

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**MISCELLANEOUS LICENSING SUB-COMMITTEE**

**11 JUNE 2015**

**APPLICATION FOR A STREET TRADING CONSENT**

**REPORT OF THE SHARED HEAD OF PUBLIC PROTECTION**

**(Contact: Nicola Neyhaul Tel: (01993) 861377)**

(The Sub-Committee's decision on this matter will be a resolution.)

**1. PURPOSE**

To consider and determine an application for a Street Trading Consent.

**2. RECOMMENDATIONS**

That the Sub-Committee considers and determines the application in the light of the provisions of the Local Government (Miscellaneous Provisions) Act 1982, the Council's policy and such evidence as may be submitted at the meeting.

**3. BACKGROUND**

- 3.1. Members will recall a recent review of Street Trading throughout the District which involved changing the designation of some streets from prohibited to consent and vice versa. With particular regard to Witney, as £50k had been earmarked as part of the Cabinet programme for improvements to the Market Square outside the entrance to the Woolgate Centre, it was suggested that this area be prohibited for street trading purposes and an alternate location be found for the existing street trader that had been trading there. The Head of Service, at the time, identified an area on Welch Way, at the side of the National Westminster Bank for the relocation. The re-designation of streets to enable this move was approved, along with all other of the proposed changes as part of the greater review of Street Trading at the Sub-Committee's meeting on March 9<sup>th</sup> 2015.
- 3.2. Subsequently an application from Mrs Racheal Pearson was submitted for the location in Welch Way. The application and a photo of the proposed site in Welch Way are attached as Appendix A.
- 3.3. The applicant seeks to operate a Hot Food trailer from Mondays to Sundays 0900hrs to 1700hrs. Consultations have taken place with Witney Town Council, Local Ward Members, Thames Valley Police, Oxfordshire County Council (Highways), Environmental Health (Food and Safety WODC), Environmental Pollution and Enforcement (WODC), Witney & District Chamber of Commerce, the Managers of the Nat West and Halifax Banks, and Rev Boyd of the Witney Congregational Church .
- 3.4. Thames Valley Police had no objections to the application. Cllr David Harvey "approved" of the application and, whilst expressing concern that this may set a precedent and wishing to see street trading in Welch Way restricted to the south side from the High Street to the Town Centre Shop, Witney Town Council "accepted the application".

- 3.5. Rev Jason Boyd of the Witney Congregational Church has objected to the application and his letter of objection is attached at Appendix B.

#### **4. ALTERNATIVES/OPTIONS**

- 4.1 The Sub-Committee could decide to grant the application as submitted or subject to modification.
- 4.2 The Sub-Committee could decide to refuse the application.

#### **5. LEGAL IMPLICATIONS**

- 5.1. Paragraph 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 permits the Licensing Authority to grant a street trading consent at the discretion of the District Council if they think fit, provided that the applicant is not under 17 years of age, or the application does not relate to any trading on a highway in relation to which a control order has been made. In addition the Authority may attach reasonable conditions as it sees fit.
- 5.2. There is no right of appeal against the decision of the Council, but the Council is under a duty to act fairly and reasonably.

#### **6. REASONS**

- 6.1. The decision taken will be made on the basis of the Council's responsibility for determining applications for street trading consents. Although each case must be decided on its merits, any decision made should have regard to the following:
- Objections received
  - Observations of consultees
- 6.2. The Council's Street Trading Policy supports the following Council Priorities:
- To Protect and enhance the environment of West Oxfordshire and maintain the district as a clean, beautiful place with low levels of crime and nuisance.
  - Work in partnership to sustain vibrant, healthy and economically prosperous towns and villages with full employment.
  - Be recognised as a leading council that provides efficient, value for money services

Shared Head of Public Protection

(Author: Nicola Neyhaul, Tel: (01993) 861377  
community.services@westoxon.gov.uk  
Date: 28 May 2015

RECEIVED 07 APR 2015

£2424.05  
New Annual S/T Consent

**Appendix C**

**Application Form**

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**Renewal/New Application for a Street Trading Consent**

**To: Licensing Officer  
West Oxfordshire District Council  
Elmfield  
WITNEY  
Oxon  
OX28 1PB**

**I/We wish to apply for a Street Trading Consent. I submit the following particulars:-**

**1. Full Name (Block letters)** RACHEAL PEARSON

**Trading name (if any)**

**2. Address** FAIRACRE, SOUTH NEWINGTON ROAD  
BLOXHAM BANBURY OXON OX15 4J3

**Telephone No.** 01264 778708

**Email Address.** racheal.lw@hotmail.co.uk

**3. Description of articles to be sold:**

Hot food including hot Dogs, Beef burgers.  
Bacon, chips, coffee+tea, cold drinks, ice cream.

