

Licensing Committee

8 February 2017

Report Title Review of Fees and Charges for Street Trading Consents for 2017/18

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Governance

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Recommendations:

The Licensing Committee are recommended to:

- (i) Approve the proposed fees and charges for Annual Street Trading Consents as set out in Appendix A of this report with effect from 1 April 2017.
- (ii) Approve the proposed fees and charges for Occasional/Temporary Street Trading Consents as set out in Appendix B of this report with effect from 1 April 2017.

1.0 Purpose

- 1.1 To submit for consideration proposed street trading fees and charges to take effect from 1 April 2017 and also to advise the Licensing Committee of arrangements for 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 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 Public Protection Commercial.

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 2017/18 will be successful in 2018/19.
- Evening Consents permit trade at any location 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 2017/18

- 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 2017/18.
- 4.4 Appendix A sets out the proposed fees for annual street trading consents for 2017/18 rounded to the nearest £5.00 for administrative purposes.
- 4.5 Appendix B sets out the proposed fees for occasional/temporary street trading consents for 2017/2018.
- 4.6 There exists a commitment to review the city centre street trading function and introduce licensed street traders rather than consented traders. However, this piece of work has not been progressed as yet as the Government are currently considering revisions to the street trading regime following a consultation by the Department for Business, Innovation and Skills last year. This consultation sets out proposals regarding the impact of the EU Services Directive on the function.

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 The Annual Street Trading Forum is due to be held later this year.

5.3 The Trade have been consulted on the proposed fees and charges for 2017/18.

6.0 Financial implications

6.1 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 A and B will cover the estimated cost of providing the service. [GE/27012017/D]

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 The legal implications are considered within the main body of the report.
[SH/27012017/B]

9. Schedule of background papers

9.1 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.

APPENDIX A

Proposed Annual Street Trading Fees 2017/18

| LOCATION / TYPE | 2016/17 Existing Consent Annual Fee (£) | 2017/18 Proposed Consent Annual Fee (£) |
|---|--|--|
| Dudley Street | 3380 | 3380 |
| Bilston Street/Queen Street | 2940 | 2940 |
| Skinner Street/Cleveland Street/Victoria Street | 2940 | 2940 |
| Molineux Area (Football Consents) | 690 | 690 |
| Bilston Town Centre | 2170 | 2170 |
| Wednesfield Town Centre | 1990 | 1990 |
| Evening Consents | 1905 | 1905 |
| Other City Areas Food | 1300 | 1300 |
| Other City Areas Flowers | 440 | 440 |
| B Type Consents* | 460 | 460 |
| Private Land Consent | 95 | 95 |

APPENDIX B

Proposed Occasional/Temporary Street Trading Fees 2017/18

| LOCATION / TYPE | 2016/17 Existing Consent (£) | 2017/18 Proposed Consent (£) |
|--|---|---|
| City Centre (within Ring Road) | | |
| Individual Week Days (Monday to Friday, excluding Bank Holidays) | 30.00 | 30.00 |
| Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays) | 110.00 | 110.00 |
| Weekends (Saturday and Sunday inclusive) | 110.00 | 110.00 |
| Bank Holidays and Specialist Market Days | 55.00 | 55.00 |
| Bilston and Wednesfield Town Centres | | |
| Individual Week Days (Monday to Friday, excluding Bank Holidays) | 15.00 | 15.00 |
| Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays) | 55.00 | 55.00 |
| Weekends (Saturday and Sunday inclusive) | 55.00 | 55.00 |
| Bank Holidays and Specialist Market Days | 30.00 | 30.00 |
| Other Areas | | |
| Individual Week Days (Monday to Friday, excluding Bank Holidays) | 10.00 | 10.00 |
| Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays) | 35.00 | 35.00 |
| Weekends (Saturday and Sunday inclusive) | 35.00 | 35.00 |
| 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 165.00 per event | Up to 165.00 per event |