

MEETING

LICENSING COMMITTEE

DATE AND TIME

WEDNESDAY 18 DECEMBER, 2013

AT 6.30 PM

PLEASE NOTE START TIME

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF LICENSING COMMITTEE (Quorum 3)

Chairman: Councillor Andreas Tambourides
Vice Chairman: Councillor Lisa Rutter

Councillors

Maureen Braun	John Hart	Wendy Prentice
Alison Cornelius	Julie Johnson	Agnes Slocombe
Claire Farrier	Andreas Ioannidis	

You are requested to attend the above meeting for which an agenda is attached.

Andrew Nathan – Head of Governance

Governance Services contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	
2.	Absence of Members	
3.	Disclosable Pecuniary interests and Non Pecuniary interests	
4.	Public Question Time (if any)	
5.	Members Item (if any)	
6.	Street Trading Fees	1 - 6
7.	Any item(s) that the Chairman decides is urgent	

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AGENDA ITEM 6

Meeting	Licensing Committee
Date	18 December 2013
Subject	Street Trading Fees
Report of	Director for Place
Summary of Report	This is an interim report on the proposed new Street Trading fees.

Officer Contributors	Emma Phasey, Trading Standards and Licensing Manager
Status (public or exempt)	Public
Wards Affected	Not Applicable
Key Decision	Not Applicable
Reason for urgency / exemption from call-in	Not Applicable
Function of	Council
Enclosures	Appendix 1 - Proposed Fees
Contact for Further Information:	Emma Phasey, Trading Standards and Licensing Manager: emma.phasey@barnet.gov.uk

1. RECOMMENDATION

1.1 That the interim report be noted.

1.2 That the information contained in this report be considered in conjunction with the supplemental report (to be produced after the consultation period ends on the Thursday 12 December) on the outcome of the consultation exercise.

2. RELEVANT PREVIOUS DECISIONS

2.1 Decision by Cabinet on 31 January 2008 to adopt the current Street Trading Policy and enforcement regime

2.2 Decision by Council on 16 July 2013 to adopt the current Street Trading Policy

2.3 Decision by the Licensing committee on 13th November 2013 to consult on the proposed changes to street trading fees

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1 Street trading supports objectives contained within the Corporate Plan. In particular, in relation to “maintaining the right environment for a strong and diverse local economy” as street trading can contribute to the economic, cultural, environmental and social well being of the borough.

3.2 Street trading also supports the Sustainable Community Strategy 2010-2020 in relation to helping create a successful London Suburb as street trading supports enterprise within the London Borough of Barnet.

4. RISK MANAGEMENT ISSUES

4.1 Adopting an equitable fee structure is essential to ensure that only income, sufficient to cover the cost of administering the regime, is received. If charges are set too high compliance may be discouraged and the Council could be challenged on the legality of the fees.

5. EQUALITIES AND DIVERSITY ISSUES

5.1 The Council has a legal obligation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

5.2 When considering street trading applications, only issues provided for in the London Local Authority Act 1990 (as amended), in addition to the authority’s street trading policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits, regardless of the race, colour, nationality, ethnic origin, sex, marital status, disability or age of the individuals involved.

5.3 The community in Barnet has a richness of diversity with a broad range of cultural activities and entertainments. Applications will be dealt with in accordance with the Act

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 Section 32 of the London Local Authorities Act 1990 allows fees to be set for the grant, renewal and variation of a licence. The Council may only recover from licence holders the reasonable costs incurred to administer the regime.
- 6.2 Administration and enforcement of street trading will be carried out by the Licensing team, together with support from Legal Services and from Governance Services, when arranging and co-ordinating arrangements for hearings in relation to Permanent Pitches.
- 6.3 The current fees were set in 2008 and although these have been reviewed they have not changed since then. The proposed fees for street trading in relation to permanent pitches and temporary street trading (tables and chairs/shop front displays) remain the same. Only the fees for street markets it is proposed will increase. This will not result in a significant increase in income however allows the department to recover their costs in relation to street markets. The resources required to administer the current level of street market within London Borough of Barnet will be managed within current resources.

7. LEGAL ISSUES

- 7.1 Section 32 of the London Local Authorities Act 1990 allows fees to be set for the grant, renewal and variation of a licence. The Council may only recover from licence holders the reasonable costs incurred to administer the regime.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Constitution - Responsibility for Functions - Terms of reference for the Licensing Committee include Street Trading.

9. BACKGROUND INFORMATION

- 9.1 In January 2008 the London Borough of Barnet adopted the current regime in relation to street trading. The Introduction of this street trading regime has allowed for the effective control of the street scene. The Council is able to attach relevant conditions to ensure good practice and control issues such as nuisance, crime and disorder. Where there is non compliance, licences can be revoked and appropriate enforcement action taken.
- 9.2 There are currently approximately 70 temporary street trading licences and 6 permanent pitches in the borough. With 3 occasional markets
- 9.3 The current fees in relation to street trading were adopted in 2008.
- 9.4 The London Borough of Barnet has very recently been contacted by traders in relation to street markets within the borough. It is widely recognised that street markets can benefit an areas not only in terms of regeneration, economic development ,culture and tourism, but also in relation to food and health, community cohesion and the environment.

- 9.5 Currently the fees do not have a section for street markets and therefore only a standard street trading fee could be charged. The result of this is that only a small fee can be charged for a regular small street market that will not cover the administration of the scheme.
- 9.6 The proposed street trading fees can be found in Appendix 1. There is no proposed changes to the fees for a permanent pitch or a temporary street trading licence. However there are new fees introduced for street markets.
- 9.7 To be able to trade at a street market within Barnet an application needs to be submitted by each trader to be registered as a casual temporary trader. The fee for this application process has been set at £28.00. This covers the costs of the administration and check process on the trader and the issuing of the licence.
- 9.8 Every time the market runs a charge will be made per pitch per day. This will vary between £10 to £15 per pitch. A pitch shall no exceed 2m by 2m. This means that the total revenue from an average market (10-30 stalls) will be between £150 to £300. This fee must be cost neutral and cover the cost of administrating the market application, site visit to ensure compliance and any further action that may be required
- 9.9 A consultation on the proposed fees was started on 14th November 2013. The authority published a notice in the local paper specifying a period in which written representations may be made in relation to the proposed charges. It also has written to all current licence holders.
- 9.10 The consultation period ends at 5pm on Thursday 12 December 2013. At which time a supplementary report will be produced with a full break down of the responses to the consultation. Currently there have been no representation received in relation to the proposed fees

10. LIST OF BACKGROUND PAPERS

- 10.1 London Local Authorities Act 1990

Cleared by Finance (Officer's initials)	JH
Cleared by Legal (Officer's initials)	BH

APPENDIX 1 – PROPOSED FEES

1. Street Trading Fee – permanent pitch

£1.32 per sq metre per day

2. Street Trading Fee– temporary licence for tables& chairs/shop front display only

For a six months licence:

up to 3 square meters	£100
3 - 10 square meters	£300
10 - 15 square meters	£600
above 15 square meters (max. 25 square meters)	£900.00

3. Street Trading Fee – temporary licence (other than tables and chairs and shop front display)

£1.32 per sq metre per day

4. Street Trading Fee - Street Market

Casual temporary trader registration (12 months validity) £28.00

Daily street trading licence charge:

Total market size	
10-14 stalls	£15 per stall per day
15-19	14 per stall per day
20-24	13 per stall per day
25-30 stalls	11 per stall per day
> 30 stalls	£10 per stall per day

A discount of 50% per subsequent day applies for traders who trade with the same products, in the same place, at the same market for up to 3 consecutive days.

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