

To: General Purposes Licensing Casework Sub Committee

Date: 22 October 2024

Report of: Head of Planning & Regulatory Services

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

Summary and recommendations	
Purpose of report:	To inform the determination of a street trading application
Corporate Priority:	Enable an inclusive economy Support thriving communities
Policy Framework:	Street trading Policy 2024 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 application (appendix 1) is for a peripatetic street trading consent.
4. This type of consent limits the trading to 20 minute periods on a route. The proposed route can be found in appendix 2.

5. The proposed trading unit is a purpose built converted tricycle with a coffee machine on (see picture in appendices).
6. The applicant asks to trade for a 20 minute period between 06.30 and 14:00 on Saturdays at the proposed route set out in appendix 2, and provides the reasons for requesting these hours in the application.

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 the point above. The application and relevant supporting documents can be found in the appendix to this report.
10. Comments made in response to the consultation process have been included in appendix 4.
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. 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.
13. The options before the committee are:
 - a. To grant the peripatitic street trading consent as applied for; or
 - b. To grant the peripatetic street trading consent with additional conditions; or
 - c. To refuse the application for a peripatetic street trading consent.
14. 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

15. 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.

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

Financial implications

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

Legal issues

18. 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.

19. 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

20. 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

21. 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

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

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Service area or department	Regulatory Services & Community Safety
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Appendices	
Appendix 1	Application form
Appendix 2	Proposed peripatetic trading route
Appendix 3	Picture of proposed trading unit
Appendix 4	Comments received from consultation
Appendix 5	Peripatetic Street Trading Consent Standard Conditions

Appendix 1: 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 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	Lucy Hedges
Address	[REDACTED]
Postcode	[REDACTED]
Telephone Numbers	Home: [REDACTED] Mobile:
Email address	[REDACTED]
National Insurance Number	[REDACTED]
Date of Birth	[REDACTED]
Nationality	[REDACTED]
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	Full of Beans	
Type of goods to be sold – <i>Please specify all items to be sold</i>	Locally roasted speciality coffee, tea , hot chocolate, iced coffee, cakes and cookies, local pastries, cold drinks	
If you intend to sell hot/cold food which Local Authority are you registered with	Oxford City Council ref [REDACTED]	
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 cardboard cups and lids, wooden stirrers, sugar in paper wrapping, paper bags for pastries.	
Proposed days and times of trading	Days: Saturdays Times: ~ 6.30am - 14:00	
Full details of the site, sites or peripatetic route you are applying for	https://www.google.com/maps/d/u/0/edit?mid=1mo99DmUuk4J7yPMi997_qc5tLfEJK0&usp=sharing	

Vehicle registration number	Its a bike	
Vehicle make and model	-	
Revenue Weight of vehicle as on V5C (logbook)	-	
Address where the vehicle/trailer will be stored when not in use	[REDACTED]	
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 coffee bike is very low risk to the public, it is a slow moving tricycle, only 1 metre wide so won't block pathways or have any access issues. The coffee machine is gas powered with a safety certificate, but has no naked flames. It has an onboard sink and built in bin. It will be kept in a clean hygienic state. All hot drinks will be served with a biodegradable lid for safety and to keep the drink hot.
Public Order	(b)	There is no risk to public order. It will be open during day times for customers to enjoy in the park.
The avoidance of public nuisance	(c)	The bike is powered by electric and pedal power and is ZeroEmission compliant. There is no noisy diesel engine or generator. Some occasional low level noise from the coffee grinder, which you won't be able to hear unless stood next to the bike. It is the quietest, most environmentally friendly mobile catering option available. I will stop in a suitable place which allows room for a queue if one forms. The will stop in safe areas away from busy pedestrian and vehicle routes
Appearance of the stall or vehicle	(d)	The bike is a very attractive made of sustainably sourced mahogany with a black frame and canopy. It is a very classy looking and sympathetic to Oxford's cycling heritage. The dimensions are 3m x 1m. 
Needs of the area	(e)	My proposed route is through parks where there are no cafe options, plus Redbridge park and ride which desperately needs some refreshments . I plan not to be in Hinksey park when the Farmers market is on, or on Tuesdays and Thursday when the community cafe is open. I am a local resident of Hinksey Park and am aware of the needs of the area. The recent closure of the Akiport cafe on Abingdon road and White House pub has further reduced food and beverage provision in the area.
Environmental Credentials	(f)	The coffee bike is as eco friendly as it could possibly be. It can operate totally off grid through the onboard batteries and gas supply. The bike moves by pedal power with electric assistance, so is carbon neutral. All packaging is 100% biodegradable and all waste will be taken with me. All coffee is supplied from local businesses who responsibly source their beans from independent farmers minimising carbon impacts associated with corporate supply chains. Coffee grounds are used for composting.

