

To: General Purposes Licensing Casework Sub Committee

Date: 18 December 2023

Report of: Head of Planning & Regulatory Services

Title of Report: Street Trading application for the The Little Blue Van on Frideswide Square

Summary and recommendations	
Purpose of report:	To inform the determination of a street trading application on Frideswide Square in Oxford
Corporate Priority:	Enable an inclusive economy Support thriving communities
Policy Framework:	Street trading Policy 2023 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 proposed site for street trading is on Frideswide Square, adjacent to a planter in front of the Said Business School.

4. There hasn't been a trader on this spot previously, and as such this is a new application.
5. The proposed trading unit is a vintage blue Citroen van, selling hot and cold drinks and snacks (pastries/muffins).

Determination of Applications for Consent

6. 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.
7. 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

8. The application is referred to the Licensing Sub Committee as per point 6 above. The application and relevant supporting documents can be found in the appendix to this report.
9. In response to the consultation process, there have been two adverse comments made against the granting of the application, and one in support. The ward member, Cllr Pressel and the relevant officer from the County Council Highways Team recommend refusal to the committee. The City Council City Centre Manager points out some of the positives.
10. The representation from the County Council does not relate to public safety and so does not engage the discretion of the Head of Service.
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. The Applicant has requested permission to trade Monday – Friday between 06:00 – 18:00.
13. Any consent granted will be issued to expire on 31 March 2024 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 2024 should they wish to continue trading after 31 March 2024.

Policy Considerations

14. 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.

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

Financial implications

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

Legal issues

17. 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.

18. 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

19. 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.

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 A	Little Blue Van application pack (confidential details redacted)
Appendix B	Representation from Oxfordshire County highways team
Appendix C	Representation from Cllr Pressel
Appendix D	Representation from City Centre Manager

Appendix One: Application Pack

Application for Street Trading Council 2023
 Government (Miscellaneous Provisions) Act 1982 2023 Local

www.oxford.gov.uk



All data contained in this form will be handled in accordance with the Data Protection Act 1998. Information about how Oxford City Council will handle this data can be found at www.oxford.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	JAMES SHERIFF
Address	
Postcode	
Telephone Numbers	Home: _____ Mobile: 0 _____
Email address	_____
National Insurance Number	
Date of Birth	_____
Nationality	BRITISH
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	THE LITTLE BLUE VAN	
Type of goods to be sold - Please specify all items to be sold	TEA, COFFEE, SOFT DRINKS, PASTRIES, MUFFINS	
If you intend to sell hot/cold food which Local Authority are you registered with	OXFORD CITY COUNCIL	
If you have been inspected by Environmental Health what is your current Food Hygiene Rating and what date was it awarded	Food Hygiene Rating NOT YET HAD INSPECTION	Date awarded
Details of recyclable or biodegradable packaging you intend to use	RECYCLABLE CUPS + LIDS	
Proposed days and times of trading	Days: MONDAY - FRIDAY Times: 06.00 - 18.00	
Full details of the site, sites or portapatic route you are applying for	FRIDESWIDE SQUARE, IN FRONT OF BICYCLE RACK ON THE CORNER OF REWLEY ROAD WHAT 3 WORDS: pitch-decide.suffer	
Vehicle registration number, make and model - if applicable	TVV 218F CITREON HY CLASSIC VAN	

Address where the vehicle/trailer will be stored when not in use	71 CRANHAM STREET OXFORD OX2 6DE
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 proposed site has a large pavement area with no obstructions, lots of room for vehicle and pedestrians
Public Order	(b) Coffee vans are very low risk to public order
The avoidance of public nuisance	(c) The van will be run off mains electric (if available) or a silent generator. Waste will be handled with care. There will be no cooking in the vehicle.
Appearance of the stall or vehicle	(d) The vehicle is a classic Citroen H1 van that has been very well maintained + recently refurbished. It is painted 'Oxford Blue'. Photos and dimensions attached
Needs of the area	(e) The proposed site is a high footfall area with lots of pedestrian commuters, offices and emergency services.
Environmental Credentials	(f) We use local, Oxford based suppliers for our coffee beans and pastries which will be delivered to us via cargo bike. Recyclable + compostable packaging
Food Traders	(g) Registered as a food business with OCC. Level 2 food hygiene + allergen training completed

Highway	The proposed site has a very large paved area which will allow access to all that need it.
Will you be the sole operator of the vehicle or stall?	<input checked="" type="radio"/> Yes or No 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?	<input checked="" type="radio"/> Yes or No

Any additional information to add to this application form - please write here.

