

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Draft Street Trading Policy and Conditions 2016

DIRECTORATE: Chief Executives

MEETING: Licensing and Regulatory Committee

Date to be considered: 9th February 2016

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider proposals to update the Authority's Street Trading Policy and Conditions 2016.

2. RECOMMENDATIONS:

- 2.1 Members determine whether fees should be retained or if fees in whole, or in part, should be waived for fetes, carnivals and similar community based, charitable and non-commercial events, as referred to in Section 9 of the Draft Street Trading Policy and Conditions 2016 attached as Appendix A.
- 2.2 Members approve the revised policy and conditions for Street Trading, attached to this report as Appendix A.

3. KEY ISSUES

- 3.1 The current policy and conditions for street trading were adopted at the Licensing and Regulatory Committee on 17th June 2014. A revision of this policy has taken place following the introduction of day street traders and block street traders since 2014. The proposed policy has been amended with a view to promoting the vibrancy of trade within Monmouthshire along with ensuring public safety is met.
- 3.2 An Issue that has arisen since the current policy was adopted in 2014 is the requirement to pay a fee for fetes, carnivals and similar based, charitable and non-commercial events. Prior to 2014 the option to conduct street trading was to apply for an annual consent only for one pitch, and it was felt that it was onerous to expect a person to pay for an annual consent if they only wished to trade for a day. Similarly, block street trading consents were issued to allow a consent holder to recharge to individual stall holders to reduce costs. As such the ability to trade for a day and block street trading was introduced.
- 3.3 A street trading consent is required for any person exposing or offering items for sale in any street, road, footway or other area which the public have access without payment (including private land). This means, there is no exemption from the requirement to hold a street consent for those persons who organise community/charitable events, and therefore the Authority has a duty to issue a street trading consent if trading takes place.
- 3.4 All Licensing fees have been set on a cost recovery basis, as is required. The fee proposed for 2016-17 for new applications for Day Street Trading is £43.00 and £122 for a Block Day Street Trading Consent based on a cost recovery exercise. In 2015 this Authority processed 4 day street trading consents and 2 block day

street trading consents. If fees are waived, as mentioned in 2.1 above, and similar events are conducted in 2016, the service for these consent types could see a potential loss of £416 to the Licensing Section.

- 3.5 Furthermore, it could be argued that if waiver of fees are granted in 2.1 above, those existing/proposed Block Annual Street Trading Consent holders who organise regular events, would seek a reduction in fees as some of the traders they permit to trade (under the umbrella of their consent) are no longer required to pay a fee. Currently we have one Annual Block Street Trading Consent for Chepstow Town Centre, (the proposed fee for a renewal of an annual block street trading consent for 2016-17 is £469). There is a proposal of a possibility of an application for an Annual Block Street Trading Consent for Abergavenny, Monmouth, Caldicot and Usk Town Centres along with Caldicot Castle. The proposed fee for an initial application for annual block street trading consent for 2016-17 is £700, so a potential loss of $5 \times £700 = £3,500$. As such, there could be further losses to the Licensing Section who still have to carry out the processing of these Street Trading Consents.

4. REASONS

- 4.1 To provide a revised policy for Street Trading Consents, revising the previous 2014 policy, to ensure vibrancy to the County and fair and appropriate standards for traders.

5. RESOURCE IMPLICATIONS

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

- 6.1 The 'Future Generations' template is attached as Appendix B. The updated policy will provide consistency and fairness for existing and future street trading

7. CONSULTEES:

None.

8. BACKGROUND PAPERS:

Local Government (Miscellaneous Provisions) Act 1982

9. AUTHOR:

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