Food Traders	(g) All operators are level 2 in food safety and hygiene. I am aiming to have all snacks as low sugar options. There will be no fizzy drinks, crisps or bars of chocolate
Highway	(h) I will to make use of cycle paths and LTN routes and only stopping where I won't be blocking any access or thoroughfare.
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.

I would like to apply for the peripatetic route shown on my map link. I would like to start from 6.30 am due to the park being used early in the morning by dog walkers, lake swimmers, visitors to Hinksey pool which opens at 7 am but the cafe not until 9. I am also keen to cater for the football matches at the Grandpont recreation ground and on Hinksey park. Coffee is an early morning drink so is mostly required when people are in the park in the morning rather than later in the afternoon.



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/websitertools/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)

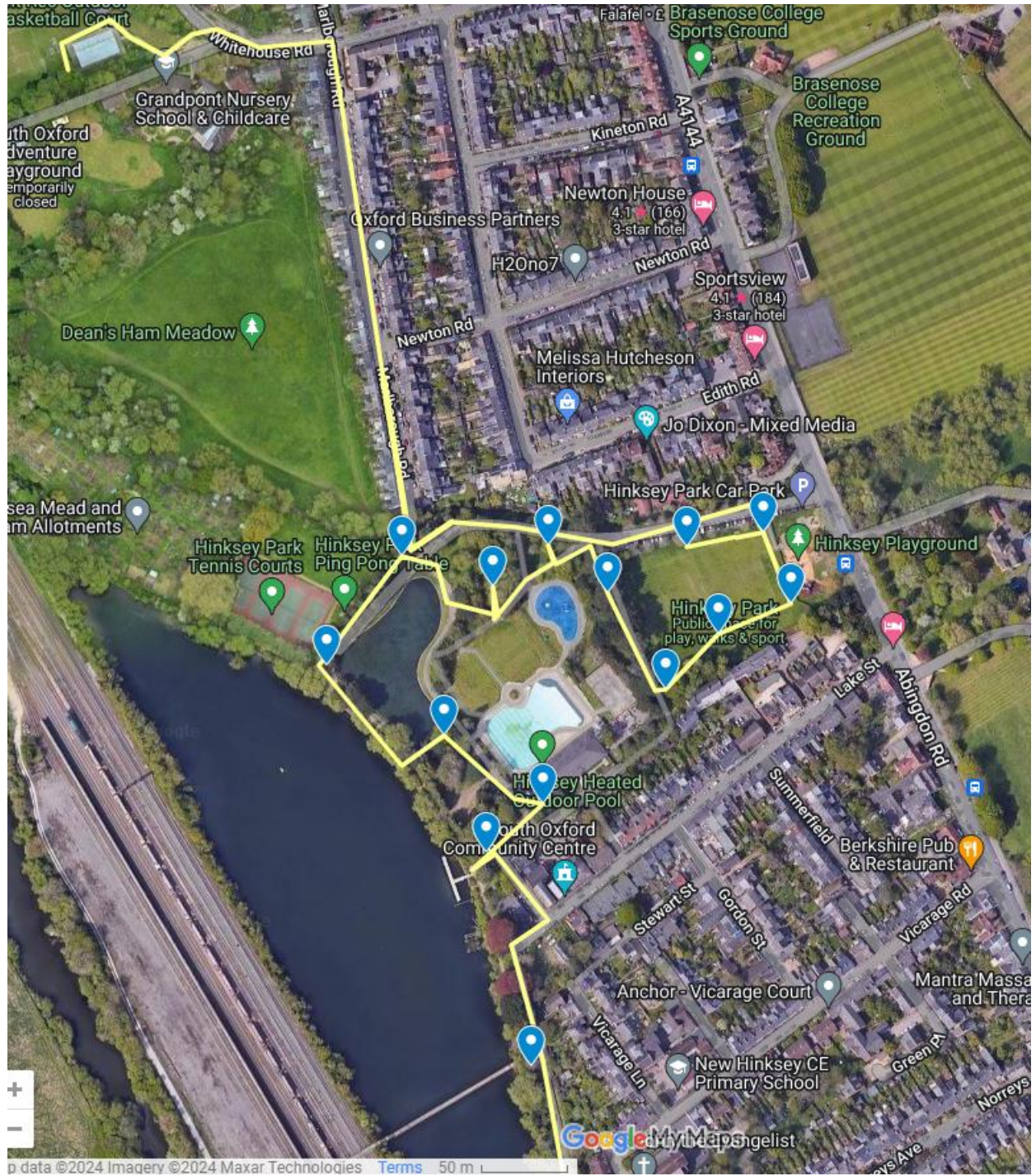
Date: 11 / 09 / 24

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><i>Note:</i> 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>Public Liability Insurance.</p> <p><i>Note:</i> 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>	Will be provided, when consent is received.
<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><i>Note:</i> 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>	Peripatetic route applied for
<p>Waste Transfer Agreement</p> <p><i>Note:</i> You must provide a valid in date Waste Transfer Agreement that details your waste collection arrangements.</p>	Provided after consent received
<p>Necessary application fee.</p> <p><i>Note:</i> 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><i>Note:</i> 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><i>Note:</i> 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>	Provided after consent received and bike purchased
<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. 	

Appendix 2







Appendix 3



Appendix 4

Subject: Re: New application for Street Trading Consent and Variation of Existing Consent
Date: 19 September 2024 16:53:25
Attachments: [image001.png](#)

Hi,

Very happy to support this application. I think it will be very popular in the park and will be a valuable addition.

Avoiding Sundays means it won't come into conflict with the Jericho coffee, traders, van out of South Oxford Farmer's market.

Many thanks,

Anna Railton
Labour Councillor for Hinksey Park
