

# Agenda Item 7

## LICENSING AND REGISTRATION SUB COMMITTEE

**Wednesday 24 July 2013**

**COUNCILLORS PRESENT:** Councillors Royce, Clarkson and Humberstone.

**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 Ian Wright (Environmental Development)

### **1. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2013/14**

Resolved to elect Councillor Mary Clarkson as Sub Committee Chair for this meeting.

### **2. ELECTION OF VICE CHAIR FOR THE COUNCIL YEAR 2013/14**

Resolved to defer the election of the Sub Committee Vice Chair for the Council Year 2013/14.

### **3. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Coulter

### **4. DECLARATIONS OF INTEREST**

None

### **5. PROCEDURE TO BE FOLLOWED.**

Daniel Smith (Legal Advisor to the Sub Committee) explained that the procedure outlined in pages 1 to 5 of the agenda would be followed for consideration of agenda item 6 - Review of a Street Trading Consent. This would be slightly different for the following item – Street Trading Applications - for vacant approved sites in view of the large number of applications received; and this would be explained prior to consideration of that item.

Resolved to note the procedure.

### **6. REVIEW OF STREET TRADING CONSENT**

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning complaints received about a street trading site in Warneford Lane, Headington.

Samantha Howell (Licensing Officer) introduced the report to the Sub Committee and provided some background and context.

Mr Yilmaz attended the meeting and presented his case. He explained that he had already indicated to the school that he was willing to serve fried food and fizzy drinks after 4pm only. Should that not be satisfactory, he was willing to work with officers to find an alternative pitch.

The Sub Committee, accompanied by all officers present, then withdrew whilst the Sub Committee considered the information before it.

The Sub Committee took all submissions into account, both written and oral. It was mindful of Mr Yilmaz's suggestion concerning limiting the hours during which fried food was served, and that school hours ended at 3pm, one hour before Mr Yilmaz's suggested hour of termination.

The Sub Committee decided that, in view of the written concerns expressed by the school and in furtherance of the Council's street trading policy (paragraph 5.4), it was reasonably necessary to add the following additional condition to Mr Yilmaz's consent:-

- No fried food shall be served before 4pm, Monday to Saturday during school term times.

Mr Yilmaz was also asked to enter into discussions with licensing officers in order to agree a suitable pitch for him that was further away from the school concerned.

## **7. STREET TRADING APPLICATION FOR VACANT APPROVED SITES.**

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning applications received in competition for two vacant street trading sites.

Daniel Smith (Legal Advisor to the Sub Committee) explained that the Sub Committee had received and read carefully the copies of the application forms and supporting paperwork from all 14 applicants. Applicants present at the meeting, who wished to speak, were now invited to do so – although it was not obligatory. Those who wished to do so could have up to 5 minutes to present their case.

The Sub Committee might ask questions of applicants in order to clarify their application. The decision would be announced in writing within five working days, in accordance with paragraph 26 of the Sub Committee hearing procedures, and all applicants would be informed of the outcome of their application.

Samantha Howell (Licensing Officer) introduced the report to the Sub Committee and provided some background and context.

The following applicants spoke in favour of their application:-

- Mr Cancan – accompanied by Mr Johns supporting his case;
- Mr Hassan Khalil – accompanied by Jo Moffett-Levy supporting his case;
- Mr Mustafa Durdu – accompanied by Mr Navarrete supporting his case;
- Mr Abdullah Boz;
- Mr Rasim Ulas and Mrs Hulya Ulas (applications for 2 sites);
- Mr Antonio de Jesus Neves;
- Mrs Leila and Mr Soulainmain Aidi;
- Mr Waad Subhi Namek;
- Mr Shakil Ahmed

The following applicants did not speak:-

- Mr Hussam Hayatlah;
- Mr Mohammed Hayatlah;
- Mr Sajjad Malik (did not attend);
- Mr Ahmad Amory

The Sub Committee accompanied by all officers, then withdrew in order to consider the applications and make their decision in private. It advised all present that its decision would be notified in writing in accordance with paragraph 26 of the hearing procedure.

Having considered all representations, both written and oral, and paragraph 5.4 of the Council's Street Trading Policy, the Sub Committee RESOLVED to allocate the vacant sites as follows:-

Site 5 – junction of New Inn Hall Street and Queen Street – to Mr Hassan Khalil. The Sub Committee was impressed by Mr Khalil's long experience as a chef and the wide range of foods, including some healthy options, that he was proposing to offer. Members of the Sub Committee were particularly impressed by the credible and responsible support that had been offered to Mr Khalil from Reverend Moffett-Levy and others. The Sub Committee also felt that allocation to Mr Khalil would create a new business and employment opportunity in accordance with the Council's corporate objective of promoting a vibrant and sustainable economy. The Sub Committee attached the following conditions (in addition to the standard conditions):-

- That Mr Khalil must renew his Level 2 Food Hygiene Certificate;
- That biodegradable/recyclable disposables and packaging should be used.

The Sub Committee expected Mr Khalil to be ready to commence trading within 3 months of the date of the decision, and authorised licensing officers to issue the notice of consent in due course.

Site 10 – outside Scrivens Opticians, north of the High Street, Oxford – to Mr Abdullah Boz. The Sub Committee was impressed by the wide variety of food, including some organic food, that Mr Boz proposed to offer, and it found his past experience as a security guard relevant for the promotion of public safety. The Sub Committee also felt that allocation to Mr Boz would create a new business and employment opportunity in accordance with the Council's corporate

objective of promoting a vibrant and sustainable economy. The Sub Committee attached the following conditions (in addition to the standard conditions):-

- That Mr Boz must renew his Level 2 Food Hygiene Certificate;
- That biodegradable/recyclable disposables should be used

The Sub Committee expected Mr Boz to be ready to commence trading within 3 months of the date of the decision, and authorised licensing officers to issue the notice of consent in due course.

## **8. MINUTES**

Resolved to confirm as a correct record the minutes of the meeting held on 21<sup>st</sup> January 2013.

## **9. MATTERS EXEMPT FROM PUBLICATION**

There were no exempt matters, but in accordance with the licensing hearing procedure, the Sub Committee made its deliberations on the applications in private.

**The meeting started at 5.30 pm and ended at 7.48 pm**