

NORTHAMPTON BOROUGH COUNCIL

Licensing Committee

Your attendance is requested at a meeting to be held at The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE. on Tuesday, 30 April 2013 at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. Apologies
2. Minutes
 - (1) To approve the confidential minutes of the meeting of the Committee held on 11 February 2013, which were deferred at the previous meeting of the Committee to ensure that all Committee Members had received them.
 - (2) To approve the minutes of the meeting of the Committee held on 19 March 2013 (copy herewith).
3. Deputations / Public Addresses
4. Declarations of Interest
5. Matters of Urgency which by reason of special circumstances the chair is of the opinion should be considered
6. Safety Awareness Course
7. Street Trading Fees and Consents
8. Exclusion of Public and Press

A paper tabled at the meeting by a public speaker on this item is attached, following the officers' report.

The Chair to Move:

“that the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12a to such act.”

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

LICENSING COMMITTEE

Tuesday, 19 March 2013

PRESENT: Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Capstick, Duncan, Eales, Ford, Patel, Sargeant and Wire DL

1. APOLOGIES

An apology for absence was received from Councillor Strachan.

2. MINUTES

Part one of the minutes of the meeting held on 11 February 2013 were confirmed by the Committee and signed by the Chair as a true record.

Part 2 of the minutes of the meeting held on 11 February 2013, which related to confidential information on items 11 and 12 were deferred for consideration at the next meeting in order to ensure that all members had received them.

3. DEPUTATIONS / PUBLIC ADDRESSES

Mr Jonathan Hills and Mr Paul Bruere were granted leave to address the Committee in respect of Item 6 Review of Hackney and Private Hire Fees.

4. DECLARATIONS OF INTEREST

There were none.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

6. REVIEW OF HACKNEY AND PRIVATE HIRE FEES

The Senior Licensing Officer presented a report concerning the review of Hackney and Private Hire fees. The Committee had agreed to undertake consultation at its meeting on 11 December 2012. At that time it was agreed that the fees be increased as set out in the officer's report with effect from 1 April 2013, subject to consideration of any representations which might be received to the proposals.

The Senior Licensing Officer stated that one objection to the proposed increases had been received from a taxi operator. The Senior Licensing Officer had responded to the comments in the objection, which had subsequently been withdrawn. The objection, response and notice of withdrawal were appended to the officer's report and the formal objection period had passed.

Mr J Hills (Secretary of the Northampton Hackney Carriage Drivers Association) addressed the Committee. He stated that he and his colleagues had not been consulted over the proposed fee increases. He wished to make an objection to the proposals as he felt that the Licensing Team did not offer a satisfactory and efficient service. He stated that they were not providing value for money and increased fees would be unnecessary if the service were more efficient.

Mr Hills stated that he believed that the service was inefficient because the following issues were not being addressed:-

1. Flagging- He stated that there were 1,000 flagged journeys taken every week. These were effectively uninsured journeys. He considered that this problem was not effectively dealt with by the Licensing team.
2. Unrealistic priorities- He stated that there was too much emphasis put on spot checks on the condition of vehicles.
3. The train station renovation which would only provide 12 spaces for over 100 cabs which are currently based there.

In response to a question from a Member he stated that the costs of fuel had increased over the past year from being around 8% of costs to being almost a quarter of costs. He was very concerned at the amount of trade that was being lost to flagging and felt that there was insufficient action taken when incidents were reported.

Mr Bruere, (Chairman of the Northampton Hackney Carriage Drivers Association) addressed the Committee and stated that he considered that the drivers were not receiving value for money. He stated that all the drivers received in return for their fees were plastic badges and carriage plates. He considered that the Licensing Team did not place sufficient emphasis on enforcement action with regard to flagging offences. He also felt that the number of VSA checks had been excessive with 21 in the past year.

In response to a question from a Member he emphasised that he was not in favour of de-regulation but felt that the priorities of the Licensing Team were incorrect. He stated that there was an over emphasis on the physical condition of the vehicles and not enough on working with the drivers.