**4. Type of stall or vehicle:** Trailer mounted

**Brief description of stall or vehicle:**

Cream with Maroon lettering

Registration/fleet no (if any):

Type of generator used (if any) e.g. diesel/electric: none

Will L P G be used? (if yes please submit a Gas Safe inspection report):

yes

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5. Address of premises used for storage/ accommodation of food (if any) and

Vehicle: Same address as overleaf

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6. Preferred trading site(s) (precise location to be specified using a plan if necessary):

New Consent next to Council Shop on  
Welch Way

If more than one please list in order of preference:

Proposed days and times of trading:

Mon - Sun 9am - 5pm

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7. Name and address of owner of site if off the highway:

Has owner's consent been given? If so please provide evidence:

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8. Have you traded in West Oxfordshire before? yes

If the answer to 8(a) is yes, please give details (e.g. the dates, times and areas involved in the trading)

The last 16 years outside the  
Woodgate Centre, Witney.

9. Are you at present registered with West Oxfordshire District Council as a food business under (Regulation (EC) 852/2004 Article 6 (2)?

yes and Cherwell District Council

If not state which other body or write 'not applicable'.

10. Do you or anyone who is employed in the sale of food hold a certificate or other evidence of having attended an approved course of food hygiene training? If yes, please provide evidence and/or certificate.

yes

11. Will you be the sole operator of the vehicle or stall?

no

If not, provide names and addresses of those who will help you.

Candice Pearson (my daughter)  
Same address as mine

12. Please give any other details you may wish to be considered with your application

13. Please include with the application an up to date certificate for Public Liability Insurance (10 million pounds) a current Food Hygiene Certificate if applicable and a Gas Safe inspection report if applicable.

I declare that I am not under 17 years of age and I certify that, to the best of my knowledge and belief, the above particulars are correct.

I understand that I am only allowed to trade from one location.

Signature:

R. Pearson

Date:

1-4-2015



RECEIVED 11 MAY 2015



**Congregational  
Federation**

## WITNEY CONGREGATIONAL CHURCH

(established 1662)

4 Welch Way, Witney, Oxfordshire, OX28 6JF

Telephone: 01993 709992

Website: [www.witneycongregational.org.uk](http://www.witneycongregational.org.uk)

Minister: Revd. Jason C. Boyd, B.A.Th, M.A.Th., M.Min. [revdjasoncboyd@gmail.com](mailto:revdjasoncboyd@gmail.com)

Administrator: Mrs. Sue Birdseye

[witneycongooffice@gmail.com](mailto:witneycongooffice@gmail.com)

Nicola Neyhaul, Licensing Officer  
Community Safety and Licensing  
Elmfield  
New Yatt Road, Witney  
OX28 1PB

11 May 2015

Dear Nicola;

### **Re - Application for a street trading consent**

I am writing on behalf of Witney Congregational Church as minister of the church and as Chair of the Church Meeting. At a Special Church Meeting held on the 10 May 2015, the above application for a Hot Food Stall to be sited on Welch Way near the National Westminster Bank, Monday - Sunday, 9 am to 5 pm, was discussed.

Following careful deliberation, a motion was passed by the Church Meeting expressing objection to the application as outlined. There were a number of concerns articulated:

- a) the location of the van will increase congestion in an area that our members perceive to be an already crowded pedestrian pathway.
- b) the van will have a negative impact on the aesthetic of this corner which features a garden, bench, and stands for securing bicycles.
- c) the meeting expressed the view that the immediate area was well served by catering establishments and questioned the need for a further eatery.
- d) the members noted that Welch Way is already chaotic with pedestrians crossing the road at many different points from the zebra crossing to the High Street roundabout. The concern is that the van will increase foot traffic. Consequently there will be greater safety risks associated with people crossing the street to be served at the van.
- e) the members were concerned about increased litter. The church currently faces a challenge in keeping its premises clear of rubbish. We anticipate that the nature of the confection sold by the van will exacerbate the problem.

As a congregation in the centre of Witney, we recognise the importance of a vibrant business community. We would not want to discourage economic development in any way. Most of our members live in Witney and many work here too. We want to be part of a thriving town. In this instance, we think that this particular proposal is ill conceived for the reasons stated. We wish to thank you for giving due consideration to our objection.

Kind Regards

A handwritten signature in black ink, appearing to be 'J.C. Boyd', written over a horizontal line.

Revd. Jason C. Boyd