

**MAIDSTONE BOROUGH COUNCIL**

**LICENSING COMMITTEE**

**21 MARCH 2013**

**REPORT OF HEAD OF DEMOCRATIC SERVICES**

**Report prepared by Neil Harris**

**1. STREET TRADING CONSENT FEE STRUCTURE**

1.1 Issue for Decision

1.1.1 To consider the responses to the Street Trading Fee Structure Consultation and as a result a proposed change to the fee structure for short term consents to individual traders.

1.2 Recommendation of the Head of Democratic Services

1.2.1 That the fee structure for applications for individual stalls, as agreed at the last meeting, be amended to the following:-

Up to 12 days - £30  
Up to 30 days - £65  
Up to 90 days - £180  
Full year consent - £385

1.3 Reasons for Recommendation

1.3.1 At your last meeting you agreed to consult on amending the current fee structure for Farmers Markets to be extended to include applications for individual stalls and that the price would be on the same basis as for Farmers Markets namely:-

Up to 12 days - £30  
13 to 23 days - £185  
24 days and more - £385

A consultation was undertaken and a number of responses were received and all were supportive of the proposal to introduce this change to the fee structure.

1.3.2 However, a comment was raised on whether the applicants could have more than one application for twelve days in a single year and were

there any restrictions on the number of twelve day applications that could be made by each applicant. The intention of the proposal was that it should only be one application for twelve days within a single year. However, the twelve days could be taken as a block and then expanded to the whole year if required or could be taken as individual days, possible one per month, or grouped into three days per quarter.

- 1.3.3 However, in considering this proposal again resulting from this enquiry, it was felt that perhaps to be more helpful to applicants if the fee structure could be amended by making it more flexible in terms of the number of days that could be taken within a single year. Therefore, on the basis that the application is for one year and for one applicant, it is suggested that applicants could apply for a consent for up to 30 days or for 90 days as an additional option to the original 12 days. This would give a greater flexibility throughout the year if they wished to trade on specific days only, or would give them a longer period of settling in to see whether they would wish to continue on a long term basis for a whole year.
- 1.3.4 It was also felt that as part of this process it would be appropriate for the applicant to indicate, in their application, whether they intended their application to be for a trial period with the intention of possibly expanding to a whole year or whether it was for specific days within a year. As an example, if they only wished to trade one day in a month that would require twelve day permission. However, if they wished to trade every Saturday that would be fifty two days which would require permission for up to ninety days. It is important when applying that the applicant makes the Council aware that, if successful, they might seek an extension to a whole year so that consultees are aware that this is a potential change to their application and can comment.
- 1.3.5 It is felt that these changes in the fee structure will again give further flexibility in the scheme and in the same way as the proposal consulted upon encourage additional traders trading on a set pattern of days or encouraging new people to try their business in the Maidstone area to potentially expand to the whole year and thereby helping to introduce a vibrant street atmosphere within Maidstone.
- 1.3.6 It is felt that this particular change follows the theme of the change consulted upon and that there is, therefore, no need for further consultation. It is suggested that if Members agree that this proposal be introduced the change to the fees takes place from 1 April 2013.

#### 1.4 Alternative Action and why not Recommended

- 1.4.1 If the Committee decides it does not wish to make any changes as proposed in this report the fee structure as previously approved for consultation at the last Committee could be introduced. However, this

could have a restrictive effect on street trading which is eliminated from the current structure and original proposal by the changes suggested within this report.

1.5 Impact on Corporate Objectives

1.5.1 It is felt that this change in the fee structure could encourage new business into the area, thereby helping to create a more vibrant economy in the Maidstone area and supporting local business / traders.

1.6 Risk Management

1.6.1 There are no particular risks with regard to this change and in fact it will hopefully encourage new business to the area. The process of an application other than fee charge and indication of days trading and intention will not change.

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

X

1.7.2 It should be noted that the cost of administering the applications for the lower number of days consents as detailed in the report is more than the fee charged but this should be weighed against the encouragement given to new businesses. Additionally there will be no significant financial implications because of the increased number of applications received leading to more full applications and less applications being aborted and the fee needing to be refunded.

1.8 Relevant Documents

Street Trading Consent Policy report to Licensing Committee on 24 January 2013.

1.8.1 Appendices

None

1.8.2 Background Documents

None

**IS THIS A KEY DECISION REPORT?**

Yes

No

If yes, when did it first appear in the Forward Plan?

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This is a Key Decision because: .....

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Wards/Parishes affected: .....

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