Officers responded to Members' comments and questions, as summarised below:

- The original report on the proposal to increase Hackney and Private Hire fees had been considered by Committee on 11th December 2012.
- Consultation on the proposals had been carried out via a range of different media.
- The December report had included a detailed costs breakdown.
- Driver representatives had been present and addressed the December meeting.

RESOLVED:

That with effect from 1 April 2013 the Hackney and Private Hire fees be revised as set out at Appendix A to the officer's report.

7. SAFETY AWARENESS COURSE

The Senior Licensing Officer presented a report informing the Committee of the proposed introduction of the Safety Awareness Course for Private Hire Drivers who have been acting illegally, as an alternative to prosecution. Licensing Enforcement Officers had been operating a pilot scheme for Private Hire Drivers plying for trade and this had proved very successful, with drivers attending the courses giving positive feedback. The Committee was recommended to formally adopt the course as an alternative to prosecution, which would bring the Council in line with other agencies, such as the Police, which offered education courses, such as speed awareness.

It was noted that any further offences of flagging by a Private Hire Driver following

attendance on the course might be referred for prosecution and brought to Committee for consideration of the revocation of the Private Hire Licence.

Members expressed concern that there seemed to be very long delays in taking action when drivers were caught "flagging". Members asked whether there was any alternative action that could be taken. The Senior Licensing Officer advised the Committee that due to the number of court closures it could take up to 12 months before a case is heard by a court. Licensing Authority powers to revoke licences do not extend to cases which have not been heard and convictions achieved.

NOTE:- At this point a member of the public who had previously addressed the Committee on item 6 interrupted and asked to be allowed to speak on item 7. The Chair denied the request and advised that he should have indicated his wish to speak at the start of the meeting. He warned him not to further disrupt the meeting.

The disruption from the public gallery continued and the Chair decided to adjourn the meeting at 6.30pm as it was not possible to hear the advice that the Senior Licensing Officer was giving to the meeting. The public who were causing this disruption left the gallery.

The Chair reconvened the meeting at 6.34pm.

The Senior Licensing Officer invited members of the Committee, and the press to attend one of the proposed courses. He advised the Committee that the course would contain graphic images of drivers who had been assaulted after picking up unauthorised fares.

The Senior Licensing Officer emphasised that drivers would need to accept that they were guilty before being allowed to choose the alternative sanction of attending the course.

The Committee considered the fees that could be charged for the course. They were reminded that the fees were not a fine, and that regulations stated that the fees should be set at a level which would cover the actual running costs of the course.

The Committee also considered that members of the trade should be given an opportunity to put forward their views on the proposal.

RESOLVED:

- 1) That the introduction of the Safety Awareness Course and a phased process of discipline/punishment for Private Hire Drivers (PHD) who breach conditions and legislation in relation to plying for hire be deferred. The matter to be considered at the 30th April 2013 meeting of the Committee, and in the meantime officers be authorised to establish a potential fee for the course.
- 2) Trade representatives be invited to the meeting on 30th April 2013.

The meeting concluded at 6:50 pm

Appendices

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**NORTHAMPTON
BOROUGH COUNCIL**

LICENSING COMMITTEE REPORT

Report Title	SAFETY AWARENESS COURSE
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	30 April 2013
Policy Document:	Hackney/Private Hire Sanctions and Procedures
Directorate:	Customers and Communities

1. Purpose

1.1 The purpose of this report is to inform the Licensing Committee with regard to the proposed introduction of the Safety Awareness Course for drivers who have been acting illegally. This report was deferred from the last meeting of the Licensing Committee to seek the views from the trade and give them the opportunity to present those views to the committee.

2. Recommendations

2.1 That the above course be introduced as an addition and also the introduction of a phased process of discipline / punishment towards Private Hire Drivers who breached conditions and legislation in relation to plying for hire.

