



Subject:	Review of Street Trading Licence Fees
Date:	16 April 2025
Reporting Officer:	Laura Hillis, Principal Building Control Surveyor, Ext 2469
Contact Officer:	James Cunningham, Senior Licensing officer, Ext 3375

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number ☐

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

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1.0	Purpose of Report or Summary of main Issues
1.1	<p>Section 15 of the Street Trading Act (NI) 2001 gives the Council the power to set sufficient fees to allow it to recover the full costs of administering the Street Trading Licence Scheme. The Act, prescribes the range of circumstances in which the Council may charge a fee:</p> <ol style="list-style-type: none"> 1. For the grant or renewal of a Street Trading Licence, 2. For the grant of a Temporary Licence; and 3. For varying the conditions on a Licence at the request of the licence holder.
1.2	<p>The Act also limits the maximum amount of the fee to that required to cover the Council's costs in administering the scheme. The Council is, therefore, denied the right to use the Street Trading Licensing system to raise revenue.</p>
1.3	<p>The EU Services Directive, the Provision of Services Regulation 2009 and the Hemming V Westminster City Council court case have provided clarity about the specific requirements that apply to the charging of licence fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme and councils must not use fees to make a profit or act as an economic deterrent to certain business types from operating within an area.</p> <p><u>Procedure for fee setting</u></p>
1.4	<p>The Act states the procedures which the Council must follow in setting the fees and these stages may be summarised as follows:</p> <ol style="list-style-type: none"> 1. The Council is to give notice of the proposed fees to licence holders and to publish a notice in two or more newspapers showing how the fees have been calculated. 2. The Council is required to consider any written representations concerning the proposed fees and charges. 3. The Council after reaching its final decision must inform licence holders and publish a final notice in two or more newspapers showing the new fees. 4. Furthermore, the Act allows the Council to determine the time and manner in which fees or charges are to be paid.
1.5	<p>However, as a prerequisite, Members need to determine the proposed level of fee, which will allow the Council to start the statutory process for setting the fee as per stage one above.</p>
1.6	<p>As we progress, further reports will be brought before the Committee detailing the outcome of the process of consultation. At that stage Members will be able to determine the final fee you consider appropriate.</p>
2.0	Recommendations
2.1	<p>Members are asked to consider the three options below (in the key issues) and to determine which option to approve and authorise that option of proposed fees for publication and commence consultation with licence holders.</p>
2.2	<p>Should you not accept the proposed fees in option 1, which are set at a level to recover the cost of administering the scheme, the matter may require to be referred to the Strategic Policy</p>

	and Resources Committee for further consideration as any shortfall in income may have an impact on the rates.									
2.3	Members are advised that the Licensing Committee does not have delegated powers in relation to policy decisions concerning licensing matters and as such your recommendation as to the appropriate fees for Street Trading Licences will be subject to ratification by Council.									
3.0	Main report									
3.1	<u>Key Issues</u> The current Street Trading Licence fees were set in 2017. In the intervening time period, the Council has processed numerous licence applications and dealt with any associated licence holder queries. This has allowed the Service to have a better understanding of what it costs to administer the licence scheme.									
3.2	During that period costs associated with administering an application and monitoring licence compliance have also increased, such as staff costs relating to salary, employer's National Insurance contributions, superannuation contributions, etc.									
3.3	The process for administration and regulation of the various types of licences has been examined and the time allocated to each task has been reviewed.									
3.4	In assessing our processes for both Stationary and Mobile Licences it has been determined that both types of Licence cost an identical amount for licence compliance. The cost for a Stationary Licence application or for the renewal of a Mobile Licence application to be processed are also identical.									
3.5	Temporary Licences were extensively examined and, in particular, the amount of work that is required to process and ensure licence compliance. Given the nature of a Temporary Licence it is normally granted for 1 day for a one-off event, a daily charge is therefore applied.									
3.6	The amount of work required for processing a Temporary Licence application is the same as the other types of licences; hence the cost of a Temporary Licence application is identical.									
3.7	Members are reminded that in 2017, you decided to set a fee for a permanent trader who has a Monday – Friday licence but only trades on one day during the week at £300, on the basis that it was one-fifth of the proposed fee of £1,500 in June 2016, which had been approved for public consultation.									
3.8	Members are further reminded that when the Committee set the current fees in 2017, they had agreed that two site visits a year were appropriate to have no detrimental effect on compliance. The cost of compliance visits at the weekend includes an enhanced pay rate; this is particularly evident when two compliance visits are included for Weekend and Sunday only traders.									
3.9	The detailed costs of how these fees were calculated are attached as Appendix 1.									
3.10	The following table is a summary of the proposed fees which have been rounded to the nearest pound. <table><tr><td>STATIONARY LICENCE</td><td>Current Fee</td><td>Calculated fee</td></tr><tr><td>Application Fee - Non refundable</td><td>£150</td><td>£385</td></tr><tr><td></td><td></td><td></td></tr></table>	STATIONARY LICENCE	Current Fee	Calculated fee	Application Fee - Non refundable	£150	£385			
STATIONARY LICENCE	Current Fee	Calculated fee								
Application Fee - Non refundable	£150	£385								

