

North Somerset Council Decision

Decision Of: Cllr James Clayton, Executive Member for Safety in the Community

With Advice From: Matt Lenny, Director of Public Health and Regulatory Services. Amy Webb, S151 Officer

Directorate: Public Health and Regulatory Services



Decision No: PHRS034 2023/2024

Subject: Fees and Charges 2024/25 – Street trading licensing regime.

Key Decision: No

Reason:

The current street trading licensing fee structure does not include a cap in fees for regular returning events and is currently tiered depending on the number of stalls at an event. To support event organisers, and encourage new activity, a maximum cap on annual fees for returning and regular events is proposed. It is also proposed that this will be simplified to have a flat fee per stall for most one-off events.

Background:

The legislation covering Street Trading is [The Local Government \(Miscellaneous Provisions\) Act 1982](#) . Part 3 of this Act gives the power for a Council to “adopt” [Schedule 4](#) of the Act making street trading subject to a licensing regime. North Somerset Council (NSC) formally adopted this schedule in 2008 at Full Council.

The legal precedent is that a Council cannot seek to use licensing regimes as a profit-making exercise and should only look to achieve maximum cost recovery. The fees cover the administration, consultation, policy review and development, Committee processes and any enforcement costs.

Some Councils decide to charge a flat fee across all permissions, some charge higher rates for some and exempt others. NSC have taken the approach of offering lesser fees to those applying for “block consents”. Permanent pitch holders (burger vans etc) and those with very high commercial footfall pay higher fees to offset reductions for others.

Farmers markets, craft markets and street fairs are subject to even lower rates to encourage local smaller start-ups and businesses and to give support to some of the smaller local events.

The fees are subject to regular accountant review and are reassessed annually. The current fees have remained static for several years despite inflation and cost of living concerns through efficiency savings within the service.

It has been noted that within the current fee structure, organisers wishing to hold several similar events at the same site throughout the year will incur significant fees. This has created a financial barrier for new operators wishing to hold regular events (such as markets, food

festivals etc) from proceeding, and limits the profitability for established operators holding multiple events annually. It has also been noted that the tiered fee structure complicates the process for event organisers and creates a financial barrier for smaller events.

Proposal:

To introduce a “capped” annual fee for any event operating more than one and up to 52 events annually, provided these are applied for as a single application and are consistent in nature, size and site. There will be consideration given to quarterly invoicing of the fee.

The new fee category is proposed to be introduced in time for the new financial year 2024-2025, with any financial impacts on the cost recovery for the street trading regime to be considered as part of wider budgetary discussions and as part of the Street Trading Policy review due to start early in 2024.

To remove the current tiered fee structure for one-off events and replace it with a flat fee per unit/stall for all but very large commercial events with anticipated footfall above 15,000 people.

Decision:

That a revised table of fees for returning and regular events is adopted, and will be applied from 1 April 2024:

Standard Commercial Pitches (Per Unit/Stall)	Day	Week	Quarter	Annual
Weston High Street / Big Lamp Corner	N/A	N/A	750	3000
Commercial Trading Estates	N/A	N/A	611	2444
All other areas	N/A	N/A	460	1840

One off events (Per Unit/Stall)	Day	Week	Quarter	Annual
Events with anticipated footfall over 15,000 people	75	75	N/A	N/A
All other events	40	40	N/A	N/A

Returning events	Day	Week	Quarter	Annual
The fees for one off events will apply but for regular and returning events (up to 52 events per year) fees are capped at an annual limit	N/A	N/A	N/A	1200

Farmers Markets, Craft Markets and Street Fairs (per Market/Fair)	Day	Week	Quarter	Annual
1-10 Stalls	50	50	150	600
11-20 Stalls	75	75	225	900
21+ Stalls	100	100	300	1200

NSC Concession holders (per pitch)	36	36	468	1200
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Reasons:

To encourage new event activity and support existing operators through capping of fees for returning and regular events.

To simplify the fee structure for event organisers and reduce the cost of smaller events.

This decision is taken outside of the normal review period for NSC fees and charges as it is a new element. An early decision and notice will therefore allow for appropriate planning and implementation for both event organisers and North Somerset Council.

