

Revision street trading fees in the light of the re-designation of some town centre streets, for street trading purposes

Licensing Committee

Date: 7 July 2009

Author: Head of Licensing

Wards Affected: All

Purpose

- To recommend modifications to the fees charged for street trading, in the light of recent changes in the designation of some town centre streets, for the purpose of street trading.

Recommendation

Licensing Committee is asked : -

- To resolve that the fee changes as set out in Appendix One are put as a recommendation to full Council.

1. Reasons

- 1.1 This resolution stems from the decision to create new consent streets in the town centre, with effect from 9 June 2009.

2. Detail

- 2.1 Licensing Committee resolved on 9 December 2008 to adopt a new scale of fees for street trading. When it did so, the new pattern of consent streets in the town centre had not been considered or acted upon. Current fees are a poor match for the new town locations.
- 2.2 When setting fee levels for a consent, local authorities are allowed to take into account “the street in which it authorises trading” and “the descriptions of articles in which the holder is permitted to trade”. The first of these implies that factors such as commercial desirability, pedestrian traffic levels, potential conflict between uses and the degree of enclosure or restriction of space can be taken into account when setting fee levels.
- 2.3 When the latest town centre fees were set, they related in practice to the core pedestrianised streets such as Regent Street and The Parade, as these were at the time the only consent streets available. The new consent streets around the periphery are significantly different in nature. Each of the factors set out above is scaled back, compared with the retail core. It is therefore appropriate to apply smaller fees to those new streets.
- 2.4 The annual fee now for a daily hot food trader in the town centre core is £5000. The equivalent fee for general goods, greengrocers etc. is £4300. In

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suburban areas, there is one fee for hot food traders and general traders alike, currently set at £2200.

- 2.5 It is proposed that the annual fee applied to the newly created streets in the town centre (taken together with New Bridge Square and Wharf Green) should be set at the same level as elsewhere for general traders, greengrocers etc. (i.e. £2200) but that an intermediate fee of £3000 should be set, for hot food traders.
- 2.6 It is not proposed that there should be any change to the fees for the existing core (including Regent Street, Edgware Road and The Parade). If they cease to be consent streets, the fee level for them will no longer be an issue.
- 2.7 The fees adopted in November 2008 were higher for traditional market stalls in the town centre than for those in suburban areas. The weekday rate was set at £20 in the town centre, £15 elsewhere. In each case, a premium of £5 was added for Saturdays. It is proposed that a single rate of £15 is introduced across the borough and that for the sake of simplicity the Saturday premium be dropped.
- 2.8 Traditional market stalls which are charged at the annual rate or its quarterly or monthly equivalent will pay around £7 a day if they trade six days a week. To bridge the gap between this and short term trading, it is proposed that where consent is sought for a minimum booking of any ten trading days, a daily rate of £10 will be applied, even where a mix of trading locations is proposed.
- 2.9 Provided that fee levels are modest in relation to turnover, they should not be a major consideration in decisions about whether or not to trade. Funding for the street trading function is more likely to be optimal if there is a large volume of applications. From the point of view of traders, a substantial cluster of stalls with diverse products will give a greater certainty of viability.
- 2.10 There are no traders in the new areas at the moment, so a consultation exercise with directly affected traders has not been undertaken. Some existing traders may wish to relocate to the new areas but there are no firm proposals of that kind on the table at the moment. Mr & Mrs Carchedi (formerly of Havelock Square) are not trading at the moment but have lodged an application for planning consent, for Fleming Way, one of the new areas.
- 2.11 It is to be hoped that by the end of the year there will be a more diverse spread of street traders in the town centre, with a new emphasis on traditional street markets. It is appropriate that fee levels should be kept

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under review in the light of circumstances and that will be aided by feedback from those new traders.

2.12 Amongst other considerations, the Council must not set fees with the intention of making street trading unviable. Simply applying the existing core area fees to the new peripheral streets would leave us vulnerable to challenge.

2.13 inSwindon have been consulted on the content of this report and they are content with the proposals.

Risk Management

Financial and Procurement Implications

The impact of these proposals is almost exclusively on areas where street trading could take place in the future but is not taking place at the moment. It cannot be said definitively that there will be any applications for street trading at all in those areas, so in theory there might be no income from those areas. That is nevertheless a highly unlikely prospect.

Legal / Human Rights Implications All of the participants in any given context have human rights. Some of those are absolute, as in the right to life but more generally rights have to be balanced, one against the other. The Council has a right to make appropriate strategic decisions on behalf of the wider community or residents and businesses.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

This proposal relates to the 2010 Promise 35 that we will take all necessary steps to secure the regeneration of the town centre.

Consultees

- Consultees. inSwindon

Background Papers and Appendices

- Appendix One. Proposed street trading consent fee structure, incorporating the changes set out in the report.

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Appendix One

Street trading consent fees

Town Centre streets as at April 2009, with the exception of New Bridge Square and Wharf Green

Annual fee: Hot food / catering £5000 General merchandise / non-catering cold foods £4300

Town centre streets becoming consent streets on 9 June 2009, plus New Bridge Square and Wharf Green

Annual fee: Hot food /catering £3000 General merchandise / non-catering cold foods £2200

All other streets

Annual fee: £2200 irrespective of product range

Traditional market stalls, irrespective of location

Less than 10 days booked £15 per day; 10 or more days booked at a time £10 per day
OR a proportion in whole months of an annual fee of £2200.

A credit of 4 days (after trading for those 10 days) for any new trader who books 10 days, the first time they trade.