

CITY OF
WOLVERHAMPTON
COUNCIL

Regulatory Committee

14 June 2023

Report title	Review of Street Trading Consent Fees	
Wards affected	All	
Accountable director	John Roseblade, Director of Resident Services	
Originating service	Licensing	
Accountable employee	Emma Caddick	Service Manager, Environmental Health
	Tel	01902 554320
	Email	Emma.caddick@wolverhampton.gov.uk
Report to be/has been considered by	RSMT	30 May 2023

Recommendations for decision:

The Regulatory Committee is recommended to:

1. Approve the proposed Street Trading Consent Fees as set out in Appendix 1 of the report. If approved, it is proposed that the new fees shall be payable by new applicants immediately. All other changes for existing consent holder shall come into force on 1st April 2024.
2. Approve the proposal to offer a staged increase to private land consent fees over a three-year period as outlined in section 4.3 of the report.

1.0 Purpose

- 1.1 To submit for consideration and approval the proposed street trading consent fees detailed in Figure 1 of Appendix 1.

2.0 Background

- 2.1 The Local Government (Miscellaneous Provisions Act) 1982 empowers the Council to charge a levy for the granting or renewal of a street trading consent.
- 2.2 The Constitution delegates authority to Regulatory Committee to approve and vary street trading consent fees.
- 2.3 The City of Wolverhampton Council Street Trading Policy was adopted on 1 April 2023 following Regulatory Committee review and approval on 11 January 2023.
- 2.4 In determining the fees for street trading consents the council may consider several factors including, the cost of processing and regulating the consent; the duration of the consent; the location of the consent and the type of goods, which the consent holder is authorised to trade.
- 2.5 As part of the overall Street Trading review and with the return of the Promotional Spaces to the control of the Council, a thorough review of the existing consent application process was required to ensure the application criteria reflects the new policy and to determine if the existing fee adequately covers officer time to process an application.
- 2.6 In addition, it was determined appropriate to ensure the consent fee accurately reflects the location premium.

3.0 Development of Street Trading Consent Fees.

- 3.1 To determine the fees the application processing tasks have been itemised based on the time required to undertake them. As a result, application processing tasks have been split into two parts; Part 1: the application processing time and Part 2: the granting of the consent processing time; with a cost allocated to each based on the current officer hourly rate. Officer time costs align to the hourly rates calculations in Appendix 3 - Commercial Regulation Cost Recovery Policy 2023 - 2024, which was approved by Cabinet (Resources) panel 16 November 2022, for adoption, commencing 1 April 2023. The total cost processing an application has been calculated at £632.00.
- 3.2 In addition, and as the fees have not altered in excess of eight years, it was determined appropriate to ensure the consent fee accurately reflects the location premium. For example, an A Type consent in Dudley Street, City Centre benefits from more footfall than other areas of the City, hence why it currently attains the highest fee of all consent types.
- 3.3 A Part 3 cost has therefore been determined, by using the Valuation Office Agency (VOA) business rates for 1 April 2023 as the source for comparing current business

rates, against the existing street trading consent locations across Wolverhampton as listed in Figure 1, Appendix 1 – Proposed Street Trading Consent Fees.

- 3.4 Using Dudley St, City Centre as the baseline (prime) location, the other existing street trading consent locations then have either an increase or decrease calculation applied, against its comparable business rate in the same location.
- 3.5 It is acknowledged that in some cases the standard VOA calculation would increase some existing consent fees exponentially, which poses a risk of making a consent too expensive for existing street traders to continue trading or alienating start-up businesses with a large upfront cost. Discretionary discounts have therefore been applied to selected consent types to encourage trade in the City.
- 3.6 The rationale behind the calculations and key changes to the current street trading consent fees are outlined in Appendix 2 of the report.
- 3.7 It is recognised that some increases are significant, and it is intended that the option for street traders to pay in instalments will continue.

4.0 Private Land Consents

- 4.1 Street Traders must have a consent even if they trade on private land and they are subject to the same application process as street traders who trade on Council owned land.
- 4.2 The current cost of a private land consent is artificially low and does not reflect the cost of administering the application process (£632.00). It is recognised that to increase the current private land consent fee to the proposed application fee would be too considerable for existing traders who also pay rent to trade on private land.
- 4.3 Consequently, it is proposed to offer a staged increase to private land consent fees over a three-year period. With private land traders being charged 50% (£316.00) of the consent fee on the first year, 75% (£474.00) on the second year and 100% (£632.00) on the third year. The staged increase will only apply to existing private land consent holders. All new applicants for private land consents will be charged the full fee of £632.00.
- 4.4 Although the increases for private land consents are significant, an increase to £316 = £6 per week, an increase to £474 = £9 per week and the full fee payable of £632 is only £12 per week.

5.0 Financial implications

- 5.1 The fees for street trading have been kept at their current level for more than eight years. The Committee have previously agreed reductions and fee-free periods to help traders through, and to recover from the Covid-19 pandemic.

5.2 The cost of introducing, administering, and enforcing street trading consents will be recovered through the application fee and processing fee and will be delivered within the budgets for the Street Trading function. This will be monitored as part of the routine quarterly revenue monitoring.

5.3 Officer time costs align to the hourly rates calculations in Appendix 3 Commercial Regulation Cost Recovery Policy 2023 - 2024, which was approved by Cabinet (Resources) Panel 16 November 2022, for adoption, commencing 1 April 2023.

[SB/18052023/Q]

6.0 Legal implications

6.1 The Local Government (Miscellaneous Provisions Act) 1982 empowers the Council to charge a levy for the granting or renewal of a street trading consent.

6.2 The Council is under constitutional duty to review its fees and charges at least annually and to maintain a register of such charges.

[DA/17/05/2023/2]

7.0 Equality Implications

7.1 The Council operates an open and consultative approach to the development of its budget and the general financial position of the Council has, once again, been the subject of detailed public consultation. The changes to consent fees outlined in the report are primarily as a result of cost increases and inflationary pressures to ensure the Council recovers its costs where possible and provides best value to residents and customers.

8.0 All Other Implications

8.1 There are no other implications associated with this report.

9.0 Appendices

9.1 Appendix 1 – Proposed Street Trading Consent Fees

9.2 Appendix 2 – Rationale and Key Changes to the Street Trading Fees

9.3 Appendix 3 - Commercial Regulation Cost Recovery Policy 2023-2024

10.0 Schedule of Background Papers

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

10.2 Cabinet (Resources) Panel – 16 November 2022 – Commercial Regulation Cost Recovery Policy 2023 - 2024

- 10.3 Regulatory Committee - 24 June 2022 – City of Wolverhampton Council Draft Street Trading Policy
- 10.4 Regulatory Committee – 11 January 2023 – City of Wolverhampton Draft Street Trading Policy Consultation and Recommendations.