Deputy Leader & Cabinet Member for Zero Carbon Oxford
cllrarailton@oxford.gov.uk | 07856 365699

Appendix 5

General Conditions for Street Trading Consents

1. Street trading must only take place between the dates specified on the Certificate of Street Trading Consent.
2. Street trading must only take place during the operational hours specified on the Certificate of Street Trading Consent.
3. The Street Trading Consent relates only to the area/site vehicle or stall specified on the Certificate of Street Trading Consent.
4. The Street Trading Consent relates only to the vehicle or stall specified on the Certificate of Street Trading Consent.
5. Any significant changes to or replacement of a stall or vehicle must be approved by the Responsible Head of Service.
6. The vehicle or stall must be removed from the site at the end of each day's trading.
7. The Consent Holder's vehicle/stall must be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
8. The Consent Holder's vehicle must be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate. Vehicle movements must be carried out legally and must not present a risk to people and structures. The Consent Holder shall not drive or park a vehicle on any part of a footway.
9. The Consent Holder must ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the Consent Street for which the Street Trading Consent is issued.
10. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer they must immediately comply with that request.
11. The Consent Holder must comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work etc. Act, 1974 and the Food Safety and Hygiene (England) Regulations 2013 (where relevant). Advice on these requirements is available from the Business Regulation Team.
12. The Consent Holder must conduct their business in a professional manner and in a way that minimises risks to employees and others.
13. The Consent Holder must take reasonable precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. A serviceable fire blanket and a suitable fire extinguisher shall be provided in all vehicles selling hot food.
14. Reasonable steps must be taken to ensure gas safety where gas appliances are used on a stall or vehicle. Gas appliances must be maintained and serviced as per manufacturer's instructions. Gas appliances and systems must be checked for safety by a competent Gas Safe engineer at least annually. Any faults or concerns in relation to gas safety must be appropriately investigated and made safe by a competent Gas Safe engineer as soon as possible.

