

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 Zaza’s Kebab on Botley Road Retail Park

Summary and recommendations	
Purpose of report:	To inform the determination of a street trading application on a Retail Park on Botley Road
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 identified in the attached plan. It is in Currys car park on the retail park on the Botley Road.

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 an airstream caravan style trailer. The applicant has not yet purchased the unit – should the trading consent be granted it will be a matter of condition that the unit purchased will be an airstream caravan style unit.
6. The applicant has obtained the written permission of the land owner, BL Retail Investments Limited, to place a trading unit on their land in the proposed location.

Determination of Applications for Consent

7. 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.
8. 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

9. The application is referred to the Licensing Sub Committee as per point 8 above. The application and relevant supporting documents can be found in the appendix to this report.
10. Adverse comment has not been received as a result of the consultation process.
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 – Sunday between 08:00 – 23:00. This represents a departure from the standard hours described in the Street Trading policy, it is within the discretion of the Subcommittee to depart from the policy in this aspect if it sees fit.
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 successful 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.

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Appendices	
Appendix A	Zaza's Kebab application pack (confidential details redacted)

Appendix A

Zaza's Kebab Application Pack

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

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.ico.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	BAHTIYAR DEMIRTAS
Address	[Redacted] SWINDON
Postcode	[Redacted]
Telephone Numbers	[Redacted]
Email address	[Redacted]
National Insurance Number	[Redacted]
Date of Birth	[Redacted]
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	ZAZA'S KEBAB & GRILL	
Type of goods to be sold – <i>Please specify all items to be sold</i>	KEBABS, CHIPS, CHICKEN, SALAD, BURGERS, HOT & COLD DRINKS	
If you intend to sell hot/cold food which Local Authority are you registered with	SWINDON BOROUGH 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	Date awarded
Details of recyclable or biodegradable packaging you intend to use	RECYCLABLE WHERE POSSIBLE	
Proposed days and times of trading	Days: MONDAY - SUNDAY Times: 08:00 am - 23:00 pm.	
Full details of the site, sites or peripatetic route you are applying for	CURRYS CAR PARK, RETAIL PARK UNIT 1, BOTLEY ROAD, LAMARSH ROAD, OXFORD, OX2 0HY	
Vehicle registration number, make and model – if applicable	AIR STREAM TRAILER	

Address where the vehicle/trailer will be stored when not in use	
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 LICENCE HOLDER MUST ENSURE THAT ALL STAFF RECEIVE APPROPRIATE TRAINING ABOUT EMERGENCY & GENERAL SAFETY PRECAUTIONS. FIRST AID EQUIPMENT & MATERIALS MUST BE AVAILABLE ON THE PREMISES.
Public Order	(b) CCTV TO BE INSTALLED A4 SIZED WARNING NOTICES TO BE DISPLAYED. AN INCIDENT BOOK MUST BE MAINTAINED.
The avoidance of public nuisance	(c) LEGIBLE NOTICE REQUESTING PEOPLE LEAVE THE PREMISES AND AREA QUIETLY TO BE DISPLAYED ON THE TRAILER.
Appearance of the stall or vehicle	(d) AIR STREAM TRAILER, PLEASE SEE PHOTO ATTACHED. MODERN, CLEAN DESIGN. WILL BE WELL MAINTAINED AND IN A GOOD CONDITION.
Needs of the area	(e) AREA AROUND TRAILER TO BE TIDIED EVERY DAY. WASTE BIN TO BE PROVIDED. FOOD PROVIDED OF A HIGH QUALITY. NO FOOD OUTLET WITHIN THE AREA IS THE SAME.
Environmental Credentials	(f) NCASS LEVEL 3 FOOD HYGIENE TRAINING. ECO & SILENT GENERATOR TO BE USED. RECYCABLE EXTRACTION HOODS TO BE USED. ENERGY EFFICIENT APPLIANCES AND LIGHTING USED.
Food Traders	(g) LEVEL 3 FOOD HYGIENE TRAINING. PLEASE SEE ATTACHED CERTIFICATE.

Highway	(h) NO HIGHWAY TO BE OBSTRUCTED, PLENTY OF PARKING AVAILABLE NEAR TRAILER.
Will you be the sole operator of the vehicle or stall?	Yes or No YES 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?	Yes or No YES

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

OUR CLIENT HAS THE LANDLORDS CONSENT TO
PROVIDE HOT FOOD WITHIN THE RETAIL PARK.
PLEASE SEE ATTACHED LETTER.


DECLARATION

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>.

The data you provide will assist in preventing crime and ensuring public safety. When you sign this application you are consenting to the sharing of this data with other Government Agencies in their efforts to combat crime.

I am aware that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information on this form, that person shall be guilty of an offence.

This means that if you as the applicant or anyone else gives false information or leaves out any information to help you get a Street Trading Consent, you and/or they can be prosecuted in court.

Signed  (The declaration must be signed by the applicant)

Date: 26, 10, 2023

Checklist and Notes for New Applicants

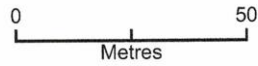
Please tick

<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>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>	TO BE PROVIDED
<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>Photograph or detailed sketch of the proposed vehicle/stall with dimensions.</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>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>Waste Transfer Agreement</p> <p>Note: You must provide a valid in date Waste Transfer Agreement that details your waste collection arrangements.</p>	TO BE PROVIDED
<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>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>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>	TO BE PROVIDED
<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. 	

- 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.

Applications received without the above supporting documents will be returned to you unprocessed

Retail Park, Botley Road



Plan Produced for: Home Plan Design Services

Date Produced: 27 Oct 2023

Plan Reference Number: TQRQM23300114630113

Scale: 1:1250 @ A4

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NCASSTM
NATIONWIDE
CATERERS
ASSOCIATION

City & Guilds | Accredited
Programme



NCASS Level 3 Food Hygiene Training

Awarded to:

Bahtiyar Demirtas

This is to certify that the above named has completed an online course in the following subjects:

Supervisory Management, Food Safety, Microbiology, Hazards, Pest Control, Temperature Control, Cleaning, Contamination Control, Allergens, Applying & Monitoring Good Food Safety Measures, Quality Control Contributing to the Food Safety Training of Others and Legislation.

Date Taken: 22/Oct/2023
Valid Until: 22/Oct/2026

A Fox (Director)
On behalf of the Association

Cert No. 5191522

