

## Wolverhampton City Council

**OPEN DECISION ITEM**

Committee / Panel	<b><u>LICENSING COMMITTEE</u></b>	Date	<b>01/02/2012</b>
Originating Service Group(s)	<b><u>EDUCATION AND ENTERPRISE DELIVERY</u></b>		
Contact Officer(s)/ Telephone Number(s)	<b><u>COLIN PARR</u></b> <b><u>0105</u></b>		
Title/Subject Matter	<b><u>REVIEW OF FEES AND CHARGES FOR STREET TRADING CONSENTS FOR 2012/13</u></b>		

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**Recommendation**

Members are recommended to:

- (i) Approve the proposed fees and charges set out in Table 1 for Annual Street Trading Consents 2012/13 as detailed in paragraph 4.4 of the report with effect from 1 April 2012.
- (ii) Approve the proposed fees for traders operating on land accessible to the public without payment (Private Land) as detailed in paragraphs 4.6 to 4.14 of the report with effect from 1 April 2012.
- (iii) Approve the proposed fees and charges set out in Table 2 for Occasional/Temporary Street Trading Consents as detailed in paragraph 4.15 of the report with effect from 1 April 2012.
- (iv) Approve the revised delegation for Street Trading Consents, as detailed at Section 6 of this report.

# **REVIEW OF FEES AND CHARGES FOR STREET TRADING CONSENTS FOR 2012/13**

## **1.0 Purpose of Report**

1.1 To submit for consideration proposed street trading fees and charges to take effect from 1 April 2012 and also to advise Members of the control and regulation of street trading activities undertaken in the City.

## **2.0 Background**

2.1 In 1986 the Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, designating all streets in the City as “consent” streets, enabling the Council to control certain street trading activities. In general terms any trading on a “street”, with a few exceptions, requires “consent to trade”.

2.2 On 1 September 2006 the management and administration of street trading was transferred from the Market Service to Licensing and Support Services as part of an Environmental Services Division review.

2.3 Licensing Services are responsible for the administration (including the collecting of fees) for street trading, whilst the enforcement responsibilities associated with street trading are currently undertaken by the Environmental Health Function.

## **3.0 Overview of Local Controls**

3.1 The Council's constitution delegates the power to delegate the Council's functions relating to the processing, determination and management of street trading, under the Local Government (Miscellaneous Provisions) Act 1982, to the Licensing Committee.

3.2 A variety of different consents are issued which set controls such as location and approved times of operation. All consent locations are determined by an officer group from Regeneration, covering the disciplines of planning, highways design, highways enforcement etc.

3.3 Consents are agreed and defined based upon location within the City and time of operation. The following represents the location types:

- Dudley Street
- Bilston Street/Queen Street
- Victoria Street/Skinner Street/Cleveland Street
- Molineux Area (Football Consents)
- Bilston Town Centre
- Wednesfield Town Centre
- Evening Consents
- Other City Areas Food
- Other City Areas Flowers
- B Type Consents
- Operating on Land Accessible to the Public Without Payment (Private Land)

## Notes:

- All consents apply for a 12 month period only. There are no guarantees that successful applications for 2012/13 will be successful in 2013/14.
- Evening Consents permit trade within a ¼ mile radius of the Council's retail markets only between the hours of 21.00 and 05.00 hours and are typically issued for catering units.
- Other City Areas Food and Flower consents relate to the consent for traders on designated pitches in other City areas previously issued as mobile consents.
- 'B' Type Consents allow trading in any street in the City, except within a ¼ mile radius of any Council market or other prohibited area. B Type Consents are typically issued for ice cream sales or snacks by means of a mobile unit.
- Operating on Land Accessible to the Public Without Payment (Private Land) relates to consents issued for food, non-food and Molineux match days.

### 4.0 **Review of Fees and Charges 2012/13**

- 4.1 Paragraph 9 of Schedule 4 of the 1982 Act states "that a Council may charge such fees as they consider reasonable for the grant or renewal of a street trading consent".
- 4.2 Each year proposals for the review of fees and charges related to street trading are generated. These proposals are based upon the Council's policy of reviewing fees and charges annually at least in line with the increased cost of providing the service, whilst also having due regard to the Council's social and economic policies.
- 4.3 Having regard to the above it is recommended the fees and charges for street trading consents are increased by 1% in 2012/13.
- 4.4 Table 1 below indicates the proposed fees for annual street trading consents for 2012/13 rounded to the nearest £5.00 for administrative purposes.
- 4.5 There is currently a consultation taking place on the review of street trading within the city centre. The consultation has been extended until 2 April 2012. Therefore it is proposed that these consents are issued for initially 3 months and a pro rata fee charged for this period on the existing 2011/12 fees. This consultation will be the subject of a separate report to Members in June 2012.

**Table 1 – Proposed Annual Street Trading Fees 2012/13**

<b>LOCATION / TYPE</b>	<b>2011/12 Existing Consent Annual Fee (£)</b>	<b>2012/13 Proposed Consent Annual Fee (£)</b>
Dudley Street	3075	N/A (See 4.5)
Bilston Street/Queen Street	2675	N/A (See 4.5)
Skinner Street/Cleveland Street/Victoria Street	2675	N/A (See 4.5)
Molineux Area (Football Consents)	625	630
Bilston Town Centre	1950	1970
Wednesfield Town Centre	1790	1810
Evening Consents	1710	1730
Other City Areas Food	1165	1180
Other City Areas Flowers	395	400
B Type Consents*	410	415

\* Fee relates to 12 month period from date of consent commencement.