15. The Consent Holder must not cause any nuisance or annoyance to any other user of the highway or the occupier of any land or building. In particular, Consent Holders must prevent excessive noise.
16. The Environmental Protection Act 1990 (as amended) places a duty of care on businesses to dispose of their trade waste in an appropriate manner. Trade waste must be stored appropriately and be disposed of by a licensed waste carrier. No water or waste material shall be discharged on to the highway or any adjacent property.
17. The Consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, including by making a bin available for customers to use where a public litter bin is not available within 20 metres from their vehicle.
18. A Street Trading Consent must not be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The subletting of a consent site is prohibited.
19. The Consent Holder must be the principal operator and have day to day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Council of the name and address of that person. An administration fee will be payable.
20. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Council.
21. Consent holders must make adequate provisions to ensure access for wheelchair users or customers with disabilities.
22. A copy of the Consent must be displayed by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
23. Consent Holders must 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 operator's vehicle, or stall and any additional equipment under their control. If food is sold the insurance must specifically include cover against food poisoning to the same amount. Proof of cover must be produced to an officer of Oxford City Council on application and as required.
24. Annual Street Trading Consent fee installments are required quarterly, in advance. The first installment must be paid in advance of the issue of Consent. The remaining fee can be paid in instalments on the following dates 1st July, 1st October and 2nd January. Alternatively, annual fees may be paid in full in advance.
25. General Conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed Special Conditions and are listed on the Consent Certificate. These Special Conditions must also be complied with.
26. Consent holders must make full use of their Consent.
27. Consent holders must not sell any of the following items: Tobacco, tobacco products or e-cigarettes; items made of animal fur; items that cause or contribute to crime and disorder; energy drinks to children below 16 years old; plastic and helium balloons and sky lanterns
28. Consent holders must not use, sell or distribute single-use plastic in street trading in Oxford

Conditions Specific to Food Traders

29. Food businesses must achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory'. The Hygiene Rating must be displayed prominently on the stall or vehicle.
30. Food handlers must hold a Level 2 Award in Food Safety in Catering accredited by The Chartered Institute of Environmental Health or The Royal Institute for Public Health with a certificate dated within the last 3 years...
31. Food businesses must be registered as a food business with the Local Authority where the van/stall is kept overnight. Food businesses registered outside of the Oxford City Council area must be able to demonstrate food business registration, e.g. by written confirmation from the relevant local authority or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant Local Authority.
32. All hot food vans/trailers are required to carry a basic first aid kit and have the means to contact the emergency services if necessary.

Conditions Specific to Peripatetic Traders

33. The Consent holder is required to comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or any modification or re-enactment thereof.
34. The vehicle must not trade within 100 metres of the boundary of any school or college between the hours of 07:30 and 18:00 (without formal invitation from the establishment).
35. The vehicle must not wait in one location for more than twenty minutes, moving at least 50 metres to the next trading location. The vehicle must not return to that location within four hours.

Conditions Specific to Weekly Street Traders

36. Weekly Street Trading Consents fees must be paid two weeks in advance before trading commences. This is to allow sufficient time to process the application and receive the consent. Traders must be in possession of their Consents before they can trade.
37. The items to be sold must be agreed before a Weekly Consent will be issued.
38. The sale of food and/or drink is not permitted by Weekly Street Traders.
39. For Weekly Street Traders on Cornmarket Street, the Consent Holder's stall must not exceed 2.3 metres in height nor occupy an area greater than 2.3 metres x 1.4 metres.

Failure to comply with these conditions

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

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