

Agenda



Listening Learning Leading

Contact Officer: Ron Schrieber, Democratic Services Officer

Tel: 01235 422524

E-mail: ron.schrieber@southoxon.gov.uk

Date: 27 February 2017

Website: <http://www.southoxon.gov.uk>

A MEETING OF THE

General Licensing Committee

WILL BE HELD ON THURSDAY 9 MARCH 2017 AT 2.30 PM

MEETING ROOM 1, 135 EASTERN AVENUE, MILTON PARK, MILTON,
ABINGDON OX14 4SB

Members of the Committee:

David Dodds (Chairman)

Joan Bland

Kevin Bulmer

Nigel Champken-Woods

Pat Dawe

Stefan Gawrysiak

Lorraine Hillier

Anthony Nash

David Nimmo-Smith

Ian White

Sue Lawson

Bill Service

Alternative formats of this publication are available on request. These include large print, Braille, audio, email and easy read. For this or any other special requirements (such as access facilities) please contact the officer named on this agenda. Please give as much notice as possible before the meeting.

1 Apologies for absence

To record apologies for absence.

2 Minutes (Pages 3 - 4)

To adopt and sign as a correct record the General Licensing Committee minutes of the meeting held on 12 May 2016 (attached).

3 Declarations of interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

4 Urgent business and chairman's announcements

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chairman.

5 Public participation

To receive any questions or statements from members of the public that have registered to speak.

6 Street trading policy (Pages 5 - 8)

To consider the report of the head of legal and democratic services (attached).

MARGARET REED

Head of Legal and Democratic Services

Minutes



OF A MEETING OF THE

Listening Learning Leading

General Licensing Committee

HELD ON THE RISING OF THE PRECEDING MEETING OF THE
LICENSING ACTS COMMITTEE ON THURSDAY 12 MAY 2016

THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD

Present:

David Dodds (Chairman)

Joan Bland, Nigel Champken-Woods, Pat Dawe, Stefan Gawrysiak, Lorraine Hillier,
Sue Lawson, Anthony Nash, David Nimmo-Smith, Bill Service and Ian White

Apologies:

Kevin Bulmer tendered apologies.

Officers: Steven Corrigan and Margaret Reed

1 Minutes

RESOLVED: to approve the minutes of the meeting held on 8 December 2015 as a correct record and agree that the Chairman signs them.

2 Appointment of taxi licensing panels

The committee considered a proposal to appoint sub-committees to consider matters under the Taxi Licensing Policy.

RESOLVED: to

1. appoint sub-committees comprising any three members, or their appointed substitutes, of the General Licensing Committee;
2. agree that the sub-committees be known as taxi licensing panels;
3. appoint each member or substitute of the General Licensing Committee to serve on any taxi licensing panel which is convened so as to include her or him in its membership;
4. authorise each taxi licensing panel to discharge all functions relating to matters referred to the committee or to its sub-committees under the Taxi Licensing Policy;

5. agree that wherever possible applications should be heard by a panel comprising the chairman or vice-chairman of the committee plus two other members of the committee, but that this should not affect the principle that any three members or their substitutes of the committee will constitute a properly appointed panel;
6. authorise the head of legal and democratic services to invite an appropriate panel to conduct a scheduled hearing having regard to members' availability and eligibility to take part and ensuring that as far as possible all members of the committee have the opportunity to conduct hearings.

The meeting closed at 6.55 pm

Chairman

Date

General Licensing Committee Report

Report of Head of Legal and Democratic Services

Author: Robert Draper

Telephone: 01235 422561

Textphone: 18001 01235 422561

E-mail: robert.draper@southandvale.gov.uk

Wards affected: All

To: General Licensing Committee

DATE: 9 March 2017

Street Trading Policy

Recommendations

That the committee:

- 1) passes a draft resolution for public consultation under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to designate all streets within the district as consent streets for the purposes of street trading.
- 2) authorises the Head of Legal and Democratic Services to:
 - a) make any further minor editorial changes to the resolution
 - b) advertise the proposed draft resolution.

