

**Report of: Assistant Director of Environment and Regeneration – Public Protection**

<b>Meeting of:</b>	<b>Date</b>	<b>Agenda item</b>	<b>Ward(s)</b>
<b>Licensing Regulatory Committee</b>	<b>1 October 2008</b>	<b>B2</b>	Junction

<b>Delete as appropriate</b>		Non-exempt
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## **SUBJECT: Setting of Weekly Fees for the Archway Market**

### **1. Synopsis**

- 1.1 The report outlines a proposal to set the fee structure for the Archway Market. The market was relocated by the council after being evicted from its previous site. It is now settled in this new location and is a popular resource within the local community.

### **2. Recommendation**

- 2.1 To agree the proposed fee structure for Archway Market, to be effective from the 6<sup>th</sup> October 2008.

### **3. Background**

- 3.1 The Archway Market started in September 2006 and was originally located on an area of land adjacent to Junction Road, which is privately owned. Ms Smith, the founder of Archway Market, held a temporary street trading licence for that location which allowed her to operate a market consisting of up to 30 traders on each day from Wednesday to Sunday inclusive. Ms Smith however chose to operate only on a Thursday and Saturday.
- 3.2 In July 2007, Ms Smith was given notice by the land owner informing them that they would need to find another location. The Notice stated that the last trading day on the Archway Mall was to be 18 August 2007.
- 3.3 The Council was committed to continuing what is considered a valued local asset and the Street Trading team worked with them to find an alternative location. The carriageway in St John's Grove and the footway outside 619 – 639 Holloway Road were selected for the new site.

- 3.4 The market was granted a temporary licence to operate there whilst the necessary formal consultation took place to officially designate the two areas for street trading purposes. This was so that the operation of the market was not interrupted and could move to this location on the 25 August 2007.
- 3.5 On 5 December 2007, a proposal was brought before the Licensing Regulatory Committee to designate part of the footway, outside No 619 – 639 Holloway Road, N19 on Thursdays from 12pm to 6pm, and Saturdays from 9am until 6pm, and in the carriageway of St John’s Grove, within the pay and display bays located outside of the church and on Saturdays from 9am until 6pm. The proposal was agreed by the Committee, with conditions.
- 3.6 There is no fee scale applicable to such a site as Archway Market is unique. At present, Ms Smith is charged £25.00 per week which is in line with Band B of the private land fees and charges. Private land licence holders are permitted to have as many pitches as they can without encroaching onto the public highway. The market currently trades with approximately 4 stalls on Thursdays and 15 on Saturdays. There is the potential to have more than this number and therefore it is proposed that the following fee scale be adopted:-

1 to 20 Traders	£26.00 per week
Between 20 & 25 Traders	£30.00 per week
Between 25 & 32 Traders	£40.00 per week

- 3.7 The number of traders per week would be calculated over the two trading days. This will be monitored by Street Trading.
- 3.8 If agreed, it is proposed that the new fee structure should come in to effect on 6 October 2008.

## 4. Implications

### 4.1 Financial implications

4.2 The report recommends a Fees and Charges structure for Archway. The fees have been set out and represent a lower than normal charge if using the current fee structure. Any income generated will be credited to the Street Trading Account.

4.3 This is a Trading Account and should therefore break even each year. If the income target of £605k, as set out in the Public Protection Estimates for 2008-09, is not reached a review identifying savings within expenditure will have to be carried out.

### 4.4 Legal implications

4.5 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.

4.6 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
- 4.7 A borough council may determine:
- (a) that charges under subsection 4.6 above shall be included in a fee payable under subsection 4.5 above; or
  - (b) That they are separately recoverable.
- 4.8 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 4.5 above; and
  - (b) Determine that the fee may be paid by instalments.
- 4.9 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.
- 4.10 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 4.6 above and such fees shall be included in the computation for the purposes of determining the fees and charges under subsections 4.6 above.
- 4.11 Before determining charges to be made under subsection 4.6 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 4.12(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 require in order to ascertain whether the proposed charges are reasonable and have been computed in accordance with the provisions of this section.
- 4.12 A notice under subsection 4.12(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 4.12(b) above within which written representations concerning the proposed charges may be made to the borough council
- 4.13 It shall be the duty of a borough council to:
- 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 4.12(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.
- 4.14 When a borough council have determined fees under subsection 4.5 above or charges under subsection 4.6 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 4.12 above.

