

11.1 Street Trading Consents are renewed annually for the period 1st April to 31st March, unless granted for a reduced period. A renewal application for Street Trading Consent must be made to the Council in writing by 1st February.

11.2 If a renewal application is not received before the expiry of the current licence, a new application must be made. In this situation, trading will not be permitted until a new Consent is issued.

11.3 At renewal, the Council may take into consideration any relevant information about the trading operation

11.4 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application may be referred to the General Purposes Licensing Casework Sub-Committee.

12. Advertising new or vacant sites

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

13. Transfers

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

14. Markets

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

15. Special Events

15.1 For events such as Christmas or Continental Street Markets, the Council will accept one application from the person organising the event. The event street trading application will require full details of each trader attending the event. Consent will be issued to each individual stall holder. This provision aims to promote events and encourage traders to attend.

15.2 Trading at charity or small community events, where the proceeds of the event are to be used solely for charitable or community purposes are exempt from the Council's Street Trading fees.

16. Fees

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

16.2 Fees must be paid in advance as set out in Annex 2, General Condition 24.

16.3 Applications for Consents must be accompanied by the relevant non- refundable fee. If the application is approved, the balance of the fee will be due before the Consent is issued. If the application is not successful the application fee will be retained to cover the cost incurred in processing the application.

16.4 A Consent Holder may terminate a Street Trading Consent by written notice to the Responsible Head of Service. Where trading ceases during the term of Consent, a refund will not be given for any remaining period of less than 3 months. Where payable, a refund of the portion of the fee equal to the remaining full months will be given, less £50 which the Council will retain to cover administrative costs.

17. Conditions

17.1 The Council applies Standard Conditions to Street Trading Consents and other Individual Conditions may be added to individual Consents where appropriate.

17.2 Standard Trading Hours are:

(a) Roadside locations for vehicles

Daytime site from 08:00 to 18:00.

Evening sites for the Sale of Hot Food from 18:30 to 03:00 (can be extended to 04:00 Thursdays, Fridays, and Saturdays on application and subject to approval).

(b) Pavement locations

08:00 to 21:00.

(c) Weekly Let Sites

08:00 to 21:00.

17.3 The Standard Conditions applied to Street Trading Consents are attached to this policy as Annex 1.

18. Enforcement

18.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues in accordance with the Council's Corporate Enforcement Policy.

18.2 The Business Regulation Team aims to work closely with other enforcement authorities to regulate relevant legislation where necessary.

18.3 The Council will investigate any complaints relating to street trading activities e.g. trading without Consent or breach of conditions and may take enforcement action as appropriate. Consent holders should liaise with the Council to resolve complaints.

18.4 If the Council feels that there is an issue of public order or threat to public safety associated with any street trading activity it will call for assistance from Thames Valley Police.

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

19. Revocation

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

20. Contacts

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

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

Annex 1 - Street Trading Conditions

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.
8. 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.
9. 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.
10. The Consent Holder shall not drive or park a vehicle on any part of a footway.
11. 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.
12. 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.
13. 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.
14. The Consent Holder must conduct their business in a professional manner and in a way that minimises risks to employees and others.
 15. 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.
 16. 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.
 17. 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.
 18. 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.
 19. 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.
 20. 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.
 21. 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.
 22. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Council.
 23. Consent holders must make adequate provisions to ensure access for wheelchair users or customers with disabilities.

24. 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.
25. 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.
26. 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.
27. 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.
28. Consent holders must make full use of their Consent.
29. 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
30. Consent holders must not use, sell or distribute single-use plastic in street trading in Oxford

Conditions Specific to Food Traders

31. 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.
32. 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.
33. 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.

34. 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

1. 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.
2. 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).
3. 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

1. 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.
2. The items to be sold must be agreed before a Weekly Consent will be issued.
3. The sale of food and/or drink is not permitted by Weekly Street Traders.
4. For Weekly Street Traders on Cornmarket Street, the Consent Holder's stall must not exceed 2.3 metres in height nor occupy an area greater than 2.3 metres x 1.4 metres.

Annex 2 - Guidance on SUGAR SMART Oxford Criteria

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

Offer 80% low sugar and sugar free drinks options (Low sugar is defined as 5g per 100g or less)

Make low sugar and sugar free drinks more visible and prominently displayed to customers

Adopt a simple traffic light sticker system for drinks (traders will receive free resources, support and advice to set up)

Contact: mail@sugarsmartoxford.org for information.

Annex 3 - Guidance on suitability of applicants

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

a. Violence

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

b. Dishonesty

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

c. Drug related

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

d. Sexual Offences and indecency

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

e. Public Order

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

f. Food safety or health and safety

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

g. Any offence resulting in a sentence of imprisonment

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

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

- i. an applicant or consent holder is the subject of an investigation by the Police into inappropriate conduct, or illegal activity, or
- ii. an applicant or consent holder has been implicated in a safeguarding issue i.e. where children, young people or vulnerable people have been or may be exposed to inappropriate behaviour or language by the applicant/consent holder the matter shall be referred to the General Purposes Licensing Casework Sub- Committee to determine whether the person can be considered as suitable to either be granted or retain a Street Trading Consent.

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

Offer 80% low* sugar and sugar free drinks options

Make low sugar and sugar free drinks more visible and prominently displayed to customers

Adopt a simple traffic light sticker system for drinks (traders will receive free resources, support and advice to set up)

Agenda Item 5

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