

# Non-Statutory Licensing Committee

20 March 2019

<b>Report title</b>	Review of Fees and Charges for Street Trading Consents for 2019/2020	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Ross Cook, Service Director of City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee(s)</b>	Michelle James	Licensing Policy Manager
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<b>Report to be/has been considered by</b>	None	

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## Recommendations for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Approve the proposed fees and charges for Annual Street Trading Consents as set out in **Appendix 1** of this report with effect from 1 April 2019.
2. Approve the proposed fees and charges for Occasional/Temporary Street Trading Consents as set out in **Appendix 2** of this report with effect from 1 April 2019.

## Recommendation for noting:

1. That a review of the Street Trading Policy provision is taking place.

## **1.0 Purpose**

- 1.1 To submit for consideration proposed street trading fees and charges to take effect from 1 April 2019 and also to advise the Licensing Committee of arrangements for the control and regulation of street trading activities undertaken in the City.
- 1.2 To inform Licensing Committee of a review of Street Trading.

## **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 street trading activities. In general terms any trading on a “street”, with a few exceptions, requires “consent to trade”.
- 2.2 Licensing Services are responsible for issuing consents (including the collecting of fees) for street trading, whilst the enforcement responsibilities associated with street trading are currently undertaken by Environmental Health Licensing Compliance. This will become the sole responsibility of the licensing team from 1 April 2019.

## **3.0 Overview of local controls**

- 3.1 The Council’s constitution delegates 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 2018/2019 will be successful in 2019/2020.
- Evening Consents permit trade at any location within a three-quarter 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 three-quarter 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 2019-2020

- 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 will remain unchanged for 2019-2020.
- 4.4 Appendix 1 sets out the proposed fees for annual street trading consents for 2019-2020 rounded to the nearest £5.00 for administrative purposes.
- 4.5 Appendix 2 sets out the proposed fees for occasional/temporary street trading consents for 2019-2020.

## 5.0 Street Trading Review

- 5.1 A review of Street trading is to be undertaken by Licensing Services. The review is to develop a policy and to ensure that the offer is adequate for the City. An updated report will be presented to Licensing Committee containing all findings and to request approval.

## 6.0 Financial implications

- 6.1 It is recommended the fees and charges for street trading consents will remain unchanged for 2019-2020.

6.2 Should the Licensing Committee agree with the recommendations in this report it is anticipated that overall income from the proposed fees and charges in Appendices 1 and 2 will cover the estimated cost of providing the service. [MK/06032019/Q]

## **7.0 Environmental implications**

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

## **8.0 Legal implications**

8.1 Paragraph 9 of Schedule 4 of the 82 Act authorises Councils to charge fees for Street Trading, and provides for different fees depending on the duration, location and articles to be traded.

8.2 Paragraph 9(9) requires notice and publication, but only in the event the fees are new or varied. Consequently, there is no need to publish the new fees as they have not been varied since 2017. [LW/04032019/X]

## **9.0 Schedule of background papers**

9.1 This report is a replica of the fees and charges for 2018-2019.