

PLYMOUTH CITY COUNCIL

Subject:	Street Trading Report 2018 / 2019
Committee:	Licensing Committee
Date:	5 December 2017
Cabinet Member:	The Leader
CMT Member:	Anthony Payne Strategic Director for Place
Author:	Emily Bullimore, Street Operations and Street Trading Manager
Contact details	Tel: 01752 304604 e-mail: Emily.bullimore@plymouth.gov.uk
Ref:	Street Trading 2018
Key Decision:	No
Part:	I

Purpose of the report:

This report seeks to set the process for the issuing of consents for the 2018 / 2019 trading year.

The Corporate Plan 2016 - 2019:

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

Confident Plymouth - We will work towards creating a more confident city, being proud of what we can offer and growing our reputation nationally and internationally.

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, parking costs and improvements are all 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 2018 / 2019 financial year.

Consent fees for both City Centre and Ice Cream sites were increased by 1% for the period 2017 / 2018. Total budgeted income from the consents shown in the Appendix, assuming 100% occupancy, would be £135,860. Additional income arising from a proposed 2% increase for 2018/19, with fees rounded to the nearest pound, would be £2,169.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

The issuing of the 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.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? No – Each application is assessed on its own merit

Recommendations and Reasons for recommended action:

It is recommended that:

1. The Consent dates for 2018 / 2019 are approved of 1 April 2018 – 31 March 2019.
2. The Consent fees set out in Appendix 1, for 2018 / 2019 are approved.
3. 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 2018 / 2019.
4. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for city centre sites in consultation with the chair of the licensing committee and lead opposition member.
5. 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.
6. The Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
7. The Assistant Director for Economic Development has delegated authority to approve, within Committee policy the issuing of Consents to existing ice cream traders seeking to continue trading 2018 / 2019.
8. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for vacant ice cream sites in consultation with the chair of the licensing committee and lead opposition member.
9. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading in 2018 / 2019.
10. For Hoe and Madeira Road Waterfront trading sites the licensing committee delegate approval to the licensing sub-committee for all new applications.
11. To agree new Terms and Conditions for the Pier Street Ice Cream pitch following the addition of an electrical hook up installation on site.

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 2018 / 2019 trading year and maintaining the income stream.

Alternative options considered and rejected:

The authority to renew annual Consents and set Consent fees by referral 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.

Published work / information:

None

Background papers:

None

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7

Sign off:

Fin	PI171 8.131	Leg	29291/ag/8 /11/17	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes / No* please delete as necessary													

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.

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 licenses 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 30 sites or locations within the designated Consented Streets where it will grant Street Trading Consents comprising:

14 sites, in the pedestrianized City Centre

7 Sites in the Hoe and Waterfront 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.

8 sites in Hoe and Madeira Road for sale of food and non-food items.

1.4 The purpose of the report is:

a) To set the consent dates and fees for 2018/ 2019.

b) To ask that the Assistant Director for Economic development be given delegated powers to approve the issuing of consents.

c) To set the Terms and Conditions for the Pier Street Ice Cream site following the installation of an electrical pillar to pull it into line with the City Centre pitches that have electricity on site.

2.0 Duration of Consents for 2018 / 2019

2.1 It is proposed that all City Centre Consents commence on 1 April 2018 and end on 31 March 2019.

2.2 It is proposed that all hoe ice cream sites (vans) commence on 1 April 2018 and end on 31 March 2019.

2.3 It is proposed that all Hoe Road and Madeira Road food and non-food sites commence on 1 April 2018 – 31 March 2019.

3.0 Consent fees for 2018 / 2019 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.

Consent fees were adjusted for 2017 / 2018 by 1% and for the year 2018 / 2019 it is proposed that the Consent fees are increased for the City Centre Street Trader pitches and ice cream consent sites by 2% to cover the increased costs of Non Domestic Rates, repairs, maintenance and increased salary and support costs.

Total annual income for 2017/2018 for these consents if all consents were let at full capacity is currently budgeted at £135,860. A proposed increase of 2% on this budget, with fees rounded to the nearest pound, is expected to result in additional annual income of £2,169 if the consents were let at full capacity.

