

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

Licensing Committee

Date: 1 March 2010

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 31 March 2010.

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 do not properly reflect the new town centre locations.
- 2.2 When setting fee levels for a trading 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”. This implies that factors such as pressures of space, pedestrian traffic levels and potential conflict between uses are relevant. That ought to be the case because the more complicated the situation, the greater the cost to the local authority of the administrative burden.
- 2.3 When the most recent revision of town centre trading fees was adopted, the trading pitches to which they referred were in sensitive locations in the core pedestrianised streets such as Regent Street and The Parade. At the time those were the only consent streets available. The new consent streets around the periphery are quite different in nature. The potentially contentious factors are scaled back, compared with trading pitches within the retail core. It is appropriate to apply lower fees to those streets at the margin, as regulation presents fewer challenges and will require less time.

Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail lstarling@swindon.gov.uk.

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- 2.4 The annual fee now for a daily hot food trader in the town centre core is £5000. Where the trade is in general goods, fruit and vegetables etc. the fee is set at the lower level of £4300. In the suburban areas of Swindon, 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 designated consent streets in the town centre (and to the existing consent streets at the margin, i.e. New Bridge Square and Wharf Green) should be set at £2200, to bring it in line with the suburban fee but that a higher fee of £3000 should apply to hot food traders in those locations, reflecting the additional regulatory burden. As an illustration of that additional burden, fast food poses greater challenges over the control of litter and neighbouring occupiers may experience smell nuisance from the cooking activity.
- 2.6 The existing fees for the core will cease to be relevant, when those streets become prohibited streets.
- 2.7 The fee scale for traditional market stalls in November 2008 was higher for the town centre and weekend trading. There is a clear logic for those differences but it is open to local authorities to moderate fees to promote community objectives, provided that the changes do not result in revenue-raising. The weekday daily rate was set at £20 in the town centre, £15 elsewhere. In each case, a premium of £5 was added for Saturdays, reflecting higher staff costs. It is proposed however that a simple, single day rate of £15 is introduced across the borough.
- 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, as well as to encourage new business initiatives, it is proposed that for the first ten days that a particular trader uses a particular pitch, a daily rate of £10 will be applied.
- 2.9 In order to provide clarity over what constitutes a 'pitch' it is proposed that the above fees should relate to a notional square of side 5 metres and that for general merchandise and cold food, a 50% reduction should be made for a pitch which fits inside a square of side 2.5 metres. Small catering operations present if anything more regulatory challenges than larger, more sophisticated units, so they do not merit a 'half pitch' rate
- 2.10 There are no traders in the newly designated consent streets at the moment and only 'one off' trade in Wharf Green associated with events, so no basis for a consultation exercise with anyone directly affected.

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- 2.11 It might have been expected that the economic recession would have the effect of generating new proposals to operate market stalls. Anecdotal evidence suggests that actually the sector is shrinking nationally, rather than expanding. There are many social benefits associated with traditional street markets and it is the policy of the Council to encourage them.
- 2.12 One of the obstacles to trade is the requirement to obtain planning permission. There are many areas where market stalls would be desirable but in each case an application would be needed, at a fee cost of £335. Since it is a corporate objective to encourage traditional market stalls across Swindon, it is proposed that subject to the discretion of the Head of Regulatory Services, street trading consent fees may be waived as appropriate, subject to a ceiling of £300 and a trading period of no more than ten weeks from the first day of trading with the benefit of planning permission.
- 2.13 It is not proposed that any such discretion should be applied to fast food traders. Such traders are authorised by the Council but not in furtherance of any corporate objective.
- 2.14 It is recommended that fee levels for market traders should be kept under review in the light of the corporate aim to attract more street market trading.
- 2.15 The Local Government (Miscellaneous Provisions) Act 1982 contains the provisions for setting fees, specifically for street trading consents. The framework set out there is very similar to that found in the Provision of Services Regulations 2009, which operate across a wide range of authorisations and statutes.
- 2.16 Amongst other considerations, the Council must not set fees with the intention of deterring applications. The broad principle is cost recovery, as opposed to revenue earning. Fees were set previously within parameters which are consistent with the new regulations.

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. Any projections for the possible impact of these proposals on revenue would be speculative.

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

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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. None

Background Papers and Appendices

- Appendix One. Street trading consent fee structure, amended to incorporate the changes proposed in this report.

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Appendix One

Street trading consent fees

Annual town centre fee for all consent streets, with immediate effect, other than for those central streets which lose their consent status on 31 March 2010 [which continue at their existing rates]

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

All other streets in Swindon, annual fee as existing

£2200 irrespective of product range

Market stalls, irrespective of location, with immediate effect

Standard daily fee £15, however the first ten days booked by a particular operator for a particular pitch will attract a discount daily fee of £10.

In each case a pitch is defined as a table, stall, trailer etc. together with any floor based display which will fit inside a notional square of side 5 metres. Any pitch (defined in the same terms) selling general merchandise or cold food which will fit within a notional square of side 2.5 metres will be counted as half a pitch and each of the fees set out above will be reduced in those cases by 50%. Stalls selling hot food do not qualify for the half pitch reduction.