

**To:** General Purposes Licensing Casework Sub Committee

**Date:** 03 June 2024

**Report of:** Head of Planning & Regulatory Services

**Title of Report:** Street Trading application for Pannekoeke, Summertown Cycles

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To inform the determination of a street trading application on land to the front of Summertown Cycles
<b>Corporate Priority:</b>	Enable an inclusive economy Support thriving communities
<b>Policy Framework:</b>	Street trading Policy 2024 Council Strategy 2020-2024
<b>Recommendation(s):</b> That the General Purposes Licensing Casework Sub-Committee resolves to:	
1.	<b>Determine</b> 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 private land to the front of Summertown Cycles, 200-202 Banbury Road, Oxford, OX2 7BY. Mr Leslie has permission from the land owner to use this location.

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 converted horse box, selling coffee, tea, hot chocolate, soft drinks, pastries and cakes.

#### **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 not been any adverse comments.
10. 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.
11. The Applicant has requested permission to trade Monday – Saturday between 08:00 – 17:00, Sunday 10:00 – 15:00.
12. Any consent granted will be issued to expire on 31 March 2025 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 2025 should they wish to continue trading after 31 March 2025.

#### **Policy Considerations**

13. 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.

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

**Financial implications**

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

**Legal issues**

16. 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.

17. 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

18. 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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<b>Appendices</b>	
Appendix A	Pannekoek application pack (confidential details redacted)

# Appendix A: Application Pack

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



All data contained in this form will be handled in accordance with the Data Protection Act 2018. Information about how Oxford City Council will handle this data can be found at [www.ico.gov.uk](http://www.ico.gov.uk) and also on [www.oxford.gov.uk](http://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	Alec Leslie
Address	[REDACTED]
Postcode	[REDACTED]
Telephone Numbers	Home: [REDACTED] Mobile: [REDACTED]
Email address	[REDACTED]
National Insurance Number	[REDACTED]
Date of Birth	[REDACTED]
Nationality	[REDACTED]
[REDACTED] – Convictions	
Do you have any current criminal convictions (unspent under the Rehabilitation of Offenders Act 1974)	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

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	Pannekoek Cafe	
Type of goods to be sold – <i>Please specify all items to be sold</i>	Coffee, tea, hot chocolate, soft drinks, pastries and cakes.	
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 NA	Date awarded
Details of recyclable or biodegradable packaging you intend to use	Biodegradable cups/lids and recyclable bags.	
Proposed days and times of trading	Days: Mon - Sun Times: Mon - Sat 8am - 5pm, Sun 10am - 3pm	
Full details of the site, sites or peripatetic route you are applying for	Private land to front of Summertown Cycles, 200 - 202 Banbury Road, Oxford, OX2 7BY. To left of shop as you look from Banbury Rd - 3m x 1.7m unit	

Vehicle registration number	NA - horsebox
Vehicle make and model	Rice Horsebox
Revenue Weight of vehicle as on V5C (logbook)	980kg
Address where the vehicle/trailer will be stored when not in use	Stored on site with cameras and locked
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 unit will be cleaned and all food handling procedures will be followed. In addition, all waste will be stored/removed in an efficient and suitable manner. The horsebox will be on private land, away from the footpath as well as allowing access to the shop (agreed with tenants and landlord).
Public Order	(b) The horsebox will not be open past 6pm and no alcoholic drinks will be served. There may be a small number of seats provided, but not in such numbers as to be an issue in relation to public order and all staff will monitor behaviour if appropriate. Takeaway bias removes risk of excessive number of people congregating.
The avoidance of public nuisance	(c) As non-alcoholic drinks are being served during broad, office-type hours, it is unlikely that a nuisance will be caused. However, staff will be vigilant to prevent any issues.
Appearance of the stall or vehicle	(d) The horsebox will be professionally modified and maintained and pictures will be attached as requested. Colour to match Summertown cycles for continuity and aesthetics.
Needs of the area	(e) There are a number of businesses in this area, as well as a bus-stop, a widely used walking/cycle commuting route and many residential properties. Despite a number of cafes to the North, there are very few food/drink offerings to the South of this location and Pannekoek cafe can assist on this front.
Environmental Credentials	(f) Local businesses will be used for the cakes, pastries and coffee offerings and the business owner will collect these by bike. As well as this, all takeaway items will be compostable/recyclable and wholesale orders will be kept to a minimum in order to reduce the reliance on the road network. The unit is also a recycled horse box.

Food Traders	(g) Level 2 certificate attached. Registered with OCC Low sugar children's drinks to be offered as well as low sugar Kombucha. Only water aside from this.
Highway	(h) The horsebox does not impinge on the highways in any way - private land.
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.

The cafe will be a positive place with a high level of customer service and a premium placed on the experience of customers and the high quality of locally produced goods.

In the future, there may be further employees but information will be provided as soon as it is available.

