

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

**Date:** 22 October 2024

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

**Title of Report:** Street Trading variation application (Lucy Hedges: Full of Beans)

Summary and recommendations	
<b>Purpose of report:</b>	To inform the variation of a street trading consent
<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 application, 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 application is to vary the street trading consent determined at a previous hearing of the committee. The minutes of the hearing are included at appendix 1. The trading location is by the terminal at the Redbridge Park and Ride.

4. The application is to allow trading Monday, Thursday and Friday between 06.30 – 10.30. The granted days are Monday, Tuesday and Friday. The granted hours are 08.00 – 12.00.

#### **Determination of Applications for Consent**

5. 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.
6. 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**

7. The application is referred to the Licensing Sub Committee as per the point above. The application and relevant supporting documents can be found in the appendix to this report.
8. No comments were received in response to the consultation on this application.
9. Daytime pavement trading locations as according to the policy are set to within 08:00 – 21.00.
10. Whilst it is within the scope of the committee to depart from the policy, there must be compelling reasons to do so.
11. The options available to the committee are:
  - a. To grant the variation to the existing consent as applied for
  - b. To partially grant the application, altering times/hours or adding necessary conditions
  - c. To refuse the application
12. In doing so the committee can add or amend any conditions it thinks reasonable to achieve the aims detailed in the policy considerations below.

#### **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.

### **Equality Act Considerations**

19. The Council has a Public Sector Equality Duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who don't share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not (which involves having due regard, in particular, to the need to tackle prejudice and promote understanding).

### **Environmental Considerations**

20. There are no environmental considerations arising directly from this report.

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<b>Appendices</b>	
Appendix 1	Minutes of determination from previous hearing
Appendix 2	Email(s) requesting change.

**Appendix 1: Minutes of Committee**

**Minutes of a meeting of the  
General Purposes Licensing Casework Sub-Committee  
on Monday 2 September 2024**

**Committee members present:**

Councillor Mundy (Chair)

Councillor Ottino

Councillor Muddiman

**Officers present for all or part of the meeting:**

Tazafar Asghar, Legal Advisor

Matthew Stead, Senior Licensing Officer

Richard Masters, Senior Licensing Compliance Officer

Celeste Reyeslao, Committee and Member Services Officer

**Apologies:**

None..

**33. Declarations of Interest**

None.

**34. Procedure to be followed at the meeting**

The Sub-Committee noted the procedure for the hearings, the street trading policy, and the policy on the relevance of warnings, offences, cautions and convictions.

### **35. Minutes**

The Sub-Committee resolved to approve the minutes of the meeting held on 22 July 2024 as a true and accurate record.

### **36. Street Trading application for Lucy Hedges (Full of Beans)**

The Head of Planning and Regulations had submitted a report to inform the determination of Ms Lucy Hedges (Full of Beans) street trading application. Lucy Hedges (applicant), Jack Richens (partner) and Matthew Stead, Senior Licensing Officer, joined the meeting.

The Chair outlined the hearing procedures and requested that all attendees introduce themselves.

The Senior Licensing Officer presented a summary of the report, stating that Ms Hedge's application was for a peripatetic coffee bike selling coffee and edible goods. This unique application had not previously been considered in this authority, and did not comply with the trading model outlined in the current Street Trading Policy. For this reason, the Sub-Committee was asked to determine the application and whether it wished to make an exception.

He stated that the application involved five trading locations detailed in paragraph 5 of the submitted report. It was highlighted that the proposed locations had not been previously occupied, and that the proposed period of operation for four locations would exceed the twenty minute maximum time for a peripatetic trader to trade in a location. It was noted that this would be a considerable change in policy.

The Sub-Committee was advised that the application was referred for the consideration of the panel as it did not comply with the Council's current Street Trading policy, however it was the policy of the Council to determine all street trading applications.

In response to questions from the Sub-Committee, the Licensing Officer made the following points:

- Attempts were made to contact the leisure provider regarding the application, however no response was received. The leisure provider had the opportunity to respond during the consultation period.
- The Sub-Committee could grant Ms Hedges a peripatetic licence or a static consent specifying a defined time and location.
- A consent may not be granted for more than proposed days and times being applied for. However the panel may reduce them if minded to do so.
- The applicant could submit additional applications for other licences in the future.
- If the applicant wished to extend trading hours beyond the granted licence, they would need to go through the application process again, including a consultation period before the licensing panel.