Whilst living in Oxford and commuting to work, I have noticed a lack of beverage/snack facilities in this area, other than the big coffee chains occupying the train station. I undertook some public research in this area and the majority shared my view.

I live in Jericho, which is only a short journey away, my coffee beans will be supplied by Jericho coffee traders + pastries supplied by Barefoot Bakery, which is also in Jericho.

I will be collecting locally but they will also deliver to me via cargo bike when needed so no emissions. I will be disposing of my leftover coffee grinds/tea bags in my compost heap to minimise waste.

The van itself is a well maintained, recently refurbished classic vehicle that fits in well with Oxford.

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>✓</p>
<p>Disclosure and Barring Service (DBS) Check</p> <p>Note: 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>N/A</p>
<p>Public Liability Insurance.</p> <p>Note: 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>	<p>✓</p>
<p>Photograph or detailed sketch of the proposed vehicle/stall with dimensions.</p>	<p>✓</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>✓</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>Note: 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>	<p>✓</p>
<p>Waste Transfer Agreement</p> <p>Note: You must provide a valid in date Waste Transfer Agreement that details your waste collection arrangements.</p>	<p>NOT YET IN PLACE - WILL BE BEFORE THE NEXT</p>
<p>Necessary application fee.</p> <p>Note: Cheques made payable to 'Oxford City Council'. Alternatively you can pay by card over the telephone.</p>	<p>✓</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>Note: 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>✓</p>
<p>Gas safety certificate.</p> <p>Note: 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>	<p>NOT YET TRAINING INSTALLATION IS DUE 2/5/22</p>
<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. 	

<ul style="list-style-type: none"> A first aid kit must be present on the hot food van/trailer and knowledge of how to give first aid is necessary. You must always have a mobile phone available in an emergency. 	<p>✓</p>
<p>Applications received without the above supporting documents will be returned to you unprocessed.</p>	



