
Meeting	Licensing Committee
Date	13 November 2013
Subject	Street Trading Fees
Report of	Director for Place
Summary of Report	This report seeks approval from the Committee to engage in consultation 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
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1. RECOMMENDATION

- 1.1 That the draft Street Trading fees be approved for consultation and that Officers be instructed to report to the next Licensing Committee meeting on the outcome of the consultation**

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.

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 Part 3, Section 2, details the functions of the Licensing Committee including 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.
- 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 If approved by the Committee, the proposed will be submitted for consultation with all relevant stakeholders. The legislation states that the authority must publish a notice in the local paper specifying a period in which written representations may be made in relation to the proposed charges. It also states that notice must be given to all current licence holders.
- 9.7 If approved the newspaper article will be placed this week and the representation period will run until 5pm on the 12th December. All replies will be taken into account and the fees, revised as necessary, will be submitted to this Committee for final approval at its next meeting.
- 9.8 The fees may be changed at any time after adoption (after further consultation), and will be annually reviewed by the licensing department.
- 9.9 The proposed draft street trading fees for agreement prior to formal consultation 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.
- 9.10 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.
- 9.11 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 not 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 administering the market application, site visit to ensure compliance and any further action that may be required.

10. LIST OF BACKGROUND PAPERS

1.1 10.1 London Local Authorities Act 1990

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