

CITY OF PLYMOUTH

Subject: Street Trading Report

Committee: Licensing Committee (Miscellaneous)

Date: 22 February 2011

Cabinet Member: The Leader

CMT Member: Director for Development and Regeneration

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Part: I

Executive Summary:

This report seeks to set the process for issuing Consents for the 2011/2012 trading year.

Corporate Plan 2010-2013

This report links to the delivery of the corporate priorities defined in the Corporate Plan. In particular:

- 1 Create a vibrant City Centre and support schemes that give renewed life to the City.
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Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Street Trading is operated under the Local Government (Miscellaneous Provisions) Act 1982. The Council's policy is to administer street trading as a trading account and to finance all expenditure from the Consent fees. All activities including enforcement, administration, stall maintenance and improvements are financed from the Street Trading account. Progress now needs to be made to generate applications and issue Consents to maintain this income stream for the 2011/2012 financial year.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, etc.

The issuing of Street Trading Consents under the Council's street trading policy ensures that all Consent holders are properly licensed and operate in a hygienic and safe manner within the street trading policy guidelines. It also finances the management of Street Trading enforcement.

Recommendations and reasons for recommended action:

It is recommended that:

- I. The Consent dates for 2011/2012 are approved.
- II. The proposed new site identified as Sundial/Armada Way opposite MadHouse known as Sundial West (as shown on map in Appendix 1) is approved.

- III. Long standing vacant sites 1A and 1B at Frankfort Gate and Ice Cream site at James Street, Devonport are removed.
- IV. The consent fees set out in Appendix 2, for 2011/2012 are approved.
- V. The Assistant Director for Economic Development has delegated authority to approve, within Committee policy the issuing of Consents to existing city centre traders seeking to continue trading during 2011/2012.
- VI. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders for vacant sites.
- VII. The Assistant Director for Economic Development has delegated authority to approve within Committee policy short-term street trading consents in association with other city centre events and commercial activity.
- VIII. The Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
- IX. Authority is delegated to the Licensing Sub Committee (Miscellaneous) to hold a special meeting in March 2011 to allocate Ice Cream Consent sites.

Reason for recommendations:

These actions are recommended as the quickest option in facilitating the process of renewing Street Trading Consents for the start of the 2010/2011 trading year and maintaining the income stream.

Alternative options considered and reasons for recommended action:

The authority to renew annual Consents and set Consent fees be referred to the Licensing Committee for approval. This would take up Committee time on routine renewals and due to Committee timetables would slow down renewal process which could result in a loss of income.

Background papers:

Sign off:

Head of Fin		Head of Leg	AG/10802/9.2.11	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 INTRODUCTION

- 1.1 The Council operates a scheme under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for the control of Street Trading in the City Centre, the Hoe and Barbican areas, and the James Street and Pottery Road/Ferry Road areas of Devonport.
- 1.2 Under the scheme certain streets have been designated “Prohibited Streets” where Street Trading (with limited exceptions such as news vendors) is totally prohibited and other “Consent Streets” where Street Trading is permitted only with the consent of the Council. Within the designated areas the monitoring and enforcement of the Terms and Conditions of Street Trading licences and the prevention of unauthorised Street Trading is undertaken by enforcement staff, funded in part from the Street Trading Consent fees.
- 1.3 The Council has identified 19 sites or locations within the designated Consented Streets where it will grant Street Trading Consents comprising:
- 11 sites, in the pedestrianised City Centre.
 - 7 locations in the Hoe area, for the sale of ice cream from mobile vans.
 - 1 site in the City Centre from a mobile unit for the sale of ice cream
- 1.4 The purpose of the report is:
- (a) to set the consent dates and fees for 2011/2012.
 - (b) To approve proposed new sites and site changes.
 - (c) to ask that the Assistant Director for Economic Development be given delegated powers to approve the issuing of Consents.
 - (d) To ask that the Assistant Director for Economic Development be given delegated authority to approve short-term street trading consents in association with City Centre events, commercial activity or those which enhance the vibrancy of the street scene.

