

Industry, Department for Communities, Department for Infrastructure Planning, Police Service of N. Ireland, CommunityNI on Gambling, Gamblers Anonymous Ireland and various interested parties and organisations.

4.0 Financial and Resource Implications

4.1 None associated with this report.

**5.0 Equality or Good Relations Implications/
Rural Needs Assessment**

5.1 A review of the equality screening exercise undertaken in 2012 is being carried out and a full equality screening and rural needs assessment will be undertaken prior to consultation and implementation of the amended policy.”

The Chairperson welcomed Dr. T. Quinn, Braniff Associates, to the meeting. He had been involved in formulating the initial policy and had also been involved in updating it. He provided the Committee with further details on the rationale behind the amendments.

In response to a Member’s question, the Principal Building Control Surveyor advised the Committee that, while the Council issued Amusement Permits, the PSNI was responsible for enforcement of the legislation and did not inform the Council of any specific actions taken against any Amusement Permit holder.

The Committee considered the amended Amusement Permit policy and agreed that consultation on it be commenced.

Review of Street Trading Licence Fees

The Senior Licensing Officer presented the following report to the Committee:

“1.0 Purpose of Report or Summary of main Issues

1.1 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:

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 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.

- 1.3 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.

Procedure for fee setting

- 1.4 The Act states the procedures which the Council must follow in setting the fees and these stages may be summarised as follows:

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 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.

- 1.6 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.

2.0 **Recommendations**

- 2.1 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.

- 2.2 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 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**

Key Issues

- 3.1 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. (Option 1)

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>	<i>£300</i>	
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>	<i>£300</i>	
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 - <i>Non refundable</i>	£ 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	Say
Application Fee - Non refundable	£150	£196.72	£200
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.

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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 - <i>Non refundable</i>	£ 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 and 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.”

During discussion, the Senior Licensing Officer answered Members’ questions in relation to the costings and he drew the Committee’s attention to the two appendices which explained the processing tasks and estimated costs involved for each application.

The Director of Planning and Building Control advised the Committee that, given the points raised during discussion, it might wish to opt for Option 2 or 3.

After further discussion, it was

Moved by Councillor Ó Néill,
Seconded by Councillor McCann and

Resolved – that the Committee approves and authorises Option 3 of the proposed fees, as detailed above, and authorises the publication of the proposed fees to commence consultation with licence holders.

Chairperson