Options Considered:

Consideration has been given to leaving the fee structure as currently published until the full Street Trading Policy review is completed in 2024. It was felt that the support to business and promotion of regular event activity through the implementation of a fee cap should be prioritised and should be introduced earlier. It also enables a review of the financial impact of this fee cap to be included within the wider Street Trading Policy review in 2024.

Financial Implications:

The cap to fees will apply to the financial year period 2024/25. We will write to event organisers that have already applied to organise events within this time period advising them of the new price cap and allowing them to apply for additional events within this period with fees in line with the new cap. Those that may have paid costs above the cap already would be offered a refund. This should ensure that those who have applied and paid for licenses early will not be disadvantaged.

The removal of the tiered fee structure and introduction of a flat fee per stall/unit will make events with 15 or fewer stalls/units cheaper. Those events with more than 15 stalls/units will pay a higher fee but this cost will now be capped for recurrent events. The likely impact is a reduction in income of £8,000 per year, to be absorbed by PHRS budgets.

The capping of some fees will have an impact on the full cost recovery of administering and enforcing the Street trading regime and based on recent activity this new cap would create a Medium Term Financial Plan (MTFP) shortfall for the Licensing Team. It is also possible that the introduction of the fee cap will also change behaviour of local traders and event organisers which is harder to forecast. These impacts will be considered and included as part of the MTFP process in 2024.

Costs:

No direct additional costs noted.

Funding:

Funding for the administration, compliance checking and enforcement is achieved through the collection of fees to ensure cost recovery. Any reduction in fees currently being applied will affect the ability to fully recover all costs to the Authority.

Legal Powers and Implications:

Under the Local Government (Miscellaneous provisions) Act 1982 the Council has powers to determine and levy such fees required to recover the costs of administering the Street trading regime. Specific fees are set at a local level rather than by statute and as such there are no legal implications to varying the fee structure as proposed.

The council's Constitution includes a section for financial regulations and Part 2 of this details the operational framework associated with 'financial administration' decisions and processes. Section 7 includes specific provision regarding decisions linked to income collection, fees and charges and the table below outlines the governance arrangements that need to be considered before changes are approved or implemented.

Decision Maker	Est additional income p.a		Increase / decrease in charge
Director	Up to £100,000	OR	Up to and including 5%
Exec Member	Up to £300,000	OR	Over 5% and up to 10%
Executive	£300,000 or over	OR	Over 10%

The new fees included in this decision notice were referred to in North Somerset Council Report to the Executive (EXE 85) of 7th February 2024, and were agreed to subject to further refinement through a delegated decision to the relevant Executive member in due course. Through that delegation this Executive Member Decision amends and finalises those fees.

Climate Change and Environmental Implications:

There are no climate or environmental implications noted as part of this decision.

Consultation:

Formal consultation on the street Trading regime and accompanying policy is due to commence in early 2024. This amendment is sought following discussions with colleagues across directorates, service leads, senior leadership team and members and seeks to address immediate issues ahead of any more formal review in 2024.

Risk Management:

There is the risk that the full costs of administering the Street trading regime will not be recovered as a result of capping some areas of fees.

There is also a risk that the cap on fees may incentivise more applications and impact further on cost recovery and the widening of any MTFP budgetary shortfalls.

Equality Implications:

There are no equality implications noted as part of this decision.

Corporate Implications:

Part of the reason of introducing an event licensing fee cap is to encourage additional returning events, which would increase workload for other teams in addition to the Licensing Team. The Events Team within the Place Directorate and other Regulatory Services Teams have been consulted as part of the work around this decision notice. Making this decision early ahead of the standard annual fees and charges review will allow all relevant teams (and wider Safety Advisory Group partners) to be notified and gives additional time to prepare for any increased activity in the 2024/25 financial year.

Appendices:

None.

Background Papers:

Local Government (Miscellaneous provisions) Act 1982
North Somerset Street Trading Policy 2020-2024
North Somerset Council, published fees and charges document 2023-2024

Signatories:

Decision Maker(s):

Signed: James Clayton

Title: Executive Member for Safety in the Community

Date: 11 March 2024

With Advice From:



Signed:

Title: Director of Public Health & Regulatory Services

Date: 11 March 2024



Signed:

Title: Director of Corporate Services, S151 Officer

Date: 11 March 2024