2. Duration of Consents for 2011/2012

- 2.1 It is proposed that all City Centre Consents commence on Monday 21st March 2011 and end on Sunday 19th March 2012
- 2.2 It is proposed that all Hoe ice cream sites (vans) commence on 31st March 2011 until 30th March 2012

3. Consent fees for 2011/2012 background

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 (Sch 4 para 9) provides that a Council may charge fees as it considers reasonable for the granting or renewal of Street Trading Consents. In particular, it may take account of the duration of the Consent, the street in which it authorises trading and the description of articles in which the holder is authorised to trade

- 3.2 The Council's policy is to administer its street trading scheme as a trading account and to finance all of its expenditure on street trading from the consent fees. The Council cannot, however, budget to make a profit on its street trading activities. Therefore the overall budgeted level of consent fee income must not exceed the amount that the Council reasonably consider will be required to cover the total cost of operating the scheme, including the cost of taking criminal and/or civil proceedings against those who trade without consent
- 3.3 The fee structure for Street Trading within the city centre and the fees for the Ice cream sites in the Hoe area were set many years ago with the last price increase being in 2008. Fees have been held in order to support traders through difficult times; however, the current fees do not reflect the current day market. Shopping patterns have changed and the footfall within the area has undergone many changes due to the opening of Drakes Circus, the re-development of the West End and the closure of some large retail outlets such as Derrys and Woolworths. This has resulted in the loss of income through vacant sites and temporary sites. In order to address this loss of income there is a need now to consider the introduction of new sites and the need to review and revise the fee structure which in some instances is unrealistic in to days market

3.4 Consent Fees for 2011/2012

- 3.4.1 Current consent fees are set out in Appendix 2 to this report. Appendix 2 also sets out the proposed fees structure for the trading year 2011/2012 and the following are explanations of the proposed new fee structure.
- 3.4.2 Sites 2B and 2D at the Waterstones, New George Street location are recommended to both be set at the same fee with a 5% increase on the previously charged fee for these sites. (Fee details shown in red in Appendix 2)
- 3.4.3 Site 9 at Waterstones, New George Street location is also recommended to be set at the same level as 2B and 2D bringing the fees for these three sites in line and set at a level that can be supported by footfall in this area. The occupant of this site was relocated temporarily during the redevelopment of the West End. During the temporary relocation the occupant continued to pay the same site fee as was paid for the previous location of Site 9 (£6,925) but now that this site has been permanently located in the Waterstones area of New George Street it is considered that in the interests of fairness in relation to the footfall in this area the fee should be the same as for sites 2B and 2D (Fee details shown in red in Appendix 2).
- 3.4.4 Sites 3A and 4A are recommended to both be set at the same level to reflect the similar footfall for these sites. The fee for site 3A is recommended to be increased by 5% over the current consent fee level. The fee for the site at 4A located in Old Town Street is currently set at £2,272 which is much lower than the similar site (3A) and does not reflect the increased footfall since the opening of Drake Circus. Therefore it is recommended that this site fee should be set at the same level as site 3A Bedford Way (Royal Parade) with a 5% increase for the year 2011/2012. (Fee details shown in blue in Appendix 2).
- 3.4.5 Site 3B Bedford Way (New George Street) is recommended to have a 5% increase on the previously charged consent fee. (Fee details shown in black in Appendix 2)
- 3.4.6 Sites 7, 8 (winter) and 8 (summer) located in New George Street are seasonal sites and no increase is proposed for these three sites. (Fee details shown in green in Appendix 2)

- 3.4.7 Three sites are identified as “New Sites” in Appendix 2 and are located at the Sundial/Armada Way opposite Ernst Jones; Cornwall Street flower bed opposite Superdrug and Place de Brest opposite Specsavers. These were all approved by the Committee in 2010. One of these sites (Sundial/Armada Way (opposite Ernest Jones)) had been occupied during 2010 and the occupant had continued to pay the site fee of their former site in New George Street. However, it is recommended that the fee for this site (and the two other sites approved last year) should be set at a level to reflect the high footfall and much sought after location. It is therefore recommended that the fees for these three sites should be set at £7,112.80. (Fee details shown in plum in Appendix 2)
- 3.4.8 Ice Cream Sites: It is recommended that the Ice Cream Winter consent is removed as this is little used and the fee of £10.00 for winter consent does not cover the cost of administration. It is therefore proposed that Ice Cream Trading consents run for the whole year, giving traders the option to trade or not in the winter months. The £10.00 winter fee will automatically be added to the current fees before the addition of the 5% increase for sites G, H and I (Fee details shown in black in Appendix 2)
- 3.4.9 Fees for Ice Cream Sites E and F are recommended for no increase (Fee details shown in turquoise in Appendix 2)
- 3.4.10 Fees for Ice Cream Sites B and C are recommended to be set at the same level to take account of the relevant footfall that both these sites benefit from. (Fee details shown in blue in Appendix 2).