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highspeedtraining.co.uk

## Certificate of achievement

High Speed Training certifies that

**Alec Leslie**

has completed

## Food Allergen Awareness

A high quality, interactive training course that teaches food handlers about food hypersensitivities, how they can provide accurate and reliable allergen information and how to safely handle allergenic foods.

Issued On: 22/09/2023  
Recommended Renewal Date: 21/09/2026  
Certificate Number: T-3769866-3991162  
To verify please visit: [www.highspeedtraining.co.uk/verify](http://www.highspeedtraining.co.uk/verify)



*C. Urey*

On behalf of High Speed Training



highspeedtraining.co.uk

## Certificate of achievement

High Speed Training certifies that

**Alec Leslie**

has completed

## Level 2 Food Hygiene and Safety for Catering

A certified and interactive online course that ensures you understand your legal responsibilities in regards to handling and producing food that's safe for the consumer, and meets the UK/EU requirements for food hygiene and safety.

Issued On: 21/09/2023  
Recommended Renewal Date: 20/09/2026  
Certificate Number: T-3769866-3987241  
To verify please visit: [www.highspeedtraining.co.uk/verify](http://www.highspeedtraining.co.uk/verify)



*C. Urey*

On behalf of High Speed Training

**Trailer dimensions and other businesses.**

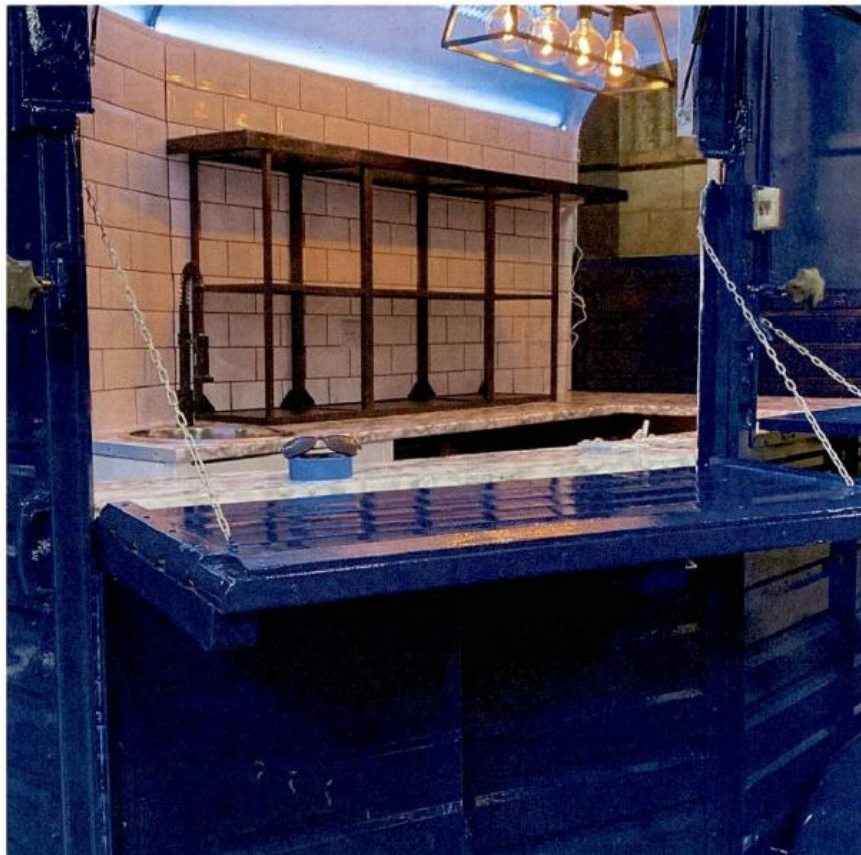
Length – 3.3m

Width – 1.7m

Height – 2.5m



Horsebox outside of Summertown Cycles











Pannekoek Café gas certification and waste transfer note.

No gas to be used on the premises and all waste to be sorted and transferred to that used by Summertown Cycles, 200-202, Banbury Road, OX2 7BY



Monday, 18 March 2024

**Matthew Stead**

Senior Licensing Officer  
Business Regulation Team  
Oxford City Council  
Town Hall  
St. Aldate's  
Oxford OX1 1BX

**Re: Pannekoek Coffee**

Dear Mr Stead,

I am writing in relation to the Pannekoek coffee van and its proposed location. We confirm that we are very happy for Alec Leslie to position his refurbished horse-box outside of our premises Summertown Cycles, at the address below. We have given him our express provision to conduct his business from our premises.

The horse-box will be fully inside the red line of our forecourt area and we believe that this will be a mutually beneficial enterprise for everyone - in particular the residents of Summertown, because Mr Leslie's coffee is excellent..

Kind regards,



**Scott Garrett**

Co-owner and Director, Summertown Cycles, Oxford, OX2 7BY

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