

# Agenda Item 5

## LICENSING AND REGISTRATION SUB COMMITTEE

**Monday 30 July 2012**

**COUNCILLORS PRESENT:** Councillors Cook (Chair), Gotch and Royce.

**OFFICERS PRESENT:** Lois Stock (Democratic and Electoral Services Officer), Daniel Smith (Law and Governance), Dawn Cox (Team Leader - Environmental Development), Samantha Howell (Licensing Officer) and Tony Payne (Licensing and Development Manager)

### **18. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2012/2013**

Resolved to elect Councillor Cook as Chair of the Sub Committee for the Council year 2012/13

### **19. ELECTION OF VICE CHAIR FOR THE COUNCIL YEAR 2012/2013**

This item was deferred.

### **20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

None

### **21. DECLARATIONS OF INTEREST**

All three members of the Sub Committee (Councillors Cook, Gotch and Royce) declared that they knew one of the applicants (Mr Sajjad Malik) as a fellow Councillor.

### **22. STREET TRADING APPLICATION FOR A VACANT SITE**

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the vacant approved street trading site 18 at St Giles.

At the request of the Chair, Daniel Smith (Legal Advisor to the hearing) explained the procedure that would be followed. There were 3 applications to fill this site. Each of the applicants would present his or her case to the Sub Committee, and answer questions. The other applicants would not be present whilst this took place. The press would be present, unless their absence was specifically requested by the applicant on the grounds that his or her application contained exempt information under provisions of Section 100A(4) of the Local Government Act 1972 (information about the business dealings of an individual).

Samantha Howell (Licensing Officer) presented the report to the Sub Committee.

The following applicants presented their case in turn:-

- (1) Mrs Leila and Mr Soulaiman Aidi;
- (2) Mr Sajjad Malik;
- (3) Mr Antonio de Jesus Neves

The Sub Committee considered all submissions, both written and oral, and RESOLVED to award the vacant approved street trading site 18 at St Giles to Mrs Leila and Mr. Soulaiman Aidi, subject to a satisfactory inspection of the food preparation area by West Oxfordshire District Council;

The Applicants were further advised to:-

- (1) Seek to minimise noise from their generator;
- (2) Keep the area free from litter and waste arising from their business;
- (3) Where possible, to use biodegradable packaging.

In reaching this decision, the Sub Committee took into account the criteria set out in the Council's Street Trading Policy and the corporate priority of achieving a vibrant and sustainable economy. It attached particular weight to the following aspects of the application:-

- The range of food that the Applicants were prepared to offer;
- Their commitment to the business;
- Their 18 years' shared experience in this field;
- Their investment in a trailer and good quality, quiet generator;
- The fact that they would be the principal operators;
- Their previous involvement in a business which had received a 5 star rating for hygiene;
- The establishment of a new business, which was positive for the local economy.

The Sub Committee resolved that it was less convinced by the business cases submitted by the other two applicants and that on this occasion, their applications were not successful.

Councillor Royce asked that her concerns about the food generally served from street trading pitches, and that she felt unable to support any of the applicants on this occasion, be minuted.

### **23. BREACH OF STREET TRADING CONSENT CONDITIONS**

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning a breach of street trading consent conditions by Mr Elouath.

Samantha Howell presented the report to the Sub Committee. She informed the Sub Committee that the arrears have been paid in full since the report was written. There were no complaints about Mr Elouath, or breaches of his consent conditions.

Mr and Mrs Elouath attended the meeting and presented their case.

The Sub Committee considered all submissions, both written and oral. They were mindful of Mr Elouath's good record up until this incident, and felt that the failure to pay was down to simple error. The Sub Committee also took into account the Council's Street Trading Policy that was adopted in July 2010. Taking all evidence into account the Sub Committee RESOLVED to:-

- (1) Take no action against Mr Elouath, but remind him of the necessity of paying pitch fees promptly on the required date;
- (2) Delegate to officers the power to suspend the licence should Mr Elouath fail to pay at the required time in future.

#### **24. MINUTES**

Resolved to confirm as a correct record the minutes of the meeting held on 17<sup>th</sup> April 2012.

#### **25. MATTERS EXEMPT FROM PUBLICATION**

The Sub Committee resolved to consider matters pertaining to street trading in confidential session.

#### **26. DATE OF NEXT MEETING**

The next meeting will be held on 24<sup>th</sup> September 2012.

**The meeting started at 5.00 pm and ended at 6.45 pm**

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