DIMENSIONS AND TECHNICAL SPECIFICATIONS

Citroën H Van

1947-1981

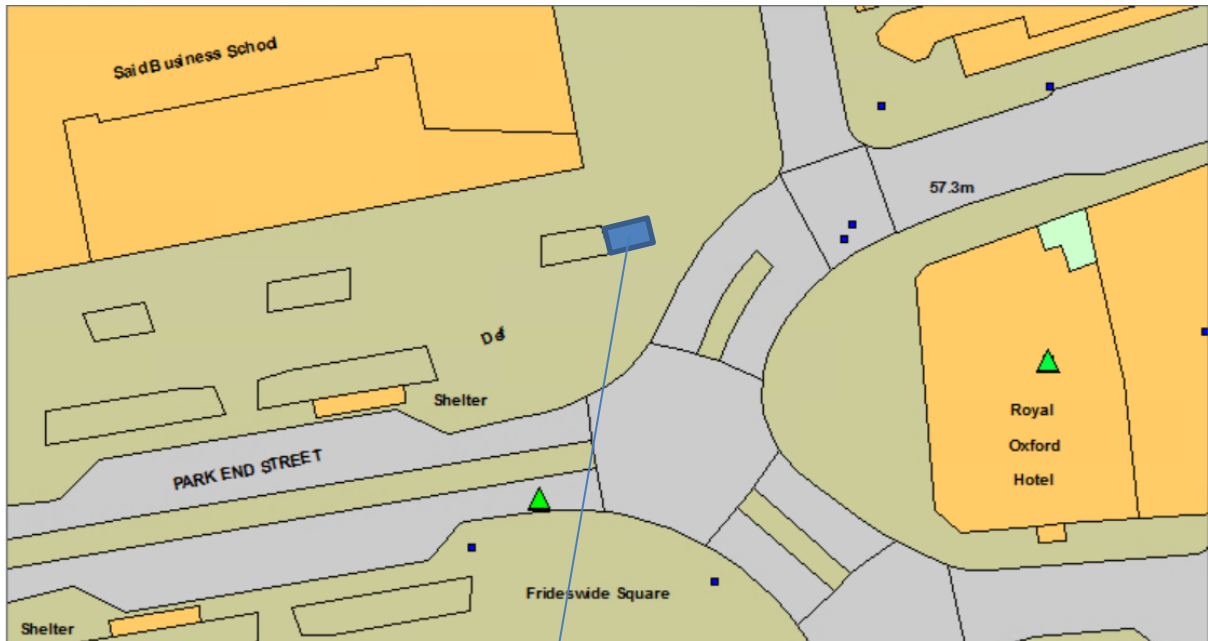


The Citroën H Van, Type H, H-Type or HY is a panel van (light truck) produced by the French car maker Citroën between 1947 and 1981. It was developed as a simple front wheel driven van after World War II. The engine came from the 11 CV while the gearbox, suspension and the interior were derived from those fitted to the 15 CV. Unusually, the H had different wheelbases on each side. The superbly practical and aesthetically odd body was designed by Franchiset. A total of 473,269 were produced in 34 years in factories in France and Belgium until the end of production in December 1981.

Country of Origin: France	Suspension: Ration bars, four shock absorbers on front, two on rear
Model: H Van	Steering: Rack and pinion
Company: Citroën	Dimensions: Length - 4.28m Width - 1.90m Wheelbase (left) - 2.63m, (right) - 2.50m Front track - 1.61m Rear track - 1.55m Maximum weight - 1400kg Maximum payload - 1200kg
Production Years: 1947 - 1981	Maximum speed: 78mph
Engine: 4 cylinders in line, wet liners, bore 78mm, stroke 100mm, cubic capacity 1 611ccm ³ , 11 CV rating, 40 bhp @ 3800 rpm	Fuel consumption: 13 litres/100km
Transmission: front wheel drive via 3 speed manual gearbox, single dryplate clutch	
Brakes: Hydraulically operated drums, handbrake operates on front wheels	

All sizes below are in mm.
To convert to inches divide the figure by 25.4
(ie: 4273 / 25.4 = 168.2 inches)





Proposed trading location







Appendix B

Representation from County Council

I have been to site to look at the location, the public highway adjacent to the crossing point is not appropriate for the following reasons

The footway from Hythe Bridge St to the station has an extremely high footfall and any queuing by customers will cause significant issues and delays particularly for the disabled and partially sighted etc

Oxfordshire County Council therefore cannot support this application and object to the licence being approved

Regards

Steve Walker
Senior Officer
Oxford City
Network Management
Oxfordshire County Council

Appendix C

Representation from Ward Member: Cllr Pressel

I'd love to support this. I'm sure the food and coffee would be delicious and I'm sure it is badly needed, but I'm afraid I am not happy with this location, because the two councils have tried hard to remove clutter from Frideswide Square. This has been controversial, for instance there are not even any traffic signals to help pedestrians cross the road. When people complain to me about the lack of them, as they do regularly, I explain the councils' desire to remove clutter from the space. I realise that the awful road works (and the uncared-for flowerbeds) spoil the effect, but they will be gone next year. I worry that the proposed food van will spoil the effect for years to come, if it gets permission.

I would love them to trade near here, but I hope they can find a better place. Could they try just in front of Beaver House? Or round the corner in the station forecourt, near the statue of the ox?

Kind regards

Susanna

Councillor Susanna Pressel
City Councillor for Osney and St Thomas Ward
County Councillor for Jericho and Osney Division

Appendix D

Representation from City Council City Centre Manager

From a place making perspective we would be keen to support this. Frideswide is an important entry point for many of our visitors and we are keen to add vibrancy and vitality to that area.

As there are large swathes of space, we would be keen for County to reconsider this in 2024,

with thanks
Di

Diana Fawcett MSc (Dist)

Fellow of Institute of Place Management

Oxford City Centre Manager
Regeneration & Economy Service

Oxford City Council, Town Hall, St Aldates, Oxford. OX1 1BX

This page is intentionally left blank