

To: General Purposes Licensing Casework Sub-Committee

Date: 16th March 2020

Report of: Head of Regulatory Services and Community Safety

Title of Report: Applications for Vacant Approved Street Trading Sites

Summary and Recommendations

Purpose of the report: To seek determination of applications received in competition for Street Trading Consent to fill two vacant approved street trading sites.

Report Approved by:

Finance: Barbara Smolonska

Legal: Daniel Smith

Policy Framework: Street Trading Policy
A vibrant and sustainable economy

Recommendation(s): Sub-Committee is requested to determine from the applications received, to which applicants they wish to grant Street Trading Consent, in order to fill the following vacant approved sites taking into account the details in this report and any representations made at this Sub Committee meeting:

- Street Trading Site 14 outside Christ Church St Aldates
- Street Trading Site 10 outside 22 High Street (North Side)

Appendices

Appendix A – Applications for the vacant sites

Appendix B - List of applicants and site(s) applied for

Appendix C - Advert for Vacant Sites

Appendix D - General Conditions of Street Trading Consent

Legislative Background/Legal Framework

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”.

Reasons for Referral to Licensing & Registration Sub Committee

3. This matter has been referred to Licensing & Registration Sub Committee to determine the applications in accordance with paragraph 5.18 of Oxford City Council’s Street Trading Policy as five applications have been received for the vacant approved street trading sites advertised.

Policy Considerations

4. The Street Trading Policy was adopted by Council in April 2015 and came into force on 14 April 2015. Paragraph 5.2(c) of the Policy states that applications may be referred to the Sub Committee where there is competition for a vacant site.
5. Paragraph 5.8 of the Street Trading Policy states in considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

(a) Public Safety

Whether the Street Trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of 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) The Avoidance of Public Nuisance

Whether the Street Trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

(d) Appearance of the stall or vehicle

The stall or vehicle must be of smart appearance and meet 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.

(e) Needs of the Area

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

(f) Environmental Credentials

The impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers. Mitigating measures to minimise the environmental impact of the proposed operation.

(g) Food Traders

Applicants to trade in hot or cold food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, or The Royal Society of Health, or The Royal Institute of Public Health and Hygiene.

(h) Highway

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

Financial Implications

6. The Council collects fees for the street trading function. Predicted income from licence fees are included in the Council's budget.

Legal Implications

7. The Sub Committee may grant a Street Trading Consent if it 'thinks fit', see paragraph 1 above. 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). There is no statutory appeal against refusal or revocation of Consent.
8. Any determination of an application for Consent should take into account all relevant circumstances and the Applicant's right to a fair hearing. An application should not be refused arbitrarily or without clear reason.

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