Purpose of Report

1. To present the General Licensing Committee with a draft resolution to make all streets consent streets for the purposes of street trading under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

Strategic Objectives

2. To promote economic development through a consistent street trading policy. In addition, it will improve the efficiency of the council licensing team by ensuring consistent and effective enforcement of the council's policy.

Background

3. South Oxfordshire District Council adopted the current joint Street Trading Policy in July 2014. The new policy has been effective and welcomed by street traders and the public. The council currently has 10 street traders with consents across the district. There have not been any complaints about these traders since the new

policy was introduced. All traders are inspected once per year. The previous Street Trading Policy from 2006 (revised 2009) was based on the premise that all streets within the district had been designated as consent streets under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Following a search of council records it has not been possible to evidence the formal designation of all streets as consent streets. The proposed resolution starts the process of designation and ensures that the designation can be reliably evidenced. This will avoid any potential enforcement problems as set out below.

4. A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained. The resolution proposed states that all streets within the district shall be designated as consent streets for the purpose of street trading. Prohibited streets are streets where no street trading may take place. Although there are no prohibited streets within the district council area the A34 and M40 are designated as a trunk road and motorway respectively. No street trading is permitted on motorways and Oxfordshire County Council Highways department will not support any street trading applications for lay-bys or slip roads along the A34.

Process and next steps

5. The council's adoption of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 came into force on 1 November 1984. This allows the council to designate streets for street trading purposes.
6. The council needs to approve a resolution that can be published in local papers to consult the public on this designation. The consultation will also be posted on the council's website.
7. The council needs to undertake a 28 day public consultation on the designation of all streets within the districts as consent streets. At the same time officers will serve a copy of the notice on the Police, Highways Authority and other relevant bodies, this notice will contain a draft of the resolution.
8. After the 28 day consultation period officers will consider the consultation responses and come back to the committee which may, if it thinks fit, pass the resolution for approval and publication confirming the designation of streets within the district.
9. The council needs to publish the final resolution in local papers and on the council website.
10. The designation of the streets shall take effect on the day specified in the resolution which must not be before the expiration of the period of 28 days beginning with the day on which the resolution is passed.

Proposed Resolution

11. The following resolution is proposed:

That with effect from 17 July 2017 for the purposes of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 all streets within the district shall be designated as consent streets for the purposes of street trading.

Financial Implications

12. Failure to designate all streets as consent streets will significantly undermine the council's ability to enforce the current Street Trading policy. A lack of enforcement could lead to traders refusing to pay for street trading consents and a subsequent loss of income.

Legal Implications

13. Failure to designate all streets as consent streets would significantly undermine the council's ability to enforce the current Street Trading policy and legislation within the district.

Risks

14. Failure to meet the requirements of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, in the policy for street trading could result in the council not complying with the legislation. Having a clear policy helps to ensure that decisions comply with the legislation and are made fairly and consistently.

Conclusion

15. That the committee:

- 1) passes a draft resolution for public consultation under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to designate all streets within the district as consent streets for the purposes of street trading.
- 2) authorises the Head of Legal and Democratic Services to:
 - a) make any further minor editorial changes to the resolution
 - b) advertise the proposed draft resolution.

Background Papers

None

SODC Street Trading Resolution notice 2017

South Oxfordshire District Council

Notice of intention to pass a resolution under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, with regard to street trading.

Notice is hereby given that the South Oxfordshire District Council intends to pass the following resolution:-

That with effect from 17 July 2017 for the purposes of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 all streets within the district shall be designated as consent streets for the purposes of street trading.

Persons wishing to make representation in respect of the proposed resolution should do so to the Licensing Team no later than 24 April 2017.

South Oxfordshire District Council, 135 Eastern Avenue, Milton Park,
Abingdon, OX14 4SB

Dated 27 March 2017