

TRAFFORD BOROUGH COUNCIL

Report to: Council
Date: 17th December 2008
Report for: Decision
Report of: Director of Environment Strategy

Report Title

STREET TRADING – REGULATIONS, FEES AND CHARGES CONSIDERATION OF CONSULTATION RESPONSES

Consideration of responses that have been received by the Traffic and Transportation Unit following consultation on proposed amendments to fees and charges relating to Street Trading.

Summary

To inform Members of the responses received following a consultation exercise with regard to proposals to introduce new regulations, fees and charges to Street Trading.

Recommendation(s)

Members are asked to agree the following:

1. That the responses received and summarised in Appendix B are noted.
2. That the introduction of the proposed regulations, fees and charges as detailed in this report are approved with the proposed fees to be introduced from 2nd February 2009.
3. That the effect of the introduction of the proposals be monitored and measures introduced to control unlicensed trading activity and reduce hawker and pedlar activity in the area.

Contact person for access to background papers and further information:

Name: **Geoff Ball**

Extension: **4390**

Background Papers: Project file, including results of consultation.

1.0 BACKGROUND

1.1 Following a review of street trading activity in the Borough, and in particular around the Manchester United Football Club stadium on match days in order to address Health & Safety and Traffic issues and the cost to the Council of continuing to deliver the service proposals to change several aspects of the way street trading is operated and managed were submitted to Members for consideration in January 2008. The proposals were as follows:-

- That from 1st August 2008 all trading around the Manchester United Football Club stadium on match days and other event days would be by Licensed Pitch Certificates only. Trading by Street Trading Consent Certificate would no longer be permitted.
- That in 2008/9 Licensed Pitch Certificates would be issued to coincide with the football season i.e. valid from 1st August 2008 until 31st July 2009 instead of the current financial year arrangement.
- That the prices for existing Food Licensed Pitches and Merchandise Licensed Pitches would be increased to reflect the review of fees and charges (Appendix A).

1.2 A first consultation exercise was carried out during March 2008. However due to the number of concerns that had been raised by the street traders with regard to the proposed changes following this first consultation, and in particular with regard to what was perceived by the traders to have been an ineffective consultation it was decided to suspend the implementation of the proposed changes (originally proposed implementation date was August 1st 2008) pending the completion of a further consultation

1.3 As a result of the two consultations a total of 17 responses and a collective response, representing 48 trading pitch licence holders, were received. A summary of the comments received can be seen Appendix B.

1.4 Many of the comments relate to the increase in fees and charges. However, this is the first formal review to have been undertaken for a number of years and was prompted by increased cost pressures associated with match day operations. Only minimal inflationary rises have been implemented in the intervening period.

1.5 However, following a number of meetings with the traders and having taken on board some of the concerns with regard to the scale of the proposed increases, this report now proposes a reduction to the original increase proposed in January 2008.

1.6 Concerns were also raised with regard to the fairness of a blanket charging system. Many traders felt that as those pitches located in prime positions were considerably more profitable than those located further away from the ground, they should bear a higher proportion of the proposed increases. The majority of traders on standard size pitches are located outside of the premium zone and proposed fees for these licensed pitches are now less than currently charged. These considerations are reflected in the proposals contained in this report.

2.0 CONCLUSIONS

2.1 Following discussions with traders and consideration of feedback received through the consultation process, it is proposed that the Council proceeds with the introduction of new regulations, fees and charges as follows:-

- All trading around the Manchester United Football Club stadium on match days and other event days will be by Licensed Pitch Certificates only. Prohibition of trading will be extended to control trading activity as previously proposed.
- Licensed Pitch Certificates will be issued to coincide with the football season i.e. valid from 1st August 2008 until 31st July 2009 as previously proposed.
- The introduction of a premium trading zone and fee structure mechanism, based on footfall patterns to Manchester United Football Club stadium.
- Discontinuing the existing two tier system in the MUFC area which fixes the fee payable on the basis of whether the pitch is large (premium fee currently payable) or small (standard fee currently payable).
- The introduction of pre and mid-season meetings with the Council and street traders.
- The retention of existing payment methods with the introduction of a 5% discount for payment in full on application.
- The price increase for Food Licensed Pitches and Merchandise Licensed Pitches, as previously approved by Members and attached in Appendix A, will now be reduced. The proposal equates to an average 5% increase on 2007/8 fees and charges as follows:

2008/9

Food:	Merchandise:
Premium = £2,500	Premium = £1,300
Non-premium = £1,800	Non-premium = £1,100

The mechanism for further annual increase of charges will take account of RPI, currently at 5%, and will be discussed with traders prior to implementation.