- 4.6 Members of Licensing Committee agreed that street trading fees for private land would be reviewed as part of 2011/12 fees and charges report.
- 4.7 This review identified that in some cases traders operating on private land are paying private rents and some of these consents are not as desirable as those trading from the highway. These statements however are not applicable to all consents trading on private land and in some cases traders pay no private rent and have no competition from traders on the highway.
- 4.8 Private rents and commercial viability are not considered relevant factors under the Council's social and economic policies when determining fees as the cost of service must be recovered.
- 4.9 It was recognised that street trading consents operating on private land required a reduced level of engagement with officers from the Transportation Service.
- 4.10 As such it was recommended that the fees for street trading consents operating from private land should be reduced as administration and enforcement costs for private land consents are less onerous on the Council as detailed consultation with highways officers is not required
- 4.11 Although the fees and charges for street trading on private land were reviewed by Members on 9 February 2011 and reduced accordingly. The Council has received representations from the trade over the proposed fees. To date no charges have been made for these traders.
- 4.12 The Council is still committed to ensure that traders operating on private land do so with the benefit of a street trading consent, as required by the Council's resolution that all streets are consent streets for the purpose of street trading.
- 4.13 The Council is therefore proposing to take 'a light touch' approach to private land street trading which will reduce the costs encountered in regulating traders operating on private land. This will allow the Council to charge a significantly reduced fee in 2012/13 to that proposed in 2010 and 2011.
- 4.14 It is proposed that the fee for street trading on private land will be £85 and up to £500 for a group consent.
- 4.15 Table 2 below indicates the proposed fees for occasional/temporary street trading consents for 2012/2013.

**Table 2 – Proposed Occasional/Temporary Street Trading Fees 2012/2013**

LOCATION / TYPE	2011/12 Existing Consent Annual Fee (£)	2012/13 Proposed Consent Annual Fee (£)
<b><u>City Centre (within Ring Road)</u></b>		
Individual Week Days (Monday to Friday, excluding Bank Holidays)	25.00	25.00
Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays)	100.00	100.00

LOCATION / TYPE	2011/12 Existing Consent Annual Fee (£)	2012/13 Proposed Consent Annual Fee (£)
Weekends (Saturday and Sunday inclusive)	100.00	100.00
Bank Holidays and Specialist Market Days	50.00	50.00
<b><u>Bilston and Wednesfield Town Centres</u></b>		
Individual Week Days (Monday to Friday, excluding Bank Holidays)	15.00	15.00
Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays)	50.00	50.00
Weekends (Saturday and Sunday inclusive)	50.00	50.00
Bank Holidays and Specialist Market Days	25.00	25.00
<b><u>Other Areas</u></b>		
Individual Week Days (Monday to Friday, excluding Bank Holidays)	10.00	10.00
Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays)	30.00	30.00
Weekends (Saturday and Sunday inclusive)	30.00	30.00
Bank Holidays and Specialist Market Days	15.00	15.00
Special Outdoor Event (i.e. City Show, Vaisakhi, Steam and Vintage Rally, etc)	Up to 150.00 per event	150.00

## 5.0 **Trader Consultation**

- 5.1 A Street Traders' Forum was established in 2007. The group's primary function has been to consult with traders regarding proposals for city centre improvements particularly those pertaining to Dudley Street, Queens Square and the implications that these changes may have for them and their businesses. The forum now meets on an annual basis.
- 5.2 On 24 November 2011 street traders were invited to attend a street traders forum. The agenda listed several topics to be discussed including:-
- City centre street trading proposals (as discussed at Section 4.5)
  - Private land street trading
  - Fees and charges 2012/13
  - Transfer fees
- 5.3 Following the discussion regarding transfer fees, officers recommend that the current transfer fee, which is  $\frac{1}{12}$  of the annual consent fee, does not accurately reflect cost recovery and as such a uniform fee of £40 should be introduced. Notwithstanding that there are proposals currently being consulted on in relation to transfers of street trading consents.
- 5.4 Following the meeting of 24 November 2011 the Council was informed that some of the traders had formed an association by the name of MaSTA (Mobile and Street Traders Association).

## 6.0 **Street Trading Consent Delegations**

- 6.1 On 26 September 2007, Members re-affirmed current delegations for the creation and relocation of street trading consents to the Director for Sustainable Communities.
- 6.2 Following the review of Prosperity it is now proposed that Members agree that the Assistant Director, Regeneration, be given delegated authority to create and revoke street trading consents, delete and relocate street trading pitches.

## 7.0 **Financial Implications**

- 7.1 Based upon current occupation, the proposed fees outlined in Table 1 would meet the budgetary requirements for 2012/13.
- 7.2 The base budget for street trading income for 2012/13 is £72,600. [JJ/0012012/J]

## 8.0 **Equalities Implications**

- 8.1 This report does not generate any equalities implications.

## 9.0 **Environmental Implications**

- 9.1 This report does not generate any direct environmental implications. However, the presence of street traders clearly impacts on the street scene environment.

## 10.0 **Legal Implications**

- 10.1 The legal implications are considered within the main body of the report. [SH/20012012/Z].