

Report title	Review of Fees and Charges for Street Trading Consents for 2022-2023	
Wards affected	All	
Accountable director	John Roseblade, Director of City Housing and Environment	
Originating service	Licensing	
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Report to be/has been considered by	None	

Recommendations for decision:

The Regulatory Committee is recommended to:

1. Approve the proposed fees and charges for Occasional/Temporary Street Trading Consents as set out in Appendix 1 of this report with effect from 1 April 2022.
2. Approve the proposed fees and charges for Annual Street Trading Consents as set out in Appendix 2 of this report with effect from 1 April 2022.

Recommendations for noting:

The Regulatory Committee is asked to note:

1. The Street Trading Policy is currently being reviewed and the fees are subject to change mid-term.

1.0 Purpose

- 1.1 To submit for consideration proposed street trading fees and charges to take effect from 1 April 2022 and to advise the Licensing Committee of arrangements for the control and regulation of street trading activities undertaken in the City.
- 1.2 The Street Trading Policy review was delayed due to Covid-19. The review has now commenced, and a further paper shall be submitted to this committee following a full consultation.

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 The Market Service 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 Regulatory 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 2021-2022 will be successful in 2022-2023.
- 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 Financial implications

- 4.1 It is recommended the fees and charges for street trading consents will, until the outcome of street trading review is agreed by Regulatory Committee, remain unchanged for 2022-2023.
- 4.2 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.

[SB/24022022/Q]

5.0 Legal implications

- 5.1 Paragraph 9 of Schedule 4 of the 82 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.
- 5.2 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.
- 5.3 Paragraph 9 (9) goes on to explain that before determining or varying charges under (6) the Council shall give notice of the proposed charges to the licence holder and shall publish notice in a local newspaper.

[JB/23022022/A]

6.0 Equalities implications

- 6.1 There are no direct equalities implications arising directly from this report. However, an equalities analysis shall be undertaken as part of the street trader policy review.

7.0 All other Implications

- 7.1 The Covid pandemic has had a big impact on Street Trading and Traders. The Council and this Committee has assisted, financially, where it was able to do so and the review shall be undertaken in that same manner

8.0 Schedule of background papers

- 8.1 Non-Statutory Licensing Committee – 20 March 2019 - Review of Fees and Charges for Street Trading Consents for 2019/2020.
- 8.2 Non-Statutory Licensing Committee – 22 January 2020 - Review of Fees and Charges for Street Trading Consents for 2020/2021.
- 8.3 Non-Statutory Licensing Committee – 20 January 2021 - Review of Fees and Charges for Street Trading Consents for 2021-2022

9.0 Appendices

- 9.1 Appendix 1: Fees-Charges for Occasional-Temporary Street Trading Consents 2020-2023
- 9.2 Appendix 2: Fees Charges for Annual Street Trading Consents 2020-2023