		Licensed for Monday to Friday	£800	£1,400
		<i>Licensed for one day (Mon-Fri)</i>	£300	
		Licensed for Monday to Saturday	£1,000	£1,470
		Licensed for Monday to Sunday	£1,250	£1,600
		Licensed for Saturday	£520	£1,340
		Licensed for Sunday	£580	£1,400
		MOBILE LICENCE	Current Fee	Calculated fee
		Application Fee - Non refundable	£180	£385
		Licensed for Monday to Friday	£550	£1,255
		<i>Licensed for one day (Mon-Fri)</i>	£300	
		Licensed for Monday to Saturday	£800	£1,300
		Licensed for Monday to Sunday	£1,100	£1,450
		Licensed for Saturday	£300	£1,190
		Licensed for Sunday	£380	£1,250
		TEMPORARY LICENCE	Current Fee	Calculated fee
		Application Fee - Non refundable	£ 180	£385
		Licensed for Monday to Friday, per day	£40	£130
		Licensed for Saturday	£50	£200
		Licensed for Sunday or Public holiday	£70	£260
		Variation of Licence Particulars	£100	£190
3.11	A further two options have been considered as outlined below, and an overview of all three fee options are attached as Appendix 2.			
	Option 2			
3.12	Another option to consider would be to applying the cost of inflation to the current fees set in 2017 to determine the 2025 fees. To do this we used the Bank of England inflation calculator, this uses the Consumer Price Index (CPI) inflation data from the Office for National Statistics. The rate was calculated using figures from the Bank of England for December 2024.			
3.13	Adopting this option will give Committee, in any future fee review exercise, a better baseline for comparison as these fees will be more relevant to present day monetary value.			
3.14	However, this option will not address the significant shortfall in cost recovery for the licensing application process, in particular the cost of processing a grant/renewal application.			
		STATIONARY LICENCE	Current fee	Inflation
		Application Fee - Non refundable	£150	£196.72
		Licensed for Monday to Friday	£800	£1,049.16
				£1,050

Licensed for one day (Mon-Fri)	£300	£393.43	£395
Licensed for Monday to Saturday	£1,000	£1,311.45	£1,310
Licensed for Monday to Sunday	£1,250	£1,639.31	£1,640
Licensed for Saturday	£520	£681.95	£680
Licensed for Sunday	£580	£760.64	£760
MOBILE LICENCE	Current fee	Inflation	Say
Application Fee - Non refundable	£180	£ 236	£ 240
Licensed for Monday to Friday	£550	£721	£720
Licensed for one day (Mon-Fri)	£300	£393.43	£395
Licensed for Monday to Saturday	£800	£1,049.16	£1,050
Licensed for Monday to Sunday	£1,100	£1,442.59	£1,450
Licensed for Saturday	£300	£393.43	£400
Licensed for Sunday	£380	£498.35	£500
TEMPORARY LICENCE	Current fee	Inflation	Say
Application Fee - <i>Non refundable</i>	£ 180	£236	£240
Licensed for Monday to Friday, per day	£40	£52.46	£52
Licensed for Saturday	£50	£65.57	£65
Licensed for Sunday or Public holiday	£70	£91.80	£90
Variation of Licence Particulars	£100	£249.18	£250

Option 3

3.15

When Committee last determined the fees, they had asked officers to formulate an option, based around a combination of the latter two options. In calculating this option, Officers have determined the difference between the calculated fee and the cost of increase in inflation fee, split that difference and added this to the cost of the inflation fee. Where inflation is the same or higher than the calculated fee, the inflation fee is proposed.

STATIONARY LICENCE	Current fee	Calculated fee	Inflation fee	Proposed fee
Application Fee - Non refundable	£150	£385	£200	£290
Licensed for Monday to Friday	£800	£1,400	£1,050	£1,225
Licensed for one day (Mon-Fri)	£300		£395	£395
Licensed for Monday to Saturday	£1,000	£1,470	£1,310	£1,390
Licensed for Monday to Sunday	£1,250	£1,600	£1,640	£1,640
Licensed for Saturday	£520	£1,340	£680	£1,010
Licensed for Sunday	£580	£1,400	£760	£1,080
MOBILE LICENCE				

	Application Fee - Non refundable	£180	£385	£ 240	£310
	Licensed for Monday to Friday	£550	£1,190	£720	£955
	Licensed for one day (Mon-Fri)	£300		£395	£395
	Licensed for Monday to Saturday	£800	£1,300	£1,050	£1,175
	Licensed for Monday to Sunday	£1,100	£1,450	£1,450	£1,450
	Licensed for Saturday	£300	£1,190	£400	£795
	Licensed for Sunday	£380	£1,250	£500	£875
	TEMPORARY LICENCE	Current fee	Calculated fee	Inflation fee	Proposed fee
	Application Fee - Non refundable	£ 180	£385	£240	£310
	Licensed for Monday to Friday, per day	£40	£130	£52	£91
	Licensed for Saturday	£50	£200	£65	£132
	Licensed for Sunday or Public holiday	£70	£260	£90	£175
	Variation of Licence Particulars	£100	£190	£250	£250
3.16	For Members information, in order to accommodate licence holders, Mobile and Stationary Licence Fees will continue to be spread over a one year period of twelve equal instalments. The first payment must be received before the licence is issued. The remaining eleven instalments may be made by Direct Debit or eleven payments in person. For a three year licence, the trader would in effect continue to make 36 payments over the licence term.				
3.17	Authorisation is sought to permit the publication of the Statutory 28 Day Notice and to commence consultation with licence holders.				
4.0	Financial & Resource Implications				
4.1	There are direct financial costs attached to the administration of the street trading scheme by the Council and, whilst fees have been set, the cost to administer the scheme is only partially recovered from applicants based on our information to date.				
4.2	If the fee proposals as set out, based on the cost of administering the scheme, are not accepted by the Committee, the implications of the shortfall in fee income will be considered further, and may result in future growth proposals for the Service.				
5.0	Equality or Good Relations Implications/Rural Needs Assessment				
5.1	There are no equality or good relations issues associated with this report.				
6.0	Appendices – Documents Attached				
	<ul style="list-style-type: none"> Appendix 1 – Statement of Proposed Street Trading Fees Appendix 2 - Overview of Street Trading Fee Options 				