

**MAIDSTONE BOROUGH COUNCIL**

**LICENSING COMMITTEE**

**24 JANUARY 2013**

**REPORT OF HEAD OF DEMOCRATIC SERVICES**

**Report prepared by Neil Harris**

**1. STREET TRADING POLICY**

1.1 Issue for Decision

1.1.1 To consider proposals for encouraging street trading under consents granted by MBC, by introducing a change in the fee structure for short term consents to individual traders seeking to trade for only a few days within a year.

1.2 Recommendation of the Head of Democratic Services

1.2.1 That consideration be given to the current fee structure for Farmers Markets being extended to include applications for individual stalls and that the pricing be on the same basis as set out below:-

Up to twelve days - £30.

Thirteen to twenty three days - £185.

Twenty four days and more - £385.

1.2.2 That in light of the significant change to treatment of consent applications which would result from the proposed change in the fee structure set out above that the proposal for change be subject to a 4 week consultation and that the matter is reported back to committee if any objection is received, otherwise the change is implemented from 1 April 2013 by the Head of Democratic Services.

1.3 Reasons for Recommendation

1.3.1 The Council has recently received a number of requests for a consent to street trade for a limited numbers of days within a year or for short periods at specific times of the year such as Christmas. These requests have been received mostly in respect of Jubilee Square and Fremlin Walk but also for other parts of the town.

- 1.3.2 Currently the position is that a consent can be granted for any period not exceeding 12 months. However, any application received to trade on the street, unless it is a farmers market, would be charged in accordance with the set fee for the full year of £385 per annum. It is felt that this has probably deterred applications in the past.
- 1.3.3 It is felt that to encourage this type of enterprise the fee structure for these types of individual applications could be changed to reflect the same fee structure as farmers markets which have reduced fees for number of days per year and to encourage their existence.
- 1.3.4 It is expected that the type of trader applying to use this provision could be a trader wishing to see whether their product would sell within the Maidstone area. Therefore, to apply on this short term basis would allow them to test the market to see if their product would succeed. If successful they could expand the number of trading days for which they wish to hold to one of the higher charging consent fees an annual consent. The application could then be charged for a 12 -23 consent at £185 minus the £30 already paid or an annual consent the full fee of £385 minus the £30 already paid etc. It is felt that this would encourage new people to try their business in the Maidstone area which could help to introduce a vibrant street atmosphere.
- 1.3.5 Whilst the proposal relates to a change in fee structure it is felt that it is a significant change to the treatment of consent applications which before implementation should be subject to consultation with our normal street trading consultees, Councillors, trader bodies and on the website for public comment. It is the intention that I would report back to committee if an objection is received during the consultation period or implement the fee change from 1 April 2013 should no objection be so received.

#### 1.4 Alternative Action and why not Recommended

- 1.4.1 If it was decided to make no changes to the current fee structure, new traders would be forced to take out a full annual consent to trade lawfully, which could deter them from applying. Additionally whilst this does not relate to pedlars the legislation being proposed in the BIS Consultation paper will amend the Council's Street Trading Consent Policy.

#### 1.5 Impact on Corporate Objectives

- 1.5.1 It is felt that a 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 in fact it will hopefully encourage new business to the area. The processing of an application, other than fee charged, will not change.

1.7 Other Implications

1.7.1

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

1.7.2 It should be noted that the cost of administering the £30 fees is more than the cost of issuing the consent but this should be weighed up by 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. (I am not sure that this argument entirely works as each fee pays for itself with no profit element, so increased applications do not make up a shortfall, although reduced refunds would). The fee of annual licences will not be increased to make up any shortfall.

1.7.3 Legal implications are dealt with in the report.

1.8 Relevant Documents

Current Street Trading Consent Policy

1.8.1 Appendices

**IS THIS A KEY DECISION REPORT?**

Yes

No

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

.....

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

.....

Wards/Parishes affected: .....

.....

1.8.2 None.

1.8.3 Background Documents

1.8.4 None.