

<u>MEETING</u> LICENSING COMMITTEE
<u>DATE AND TIME</u> MONDAY 20TH NOVEMBER, 2017 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	STREET TRADING FEES AND CHARGES	3 - 10

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	AGENDA ITEM 10 <h2 style="text-align: center;">Licensing Committee 20th November 2017</h2>
Title	Street Trading Fees and Charges
Report of	Commissioning Director for Environment
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix 1 – Proposed Fees
Officer Contact Details	Emma Phasey Group Manager Community Protection (Regulation) Emma.phasey@barnet.gov.uk

Summary
 This report seeks approval from Members to consult on the proposed fees in relation to street trading licences.

Recommendations
 That the Committee authorise the Licensing team to commence a consultation on the proposed new fees for street trading.

1. WHY THIS REPORT IS NEEDED

- 1.1 The London Local Authorities Act 1990 (as amended) allows for street trading to be licensed. The London Borough of Barnet currently issues both temporary and permanent street trading licences.
- 1.2 The London Borough of Barnet does not currently have fees set in relation to the transfer, variation or change of detail of these street trading licences.
- 1.3 The Licensing team have received a number of requests for these amendments recently and providing this service without a fee results in the provision of a service that is not cost neutral.
- 1.4 It is therefore proposed that fees for these applications be set and the proposed fees can be found in Annex 1. These amounts have been set on a cost recovery basis.
- 1.5 The Licensing team proposes to consult on the fees. The London Local Authority Act 1990 (as amended) sets out the process for this consultation. In addition the consultation will be sent to the Highways Department, Metropolitan Police, all current licence holders and all ward Councillors. The Consultation will also be published on the London Borough of Barnet website for anyone else to provide comments. The consultation will take place over 6 weeks
- 1.6 A newspaper advert will be published advising that we propose to adopt the fees and invite comments.
- 1.7 The outcome of this consultation will be brought to the Licensing Committee in July 2018 for consideration and to determine whether the fees should be charged, and if so, their level.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The London Borough of Barnet does not currently have fees for amendments of this type and so is not recovering the costs associated with administering these changes.
- 2.1 The fees proposed have been set on a cost recovery basis.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Council could choose not to consult on and set these fees, but this would mean that the service would have to be provided free of charge and therefore would not be cost neutral to the council.

4. POST DECISION IMPLEMENTATION

- 4.1 If approved the Licensing team will commence a consultation on the fees and report back to the Licensing Committee at their July 2018 meeting for the Committee to consider the responses and, if appropriate, approve the recommended fees.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Street Trading licensing supports the corporate objectives of “Responsible Growth, Regeneration and Investment”.

Fees and charges need to be reviewed to ensure value for money and cost recovery. This complies with the 2015-2020 Corporate Plan priority for Barnet to be in the lowest 25% of all Councils (Boroughs and County Councils) for expenditure per head of population. The Fees and Charges review is a means of ensuring that net costs are kept under control.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 With public and Member expectations increasing, the review of fees and charges ensures that sufficient resources are made available to manage and prioritise those expectations.
- 5.2.2 All fees and charges will ensure effective cost recovery for delivering the service; prices listed do not include VAT, which will only be charged where indicated. The charges are discretionary to cover the cost of delivery.
- 5.2.3 Administration and enforcement of the legislation will be carried out by the Licensing team within Re.
- 5.2.4 The recommendations within this report have no financial implications as this will be delivered within existing resources.

5.3 Social Value

- 5.3.1 Not relevant to this report

5.4 Legal and Constitutional References

5.4.1 Section 32 of the London Local Authorities Act 1990 (as amended) permits the council to charge in respect of granting, renewing, varying street trading licences provided that the charges are set based on recovering the reasonable administrative or other costs in connection with the authority's functions in respect of street trading, that are not otherwise recovered.

5.4.2 The authority can also charge licence holders (based on reasonable costs recovery) for

*“(a) the collection, removal and disposal of refuse or other services rendered by them to such holders; and
(b) the cleansing of streets in which street trading takes place in so far as that cleansing is attributable to such trading; and
(c) any reasonable administrative or other costs incurred in connection with the administration of this Part of this Act; and
(d) the cost of enforcing the provisions of this Part of this Act.”*

5.4.3 Section 32 requires that before determining certain charges, the authority has to give notice of the proposed charges to licence holders (or bodies representative of them) and also publish notice of the proposed charges in a local newspaper. The notice needs to provide at least 28 days from the date of publication for written representations about the proposed charges to be made to the council. Any representations made within the time limit have to be considered. Once the fees have been determined, notice of them has to be given including the date on which they come into effect.

5.4.4 The requirements of section 32 will have to be followed in order to set the charges proposed in this report.

5.4.5

5.4.6 The Council's constitution Article 7 Committees, Forums, Working Groups and Partnerships details the functions of the Licensing Committee to include;

‘for all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees. To consider for approval fees and charges for those areas under the remit of the Committee.’

5.4.7 The Financial Regulations section of the Constitution sets out that;

‘For the fees and charges within their remit, theme Committees, Planning Committee and Licensing Committee must approve changes to fees and charges that are above inflation by 2% or more, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle.’

5.5 Risk Management

5.5.1 It is important that the London Borough of Barnet processes licences in relation to street trading in an efficient and cost neutral way.

5.6 Equalities and Diversity

5.6.1 Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty requires public authorities and organisations acting on their behalf to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

5.6.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

5.6.3 An initial equalities impact screening has not found adverse impacts to any protected group arising from the proposal in this report but once the consultation has taken place, a further assessment will be undertaken and considered.

5.7 Consultation and Engagement

5.7.1 As noted above, a consultation will take place on the proposed street trading fees for a period of 6 weeks, and the results will be put before the Licensing Committee at the meeting in July 2018.

5.8 Insight

5.8.1 Not relevant to this report

6 BACKGROUND PAPERS

None

Appendix 1 – Proposed Fees and Charges from 1st April 2018/19

Description of charge	Unit	Subject to VAT	Current charge excluding VAT	Proposed Charge excluding VAT	Change %
Street Trading – Permanent & Temporary licences Transfer	Per application	VAT not applicable	new	£25	n/a
Street Trading – A Boards - Transfer of Licence	Per application	VAT not applicable	new	£25	n/a
Street Trading – Permanent and Temporary Licences Variation of Licence	Per application	VAT not applicable	new	£95	n/a
Street Trading – All Licences Change of details	Per application	VAT not applicable	new	£25	n/a
Street Trading – All Licences Duplicate Licence	Per Application	VAT not applicable	new	£20	n/a

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