

Non-Statutory Licensing Committee

20 January 2021

Report title	Review of Fees and Charges for Street Trading Consents for 2021-2022	
Wards affected	All	
Accountable director	Ross Cook, Director of City Environment	
Originating service	Licensing Services	
Accountable employee	Chris Howell	Commercial Regulation Manager
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Report to be/has been considered by	None	

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 2021.
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 2021.
3. Approve the proposed reduction in fees for 2020-2021 due to Covid-19.
4. Approve the proposed reduction in fees for March 2020 due to Covid-19.

Recommendation for noting:

1. That the review of the Street Trading Policy provision is on hold due to Coronavirus and will recommence this year.

1.0 Purpose

- 1.1 To submit for consideration proposed street trading fees and charges to take effect from 1 April 2021 and to advise the Licensing Committee of arrangements for the control and regulation of street trading activities undertaken in the City.
- 1.2 To formally approve the proposed reduced fees for 2020-2021 due to the impact of Covid-19.
- 1.3 To inform Licensing Committee of the delay to the 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 and the enforcement responsibilities associated with street trading.

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 Non-Statutory 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 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 2020-2021 will be successful in 2021-2022.
- 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 Covid Implications

- 4.1 The Covid-19 pandemic and the implementation of infection control measures by the government has seriously impacted the Street Traders. There have been various lockdowns and restrictions to trading.
- 4.2 A request for assistance, in the form of a fee reduction, was received from the Traders' representative. This was considered and a proposal drafted in consultation with the Chair of Non-Statutory Licensing Committee and Cabinet Member for City Environment. The proposals are as follows:

Street Traders – full time

March to August – no fees payable. (March is within the 2019-2020 financial period)

September to October – 50% of fees payable

November/December – no fees payable (If not trading – Licensing must be notified) [this shall be applicable for further lockdown periods, this financial year]

January to March – 50% of fees payable (If trading).

In order to qualify for this one-off reduction, due to extraordinary circumstances, a trader must return to trading once a lockdown period ends.

Street Traders – match day

March to when football re-opens to the public – no fees payable.

Full fees will be payable on the return of spectators to football.

- 4.3 The Traders who operate on match days have been unable to work for the whole financial year. When fans do return to football, it will be in a much reduced capacity. It may not be financially viable for the traders to return until such a time as normal capacities are permitted. Furthermore, any return for match day traders will be discussed at the Molineux Safety Advisory Group.

- 4.4 Due to Covid-19 the reductions above will result in a loss of income as shown in the table below. This loss will be included in the Council report to government on income lost due to Covid-19.

Projected income	Income forecast with reduction	Loss of income due to Covid-19
£ 54,310	£ 12,761	£ 41,549

- 4.5 The above reductions, subject to Councillor agreement, are for the 2020-2021 financial year only.
- 4.6 The future impact of Covid-19 on the Street Traders is not known at this time. It may be appropriate for further reductions in the 2021-2022 financial period.

5.0 Review of fees and charges 2021-2022

- 5.1 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”.
- 5.2 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.
- 5.3 Having regard to the above it is recommended the fees and charges for street trading consents will remain unchanged for 2021-2022.
- 5.4 Appendix 1 sets out the proposed fees for annual street trading consents for 2021-2022 rounded to the nearest £5.00 for administrative purposes.
- 5.5 Appendix 2 sets out the proposed fees for occasional/temporary street trading consents for 2021-2022.

6.0 Street Trading Review

- 6.1 A review of Street Trading was underway. A draft policy had been written that looked to expand the current street trading offer and to ensure that the offer is adequate for the City. The onset of the Covid-19 pandemic has halted that work. Furthermore, it would be prudent to wait until post Covid-19 and ensure the policy is fit for purpose and addresses necessary public safety matters.
- 6.2 It is anticipated an updated report will be presented to Committee in the autumn of 2021.

7.0 Financial implications

- 7.1 It is recommended the fees and charges for street trading consents will, until the street trading review is agreed by Licensing Committee, remain unchanged for 2021-2022.
- 7.2 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. This will be monitored as part of the council's routine quarterly revenue monitoring processes, including Covid implications. [SB/08012021/L]

8.0 Climate change and environmental implications

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

9.0 Legal implications

- 9.1 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". Further, a council may determine different fees for different types of consent according to duration, location and articles to be traded.
- 9.2 A council may determine that fees may be paid by instalments.
- 9.3 Paragraph 9(6) provides that a Council may recover such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered to him in his capacity as a licence-holder. [SH/06012021/C]

10.0 Schedule of background papers

- 10.1 Licensing Committee – 16 January 2013 - Review of fees and charges for Street Trading Consents for 2013/14.
- Licensing Committee – 26 February 2014 - Review of fees and charges for Street Trading Consents for 2014/15.
- Licensing Committee – 21 January 2015 - Review of fees and charges for Street Trading Consents for 2015/16.
- Licensing Committee – 20 January 2016 - Review of fees and charges for Street Trading Consents for 2016/17.
- Licensing Committee – 8 February 2017 – Review of fees and charges for Street Trading Consents for 2017/18.

This report is PUBLIC
NOT PROTECTIVELY MARKED

Licensing Committee – 24 January 2018 - Review of Fees and Charges for Street Trading Consents for for 2018/19.

Non-Statutory Licensing Committee – 20 March 2019 - Review of Fees and Charges for Street Trading Consents for 2019/2020.

Non-Statutory Licensing Committee – 22 January 2020 - Review of Fees and Charges for Street Trading Consents for 2020/2021.