Financial Implications:	Income targets will be adjusted to reflect costs. The impact on demand will be monitored through the monthly process.
Gershon Efficiency Savings:	None known
Legal Implications:	The proposed Traffic Regulation Orders are being progressed in accordance with the Road Traffic Regulation Act 1984 and the Traffic Signs Regulations & General Directions 2002 and if implemented will be enforced by the Council's Parking Services.
Human Resources Implications:	None
Asset Management Implications:	None
E-Government Implications:	None
Risk Management Implications:	Risk of challenge though judicial review.
Health and Safety Implications:	None

Consultation

In addition to the statutory advertising the proposals have been the subject of direct consultation with all affected traders and with local Ward Councillors via letters, meetings and the provision of feedback forms (March - October 2008).

Reasons for Recommendation

To introduce new fees and changes to the current licensing arrangements for street trading and to control the operation and management of street trading activity around the Manchester United Football Club stadium specifically within a defined trading zone.

Finance Officer Clearance (type in initials)...JS.....

Legal Officer Clearance (type in initials)...JL.....

CORPORATE DIRECTOR'S SIGNATURE (electronic).....



To confirm that the Financial and Legal Implications have been considered

APPENDIX A

STREET TRADING PROVISIONS OF LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT

	Fees and Charges
	2007/8
	£
Licensed Pitch valid from 1-4-2007 until 31-3-2008	
Food – Premium (large size)	2,150.00
Food – Standard (small size)	1,900.00
Non-Food	1,150.00

STREET TRADING PROVISIONS OF LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT

	Fees and Charges (approved Jan 2008)
	2008/9
	£
Licensed Pitch valid from 1-8-2008 until 31-7-2009	
Food – Premium (large size)	3,500.00
Food – Standard (small size)	3,000.00
Non-Food	1,750.00

STREET TRADING PROVISIONS OF LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT

	Fees and Charges (proposed)
	2008/9
	£
Licensed Pitch valid from 1-8-2008 until 31-7-2009	
Food – Premium (inside trading zone)	2,500.00
Food – Non-premium (outside trading zone)	1,800.00
Merchandise – Premium (inside trading zone)	1,300.00
Merchandise – Non-premium (outside trading zone)	1,100.00
Additional revenue from 2007/8	25,200.00
Actual additional revenue from 2007/8 (implement Feb 09)	4,200.00

APPENDIX B

Consideration of objections received:

Received From	Description of Objector's Comments and Points Raised	Council's Response
3 Street Traders	Pitches closer to the stadium should pay more than those further away.	Implement premium zone and review prior to the start of each season.
5 Street Traders	Raises concern at the impact any increase will have on livelihood.	Reduce approved increase in Licensed Pitch fees.
3 Street Traders	Provide discount for payment of fee in full on application.	Implement a 5% discount for payment in full on application.
Collective response, representing 48 trading pitches	Allocation of a Licensed Pitch is preferable to trading by Street Trading Consent Certificate. However, it is believed that this will only work if the street trading prohibition is extended around the stadium.	Convert all Street Trading Consent Certificates into Licensed Pitch Certificates. Extend prohibition of trading to control trading activity.
	Object to proposed fee increase, based on charges at other grounds. They propose a retail prices index (RPI) increase of 5% to the existing fees as follows: <u>Food</u> Premium large - £2,257.50 Premium small - £1,995.00 Non-premium - £1,050.00 <u>Merchandise</u> Premium - £1,207.50 Non-premium - £1,050.00	Reduce approved increase in Licensed Pitch fees set out in section 2. The Council cannot agree that fees will only rise by RPI in years beyond 2010.
	Provide a reduction in fees for payment up-front at the start of each season.	Retain existing payment methods and allow a 5% discount for payment in full on application.
	A zone based fee structure would be a fair mechanism to adopt. The traders have agreed a premium zone (Appendix C).	Implement premium zone and review prior to the start of each season.
	Request that representatives of street traders have one meeting with the Council pre and mid-season each year.	Implement pre and mid-season meetings.

APPENDIX C

All Licensed Pitches inside the indicated trading zone will be charged a premium pitch fee, with the Licensed Pitches outside the boundary on this zone will be charged a non-premium fee (see Section 2).