The proposed consent fees are set out in Appendix I to this report. This schedule does not propose increases to the current fees charged for outdoor seating and board advertising; this would not be governed by Street Trading but by the Highways Department. There is also no proposal to raise the rates on the Hoe and Madeira Road Sites as there have been no more consent holders on these pitches as yet, if the pitches became taken then the fees would increase in 2019/2020.

4.0 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.

4.2 Existing Ice Cream Consent holders are granted a degree of preference in the re-allocation of their consents. Any contested consents or new applications would be considered in consultation with the chair of the licensing committee.

4.3 In 2013 the Committee approved the creation of trading sites on Hoe Road and Madeira Road and delegated approval of new applications to the Licensing Sub Committee. As only one site has been let it proposed that all new applications would continue to be considered by the Licensing Sub Committee, and that any renewals are given delegated authority to the Assistant Director for Economic Development

5.0 Street Trading during City Centre Events

The City Centre Company and Plymouth City Council organise 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 licenses for street trading associated with events or promotional activity. During events in the City Centre, full time Street Traders are not asked to move out of the City Centre.

6.0 Ad hoc Street Trading

6.1 From time to time applications are received from entrepreneurs with 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 their 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 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.

7.0 Pier Street Terms and Conditions.

7.1 In 2017, in agreement with the Chair of Licensing and Lead Opposition Member, it was agreed that an electrical hook up point could be installed at the ice cream consent space in Pier Street. This followed multiple complaints from local residents in that road about the constant engine running noise which resulted in the involvement of public protection.

7.2 Interim Terms and Conditions for that site were put into place and exactly mirror the Terms and Conditions regarding electrical hook up in the City Centre. The Terms and Conditions would be added to the Pier Street Pitch but none of the other Ice Cream sites as they do not have hook up available.

7.3 Terms and conditions would be:

-Once an electricity hook up point is installed on the site at Pier Street, any ice cream van trading from that site must operate from the electricity point and not have the engine running on the site.

-Traders are responsible for registering with an electricity supplier of their choice. Traders should carry out daily visual checks to electrical cabling to ensure that nothing has been tampered with and that cables are not damaged. Should any visual damage be evident, this should be reported to the Street Trading Manager immediately and the consent holder should refrain from using cables until they have been checked by a qualified electrician. The trader will be responsible for payment of the electricity consumed and the standard charge. Traders must inform their chosen supplier when they vacate a site to avoid complications with final invoice.

-All other terms and conditions on the site remain as per the 2018/2019 trading year application and offering of consent.

Appendix I

SITE	LOCATION	TOTAL CONSENT FEES 2017 / 2018	PROPOSED FEE 2018 / 2019
CITY CENTRE SITES			
2A	New George Street (nr. Former Woolworths building)	6299	6424
2B	New George Street (WHSmiths)	6299	6424
2D	New George Street (nr. Sundial)	6299	6424
9	New George Street (Waterstones)	6299	6424
3A	Bedford Way (Royal Parade end)	3793	3869
3B	Bedford Way (New George Street)	6237	6362
4A	Old Town Street	3793	3869
7	New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way	2911	2969
8	New George Street Winter (Sundial area) seasonal	2446	2495
8	New George Street Summer (Sundial area) seasonal	1281	1307
10	Sundial East	7511	7661
11	Sundial West	7511	7661
12	Cornwall St o/side Superdrug	4225	4309
13	Place De Brest East	4225	4309
14	Place de Brest, o/s Specsavers	4225	4309
ICE CREAM SITES			
B	Madeira Road	4411	4499
C	Madeira Road	4411	4499
E	Hoe Road	10881	11099
F	Hoe Road	10881	11099
G	Hoe Road / Grand Parade	5482	5592
H	Pier Street	1311	1337
I	Cliff Road	1067	1088
HOE AND MADEIRA ROAD SITES			
1	Hoe Road colonnade west	3000	3000
2	Hoe Road mid-west colonnade	3000	3000
3	Hoe Road mid – east colonnade	3000	3000
4	Hoe Road colonnade east	3000	3000
5	Hoe Road lido west	3000	3000
6	Madeira Road triangle west	3000	3000
7	Madeira Road triangle east	3000	3000
8	Madeira Road adjacent to cannons	3000	3000
TOTAL*		135,860	138,029

*Assumes 100% occupancy