
Meeting	Licensing Committee
Date	18 th December 2013
Subject	Street Trading Policy
Report of	Director for Place
Summary	This is a supplementary report on the proposed new Street Trading fees.

Officer Contributors	Emma Phasey
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Status (public or exempt)	Public
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Wards Affected	Not applicable
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Key Decision	No
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Reason for urgency/ Exemption from call-in	Not applicable
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Function of	Council
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Enclosures:	Appendix 1 – Proposed Fees Appendix 2 – Consultation responses
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1. RECOMMENDATIONS

- 1.1 **That the fees for applications for Street trading under the London Local Authorities Act as set out in Appendix A be approved and come into effect immediately.**

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 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. 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 December 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 ended at 5pm on Thursday 12 December. There was 1 response to the consultation. The points raised and the responses to them can be found at appendix 2.
- 9.11 As a result of the consultation there is no proposed changes to the fees and the fees that it is suggested are adopted by the London Borough of Barnet can be found at Appendix 1.

10. LIST OF BACKGROUND PAPERS

1.1 London Local Authorities Act 1990

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

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 metres	£100
3 - 10 square metres	£300
10 - 15 square metres	£600
above 15 square metres (max. 25 square metres)	£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.

Appendix 2 – Consultation responses

	Consultation comment	Response
1	There is a flaw in your fee structure, if a casual trader want to trade 2/3 days a years they still have to paid an extra £28.00. Obviously we will have to provide for that cost, which also means that we will not be encouraged to have casuals trader attending Market held in Barnet.	The fee is purely a admin cost for the licence and covers the checks the licensing team undertake.
2	As you know we already have a registration process in which casual traders (one off traders) paid only £8 and it includes temporary public Liability insurance.	The licensing team are looking into the compatibility of this registration with other registration processes.
3	Most application licenses also requires the type of commodities provided by the traders, but some trader changed commodities several time a year, will they have to re register every time they change commodities? Or will you have a system that identify if they have the right form of documentation when they are changing types of commodities.	Currently there is no plans to put the commodity on the licence
4	Obviously i do not see the point for our trader to paid an extra £28 for service that we are already providing and which provide local government with better monitoring and trader trace-ability free of charge.	See 1 above
5	My advice is that unless you back up the traders license with a very clever management software it will be pointless, inefficient and out of context to meet the traders and the industry requirement.	The back office software is already in place and used for personal licences

6	<p>As simple as it may look, the procedure to let out trading space to licensed traders need to be accurate, up to date and responsive to the traders need for example: if you issue a license to a trader who do not use lpg at the time the license is issued, but does use aftermath and during the 12 month, how will you be able to verify if he has a valid gas certificate!</p>	<p>Gas certification will be checked days they trade rather than at licence stage</p>
7	<p>We have identified over 40 parameters linked to a license that may change during a 12 month period. without a mechanic that allow enforcement officer to verify if the license is valid the individual market license became pointless: liability insurance will expire during the 12 month period, Pat testing will expire every 2 years, and gas certificate every 6 month. If suddenly a trader decide to sell hot food his license should require added documentation such as registration with environmental health, and individual hygiene certificate.</p>	<p>The expiry dates for appropriate documents such as public liability insurance will be noted on the licence. If new information is not provided then the registration will be cancelled</p>
8	<p>Basically you will need a minimum of 4 type of personal license: trader food license, trader non food license, assistant trader non food license and assistant trader food license</p>	<p>The registration types have not been finalised yet. But it is likely they will clearly indicate whether it is a food trader or not.</p>
9	<p>You will also need a system that will be able to verify if the trader's documentation is valid as any time and relevant to his business during the entire period of his license. (12 month).</p>	<p>A system is in place see 5 and 7</p>