3.5 Site changes

- 3.5.1 Sites 1a and 1b at Frankfort Gate and Ice Cream site J, at James Street, Devonport are recommended to be removed as these have remained vacant for a number of years with the Council still incurring the costs of Non Domestic Rates for each site every year.
- 3.5.2 One temporary site located at Sundial/Armada Way opposite MadHouse, known as Sundial West is recommended to be approved as a permanent in order to compensate for the loss of sites 1a and 1b

4. Allocation Procedure

- 4.1 Existing consent holders in the City Centre are granted a degree of preference in the re-allocation of their consents unless applications are received for alternative trades that are sufficiently attractive to possibly warrant displacing an existing consent holder. It is recommended that the Assistant Director for Economic Development is authorised to grant Street Trading Consents to the existing City Centre traders.
- 4.2 In the City Centre, any Consents not renewed to existing traders are advertised and it is recommended Consents be allocated under delegated authority by the Assistant Director for Economic Development.
- 4.3 For the Hoe/Barbican and James Street, Devonport the allocation of Ice cream consents to be undertaken by the Licensing Sub Committee at a specially convened meeting in March 2011

5 Street Trading during City Centre Events

The City Centre Company organises a number of events and entertainment each year in the City Centre. City Centre space is also used commercially for promotional activity. Opportunities for short-term street trading during these periods are often requested. This type of short-term street trading can add to the attractiveness of the City Centre making the City Centre a more desirable place to visit. It is proposed that in these instances the Assistant Director for Economic Development may approve short-term licences for street trading associated with events or promotional activity.

6. Ad Hoc Street Trading

6.1 From time to time applications are received from entrepreneurs with really good propositions who wish to trade in the City Centre for a period less than 12 months. They are self sufficient and do not require a street trading stall. An example of these may be an artist wishing to draw and sell personal caricatures and another person seeking to sell his poetry on scrolls. Neither of these activities has the potential to clash with permanent shops or traders but would add to the vibrancy of the city centre and help to maintain the income stream. This type of trading does not require a fixed site and could be located comfortably and safely within the city centre.

6.2 The Committee is asked to give delegated authority to the Assistant Director for Economic Development to allocate ad hoc street trading Consents and set fees for this within Committee policy.

7. Recommendations

7.1 The Consent dates for 2011/2012 are approved.

7.2 The proposed new site identified as Sundial/Armada Way opposite MadHouse known as Sundial West (as shown on map in Appendix 1) is approved.

7.3 Long standing vacant sites 1A and 1B at Frankfort Gate and Ice Cream site at James Street, Devonport are removed.

7.4 The consent fees set out in Appendix 2, for 2011/2012 are approved.

7.5 The Assistant Director for Economic Development has delegated authority to approve, within Committee policy the issuing of Consents to existing city centre traders seeking to continue trading during 2011/2012.

7.6 The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders for vacant sites.

7.7 The Assistant Director for Economic Development has delegated authority to approve within Committee policy short-term street trading consents in association with other city centre events and commercial activity.

7.8 The Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.

7.9 Authority is delegated to the Licensing Sub Committee (Miscellaneous) to hold a special meeting in March 2011 to allocate Ice Cream Consent sites.

APPENDIX 2

SITE	LOCATION	CONSENT FEE 2010/2011	PROPOSED FEE 2011/2012
2B	New George Street (Waterstones)		5,964
2D	New George Street (Waterstones)	5,680	5,964
9	New George Street (Waterstones)		5,964
3A	Bedford Way (Royal Parade)	3,420	3,591
3B	Bedford Way (New George Street)	5,680	5,964
4A	Old Town Street	2,272	3,591
7	New George St Operating from top outside of Drake Circus to the area opposite Bedford Way	2,758	2,758
8	New George Street Winter (Sundial area) seasonal	2,316	2,316
8	New George Street Summer (Sundial area) seasonal	1,213	1,213
New site	Sundial/Armada Way Opp. Ernest Jones approved 2010 known as Sundial East		7,112.80
Temp	Sundial,/Armada Way, opposite MadHouse. Known as Sundial West (awaiting approval)		7,112.80
New site	Cornwall St.flower bed opposite Superdrug Approved 2010		4,000
New site	Place de Brest, flowerbed opposite Specsavers Approved 2010		4,000
	ICE CREAM SITES		
B	Madeira Road	4,026*	4,238
C	Madeira Road	2,272*	4,238
E	Hoe Road	10,457*	10,457
F	Hoe Road	10,457*	10,457
G	Hoe Road/Grand Parade	5,008*	5,269
H	Pier Street	1191*	1,260
I	Cliff Road	966*	1,025

RED – sites in same location, same fee + 5% increase

BLUE – similar sites/footfall, same fee +5% increase (ice cream sites include the addition of the former £10 charge for winter consent)

GREEN –seasonal sites, no increase

PLUM – temporary/new sites fee set

BLACK – 5% increase

Turquoise – No increase

For easier reference new sites will be given a number that coincides with their new electricity meter once installed. Power to new sites has been laid, just awaiting meter connections.