

APPENDIX 1

Street Trading Policy

Consultation process

The proposed consultation process increases the visibility of applications to local residents. A yellow, A4 sized notice will be prominently displayed within 50 metres of the proposed location. The notice will give details of the proposed consent including type of business, trading days and hours and how to comment on the proposed consent. This plus the use of existing mechanisms for consulting with district councillors, town and parish councils will ensure that all parties that may be affected by a street trading business can have their voices heard. The county highways department, Thames Valley Police and the Fire and Rescue Service, will consider all applications. Any objections on the grounds of highway safety will lead to the rejection of an application (Highways Act 1980, Section 147a).

Peripatetic street traders

There is clear case law confirming that ice cream vans and similar fall within the remit of street trading. The council does not currently require street trading consents for ice cream or sandwich sellers operating in the district. It is proposed to bring these businesses under the street trading consent system but to avoid the requirement for a consultation. This reflects the limited impact of such traders upon any single location. Peripatetic street traders must comply with additional restrictions to minimise any potential impact upon residents or local people. These restrictions include: maximum wait of 20 minutes in any location and no trading within 100 metres of a school entrance.

Fee structure

The new policy encourages all applicants to make informal contact with the licensing team prior to formally submitting an application. This will enable officers to advise applicants regarding the likely success of an application at a given location or for a particular activity.

Activity	Proposed Fee	Notes
Application for consent (per location)	£300	Non-refundable
Issue of consent (new or renewal) per annum	£400	
Administration fee for changes to existing consents	£30	

The council does not currently charge a separate application fee. An analysis of the costs of issuing consents shows that a substantial amount of officer time is spent on the original application and consultation process. The current fees are set to recover this cost as part of the overall consent fee. It is proposed to set a separate application fee and an annual fee for the issuing of the consent. An application fee of £300 is proposed to cover the licensing officer time and travel involved in undertaking the consultation process and erecting notices on site. This fee would be payable upfront

as part of any formal application and would be non-refundable. A calculation of the costs of administering and enforcing existing consents puts the cost at £400 per annum. This fee would be payable for the issuing or renewal of any street trading consent. A £30 fee is proposed to cover any administrative changes or updates required to consent documents for example change of vehicle or owners address.

Reduction in income

Currently, South charge an annual fee of £1200 per consent. There are currently 12 street trading consents giving a combined income of £14,400.

If the council adopts a fee structure based solely on cost recovery as proposed then there will be a reduction in income of £9,600 to £4,800 during 2014/15 as existing consents end and are renewed at the new level. The introduction of a new licensing software system and efficiencies from new processes and procedures has allowed a revision of the fee structure and level.

S9 (1) Local Government (Miscellaneous Provisions) Act 1982 states that a council may determine such fees as they consider reasonable for the grant or renewal of a street trading consent.