



ISLINGTON

Environment & Regeneration
222 Upper Street, London N1 1XR

Report of : Assistant Director of Environment and Regeneration - Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	29 January 2007	B1	All
Delete as appropriate			Non-exempt

Street Trading Account – Review of Fees and Charges:

Statute: Section 32 of the London Local Authorities Act 1990 (as amended)

1 Synopsis

- 1.1 The report outlines proposals for an increase in the Street Trading fees and charges with effect from 1 April 2007.

2 Recommendations

- 2.1 To agree the proposed increases to the fees and charges as outlined in Appendix 1.
- 2.2 To agree that the new fees come into effect from 1 April 2007.
- 2.3 To conduct a review of the fees in September 2007

3. Background

- 3.1 The Street Trading Account is a ring-fenced account that must be used to finance all activities relating to that area.
- 3.2 Last year Members agreed a street trading fee increase which came into effect on the 1 January 2006. Prior to that, there had been no increase to the fees since the last general increase in 2003.
- 3.3 The account is reviewed annually, normally around month 8 of the accounting period, and the proposed increases are necessary to ensure that the account does not go into deficit in the period 2007/8.
- 3.4 The fees outlined in Appendix 1 have in most cases been calculated by adding a figure of approximately 8.7% to the existing fees. For example for the most expensive pitch in Chapel Market this equates to a weekly rise of £5.00 (83 pence per day for someone trading 6 days a week). The exceptions to the 8.7% rise are as follows:

- Emirates Stadium (Arsenal) Area - We are proposing to have two price bands (food and no-food). Non food prices have increased by 5% and food prices have increased by 32%. The fee increase around the Emirates stadium reflects the dramatic increase in officer time spent around the stadium on match days. Arsenal traders are benefiting from the clubs successful run in Europe and domestic cups. Traders are also able to operate when internationals are played at the Emirates stadium. The fee is in line with other successful Premiership clubs.
- Emirates Stadium (Private Land) – After listening to consultation, we are proposing two price bands (food and non food). The fees are 50% of those that apply to trading on the highway.
- Exmouth Market – Increase of 11%
- Shopfront Licence – Increase of 5%
- Whitecross Street – No increase. - Whitecross Street is currently subject to major street landscape improvements as part of EC1 NDC. In addition to the improvements, an economic study has been commissioned, and one of the remits of the study is to look at the current fee structure for Whitecross Street and to make recommendations as to future charges.
- Administrative Charges – New price band - depending on length of licence.

3.5 Consultation

- 3.5.1 In accordance with Section 32(7) of the London Local Authorities Act 1994 a notice giving details of the proposed charges was published in the Islington Gazette on Thursday 20 December 2006 - See Appendix 2. In addition to the Public notice each licensee was notified in writing of the proposed charges. - See Appendix 3.
- 3.5.2 We have received 7 letters objecting to the fees increase. These letters come from 2 main sources, Chapel Market traders, and the traders around the new Emirates Stadium. Copies of those letters and the responses from the Council are attached as Appendix 4 – 10. As a result of the consultation we have proposed a new price band for Emirates Stadium (Private Land) Non -food (see 3.4 above).
- 3.5.3 In addition, the Street Trading section also met with the Chapel Market Stallholders Association to discuss the proposals. As a result of the meeting, the following actions were agreed by the Service Manager:
- Recommend that the new charges are not implemented until 1 April 2007
 - Continue negotiation with ICSL regarding charges made to the account.
 - Undertake a further review of other charges to the account
 - Review the fees within 6 months of implementation
 - Review the effective use of Street Trading Resources
 - Examine the implications of introducing Monday trading in Chapel Market
 - Supply a breakdown of income and expenditure to the Association

4 Implications

4.1 Finance Implications

- 4.1.1 The Street Trading account in 2006-07, for month 8, shows a deficit of £10k. A review of Income, specifically Debt recovery, is currently taking place and it is hoped that this exercise will reduce this deficit.
- 4.1.2 Further work is planned to identify the individual streams of income generated under the Street Trading umbrella. These include the Emirates Stadium (Arsenal), Emirates Stadium (Private Land), Shopfront Licences, Street Trading and street trading administrative charges.
- 4.1.3 The report recommends an increase for Fees and Charges of approximately 8.7% exceptions to this are outlined within the report. This increase is expected to generate income amounting to £612,585 as set out in the Public Protection Estimates for 2007-08 for Street Trading.
- 4.1.4 This is a Trading Account and should therefore break even each year. If the income target is not reached a review identifying savings within Expenditure will have to be carried out.

