

## Chichester District Council

### GENERAL LICENSING COMMITTEE

21 October 2015

### Street Trading Guidance – Changes to charges and Restrictions on Stall Numbers

#### 1. Contacts

Laurence Foord, Licensing Manager,  
Tel: 01243 534742 E-mail: [lfoord@chichester.gov.uk](mailto:lfoord@chichester.gov.uk)

Peter Legood, Valuation and Estates Manager  
Tel 01243 534668 E-mail [plegood@chichester.gov.uk](mailto:plegood@chichester.gov.uk)

#### 2. Recommendation

- 2.1. That Committee authorise officers to revise the Street consent guidance to provide for the recovery of costs as indicated at paragraphs 5.3 to 5.6 of the report and to permit street trading by smaller groups of stalls subject to the issue of a trading consent by the Licensing Team which reflects the other criteria of the Street Trading Consent Guidance.**

#### 3. Background.

- 3.1. At its meeting held on 3 March 2015 Cabinet considered matters relating to markets and street trading and resolved
- (a) That the relocation of the Traders Market to the Chichester City Centre Precincts is explored and that consultation is undertaken with key partners and a further report then submitted to Cabinet
  - (b) That a review of charges for the grant of street trading consents is undertaken and referred to the General Licensing Committee for consideration and approval.
  - (c) That the General Licensing Committee be asked to review the Street Trading Guidance regarding the number of stalls for which a street trading licence may be granted.
- 3.2. A consultation has been undertaken regarding resolution (a) and this report is in response to resolutions (b) and (c).
- 3.3. In addition to the Traders Market which is currently held in the Cattle Market Car Park, other markets, including the Farmers Market, the Christmas Market and the Summer Garden Market, are held in the Chichester pedestrianised precincts. These streets have been designated consent streets for Street Trading purposes and the markets held in the precincts are permitted by way of a street trading consent granted to the operator in accordance with the Council's Street Trading Consent Guidance which was approved in 2006.

- 3.4. The fees specified in the Street Trading Consent Guidance were designed to recover administrative costs. Since being set there have only been inflationary increases to the fees charged. These charges do not, however, recover the full costs of dealing with all related recoverable sums as provided under legislation on discretionary service charges. Staff in the Environmental Health/Licensing, Legal, Economic Development, Health and Safety and Estates Teams contribute much time to managing markets and trading in the precincts and many of these costs could be recovered through street trading charges.
- 3.5. Local authorities are under a general duty to secure that, from one financial year to the next, the income from charges for services does not exceed the costs of provision (section 93(3), LGA 2003). This approach allows a local authority greater flexibility to balance their accounts over a period of time and recognises the practical difficulties for a local authority in estimating the charges for a service such as markets at the outset.
- 3.6. A local authority must offset any surplus or deficit in income as a result of any over or under recovery of charges when setting future charges for any discretionary service. This ensures that over time the income generated by the service equates to the cost of providing that service.
- 3.7. Research has been undertaken as to charges made by other Council's for similar street trading consents and there is general evidence of charges being set at the full value of the consent to the trader. Winchester City and Havant District Council's both operate general markets in their City/town centre precincts and charge rates that are comparable with the stall fees charged for the non-highway market that operates in Chichester.
- 3.8. Different types of market and different forms of street trading are likely to be able to bear different levels of fee. For example the current level of fee is appropriate for the Farmers market whereas the Christmas and Garden markets are likely to be able to bear street Trading consent charges that are largely in line with the level of the fee paid by the operator of the Traders Market. Having regard to this it is suggested that the revised Guidance provides scope for the Officers to negotiate the level of charges having regard to the viability of proposed use.
- 3.9. Also the Current Guidance does not permit the grant of a street trading consent unless it is for the operation of a market of at least 10 stalls. It is considered however that this is too restrictive and that there is scope for consents to be granted for smaller groups of stalls for the sale of goods or promotional purposes subject to the other criteria in the guidance being satisfied.

#### **4. Options**

- 4.1. Current street trading charges are based on £105 for a one day event plus £53 for each additional day and £26 for Council run events. These are the charges for the whole market and the table set out in Appendix 2 (confidential Part 2) illustrates the levels of charges and income that could be achieved against the current rates of charge

## 5. Proposal

- 5.1. That the committee approves the revision of the Street Trading Guidance to permit street trading by smaller groups of stalls subject to the issue of a trading consent by the Licensing Team which reflects the other criteria of the Street Trading Consent Guidance.
- 5.2. That Committee authorise officers to revise the Street Trading Consent Guidance to provide for the recovery of costs as indicated at paragraphs 5.3 to 5.6 below.
- 5.3. That future charges for markets held in the precinct be at a tendered or negotiated level of fee.
- 5.4. That for smaller groups of stalls a new scale of charges be established based on a price per stall. Charges to range from £40 to £100 per day and £500 to £1,500 per year depending on the circumstances and use.
- 5.5. That the Farmers Market, markets forming part of a Council event and those permitted for charitable purposes retain the current level of charges.
- 5.6. Stalls for charitable or voluntary purposes to be charged at a rate to recover administrative charges only.

## 6. Resource and legal implications

- 6.1. The Council is able to make higher charges in order to recover the full costs of matters associated with street trading and markets and many other Councils are setting their charges at much higher levels than Chichester's current level of charges.
- 6.2. There will be officer time involved in dealing with street trading consents but that is already the case. Additional income will contribute to the costs of dealing with increased applications if additional markets are held in the precinct and the current stall number restriction is relaxed.

## 7. Consultation and review of policy

- 7.1. There has been consultation with Businesses, Traders and residents regarding the location of the traders market but the matter of charges for street trading consents has not been a specific part of that.

## 8. Other Implications

Are there any implications for the following?		
	Yes	No
<b>Crime &amp; Disorder:</b>		✓
<b>Climate Change:</b>		✓
<b>Human Rights and Equality Impact:</b>		✓

<b>Safeguarding:</b>		✓
----------------------	--	---

**9. Appendix**

- 9.1. Appendix 1 – Current Street Trading Consent Guidance
- 9.2. Appendix 2 - Indications of potential levels of charges and income (Part 2 – confidential)

**10. Background Papers**

- 10.1. None.