Ms Hedges was invited to address the Sub-Committee. She stated that she had been a long-term resident and works as a teaching assistant at a local school. She planned to

use 100% compostable packaging and source supplies from local businesses. She expressed a preference for a peripatetic licence with special dispensation for two hours at specific locations, particularly Redbridge Park and Ride, and proposed trading during early morning hours. She emphasized that her setup would be safe, stable, and considerate of the environment, and she believed there was strong local demand for her coffee service.

The Chair noted that this was the first time they had encountered such an application and that whilst the policy did not provide specific guidance for this situation, the application was welcomed by the Sub-Committee.

The Legal Adviser advised that the Sub-Committee could reject the peripatetic application and instead consider it as a standard application for static consent. If so, the operating hours would be from 0800 to 2100, which could be reduced if good reasons were provided. He clarified that while the Sub-Committee could reduce the hours, it could not extend them, and the consent would apply to only one location.

Following agreement from the Sub-Committee, the meeting broke for 10 minutes to allow the applicant time to decide how they wished to proceed with the application. The Chair clarified to the applicant that if the application was changed from peripatetic to static consent, the operating hours for a single proposed site would be from 0800 to 2100. He emphasized that failing to specify and adhere to these hours would constitute a breach of the conditions.

Ms Hedges stated she would proceed with an application for a Static Consent to operate on Monday, Tuesday, and Friday from 0800 to 1200 at Redbridge Park and Ride.

The Chair thanked Ms Hedges, Mr Richens and the Senior Licensing Officer for their contributions. They were asked to leave the room while the Sub-Committee considered the application.

The Sub-Committee noted the representations made at this hearing. The Sub-Committee considered the timings requested and raised no concerns. Having considered all submissions, the Sub-Committee agreed to approve the proposed street trading application.

The Senior Licensing Officer, Ms Hedges and Mr Richens re-joined the meeting and were informed of the Sub-Committee's decision.

The Chair thanked the applicant for her application and patience, acknowledging the ambitions of the business and stating that it was something the Council would welcome in the future. The Sub-Committee refused the peripatetic application as it fell outside the policy. However, the Sub-Committee granted her application for a Static Consent for Redbridge Park and Ride, trading on Monday, Tuesday, and Friday between 0800 to 1200.

The Chair noted that this arrangement was within policy and did not present any adverse issues. The applicant was reminded to maintain public liability insurance as part of the conditions of the consent.

The General Purposes Licensing Casework Sub-Committee resolved to:

- **Refuse** Ms Hedges' peripatetic application as the scope of the proposed application fell outside of the Street Trading Policy.
- **Grant** Ms Hedges' application for a Street Trading Consent until 31 March 2025.
- **Grant** the trading hours applied for: Monday, Tuesday, and Friday 0800 - 1200.

## Appendix 2

Hi Matthew,

Please can I amend my new licensing application times to be on Monday, Thursday and Friday from 6.30am -10.30 am.

Thank you

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This email was Malware checked by UTM 9. <http://www.sophos.com>

**From:** [Lucy Hedges](#)  
**To:** [STEAD Matthew](#)  
**Cc:** [street\\_trading](#); [Councillor WAITE Naomi](#)  
**Subject:** Re: Peripatetic route  
**Date:** 11 September 2024 19:42:08  
**Attachments:** [image001.png](#)  
[Full\\_of\\_Beans\\_peripatetic.pdf](#)

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Hi,

To be clear, I am asking for 2 separate things.

1. To change the times to the license agreed last week. It was clear to me that they would be happy to do this, but couldn't in that meeting, because on the application I had just written 2 hours, (which could have been from before 8) which would have been long enough for me. Or any hours within the standard day trading times of 8am - 9pm.

The times I want to change to are 6.30 - 10:30 Mondays, Tuesdays and Fridays

I have applied under freedom of information for the data from the carpark to prove that there are many people at the park and ride before 8 am. I should have the information before the end of the month

2. My new peripatetic application (attached and fees paid for) which I don't believe is anything too out of the ordinary.

So in theory I will end up with 2 licenses.

Thanks

It would be great if you could confirm this email asap. I am keen to get this sorted as soon as possible, definitely in time for the October meeting.

Thanks

On Wed, 11 Sept 2024, 16:55 STEAD Matthew, <[MSTEAD@oxford.gov.uk](mailto:MSTEAD@oxford.gov.uk)> wrote:

Hi Lucy

I have received your route proposal, but you will need to submit a fresh application form with this route as you are applying for a separate street trading consent. In order to vary the consent that has just been determined by the licensing committee you will have to write a letter outlining the reasons why you believe they should depart from their policy in this case. I must advise that the licensing committee, as we saw, can only depart from their policy very rarely.

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