4.2 Legal Implications

- 4.2.1 A borough council may charge such fees for the grant or renewal of a street trading licence under this Part of this Act, the grant of a temporary licence or for the variation at the request of the licence holder of the conditions of a street trading licence as they may determine and as may be sufficient in the aggregate to cover in whole or in part the reasonable administrative or other costs in connection with their functions under this Part of this Act, not otherwise recovered.
- 4.2.2 A borough council may recover from licence holders such charges as may be sufficient in the aggregate taking one year with another to cover the reasonable costs, not otherwise recovered, of:
- (a) The condition, removal and disposal of refuse or other services rendered by them to such holders; and
 - (b) The cleansing of streets in which street trading takes place in so far as that cleansing is attributable to such trading; and
 - (c) Any reasonable administrative or other costs incurred in connection with the administration of this Part of this Act; and
 - (d) The cost of enforcing the provisions of this Part of this Act.
- 4.2.3 A borough council may determine:
- (a) that charges under subsection 4.2.2 above shall be included in a fee payable under subsection 4.2.1 above; or
 - (b) That they shall be separately recoverable.

- 4.2.4 A borough council may:
- (a) Require that every application for a licence under this Part of this Act be accompanied by the whole or part of the fee determined under subsection 4.2.1 above; and
 - (b) Determine that the fee may be paid by instalments.
- 4.2.5 Where a borough council refuse to renew a licence they shall repay to the person who made the application therefore the amount of such fee paid by him.
- 4.2.6 A borough council may determine the fees to be charged on the grant of a temporary licence under section 31 (Temporary licences) of this Act, and in doing so they shall have regard to the matters specified in subsection 4.2.2 above and such fees shall be included in the computation for the purposes of determining the fees and charges under subsections 4.2.1 above.
- 4.2.7 Before determining charges to be made under subsection 4.2.2 above (whether originally or by way of variation of charges previously determined) a borough council:
- (a) Shall give notice of the proposed charges to licence holders or to a body or bodies representative of them; and
 - (b) Shall publish notice of the proposed charges in a newspaper circulating in the area in which the licence street or streets in respect of which the charges will be applied is situated.
 - (c) A notice under subsection 4.2.7(a) above shall be accompanied by a statement showing how the proposed charges have been computed; and any body representative of licence holders may request the borough council to supply such further information or explanation with regard to the proposed charges as the body may reasonably required in order to ascertain whether the proposed charges are reasonable and have been computed in accordance with the provisions of this section.
- 4.2.8 A notice under subsection 4.2.7(a) above shall specify a reasonable period being not less than 28 days from the date of publication of the newspaper referred to in subsection 4.2.7(b) above within which written representations concerning the proposed charges may be made to the borough council
- 4.2.9 It shall be the duty of a borough council to:
- (a) Consider any such representations which are made to them within the period specified in the notice and (b) comply with any request made under subsection 4.2.7(c) above; and where any such request is made the period so specified. If still current, shall be treated as extended by the number of days in the period beginning with the day on which the request is made and ending with that on which it is complied with.
- 4.2.10 When a borough council have determined fees under subsection 4.2.1 above or charges under subsection 4.2.2 above (whether originally or by way of variation of fees or charges previously determined) they shall give notice of the fees or charges so determined and of the date on which those fees or charges are to be brought into effect in the manner prescribed in subsection 4.2.7 above.

4.3 Equalities implications

The revenue from the fees and charges will be reinvested in street markets. This will hopefully lead to regeneration of activity in some of these areas, providing more opportunities and choice for local residents and assisting the local economy.

Background papers:

Appendix 1 -Proposed Fees

Appendix 2 –Notice in Islington Gazette

Appendix 3- Letter to traders re increase.

Appendix 4-10 Letters from Traders and response from Street Trading

Final Report Clearance

Signed by

Assistant Director of Environment and
Regeneration - Public Protection

Date

Received by

Head of Democratic Services

Date

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