2.2 To delegate reasonable powers to the licensing enforcement officers to use their discretion as to when and under what circumstances the alternative action is taken.

3. Issues and Choices

3.1 Report Background

3.1.1 Operation Flag is an operation run to catch drivers illegally plying for hire, and has been run by the Licensing Team since 2008 and although it is regarded as an essential tool in the enforcement role, a great deal of time and effort is spent on the operation and also completing the back office paperwork to present to the court.

3.1.2 The paperwork is necessary to ensure a successful prosecution and unfortunately, due to recent court closures the process can take a long time before the driver appears before the magistrates. Sanctions imposed on the drivers by the court can be a maximum of:

£2,500 for plying
£5,000 for No insurance
6 – 8 points

3.1.3 To date all prosecutions undertaken by our own legal department have proved successful and the small number of 'not guilty' pleas entered has resulted in the magistrates reaching a 'guilty' verdict and a suitable penalty being imposed.

3.1.4 Costs to the Council have been awarded in most cases.

3.1.5 Once the defendant has been dealt with by the court he will be subject of a further report in order that he can appear before the Licensing Committee to ascertain whether he is a 'fit and proper person' to hold a Private Hire or Hackney driver's licence.

3.1.6 As with all prosecutions they are time consuming and the licensing team are always looking for other means whereby drivers can be educated in addition to receiving as well as punished.

3.1.7 Education is an alternative to prosecution.

3.1.8 Due to the current climate and the impact it can have on drivers, and length of time to go through the court system, a phased in process has been considered and piloted:

- The first offence of flagging would result in a caution and option to attend a course within 6 weeks of the offence – the £200 serves primarily as recovery of costs to run the course – not the enforcement, and as secondary purpose it serves as a financial punishment to those who flaunted the legislation. Also, rather than just punished they are also educated and the information relayed at any induction about road safety is re-enforced and upgraded to ensure they understand the potential consequences of their actions.
- Second offence of flagging within a 5 year period – prosecution – sanctions mentioned above and potential loss of DVLA licence
- Then at Committee stage – potential loss of PHD licence

3.1.9 This brings the council in line with other agencies eg. the speed awareness course run by the police.

3.1.10 To progress this approach the Licensing Team introduced a course for a trial period to re-educate errant drivers, subject to a fixed fee, with the emphasis on the specific offences they are committing.

3.1.11 The fee was set initially having regard to the length of the course and the time spent by officers in preparation, this fee to be adjusted if the process was formally adopted at a later date.

3.1.12 The current Induction Course has a set fee of £350.00 rising to £370.00 from 1 April 2013, the course is a day's course with a knowledge test at the end of the session.

3.1.13 The Safety Awareness Course has a duration of 4 hours and a fee of £200.00 covers the administration cost of the course.

3.1.14 To be given the opportunity to take up the alternative sanction driver's will have to accept that they are guilty of the offence and accept a 'simple caution'.

3.1.15 At the end of the course drivers would have to take a knowledge test accompanied with a test on their knowledge of the Highway Code.

3.1.16 Formally adopting the Safety Awareness Course would bring us in line with other enforcement agencies who already offer an additional option to prosecution.

3.1.17 If adopted, this course of action would reduce officer time in preparing files for court with the added incentive of increasing revenue into the department.

3.1.18 Having completed the course any breach of conditions within a 12 month period would result in an appearance before the Licensing Committee. The 'flagging' offence would be introduced to show previous bad character.

3.1.19 A second offence of 'flagging' would result in an immediate prosecution and the evidence of previous caution would be produced as evidence at the proceedings.

3.1.20 The Pilot scheme has produced good results so far and those drivers attending the course have given good feedback with regard to its value.

3.1.21 The drivers invited to attend the course were those drivers currently being considered for prosecution to assess whether they were prepared to undergo additional training as an alternative to a court appearance.

3.1.22 All of those drivers took advantage of the invitation.

4.1 Choices (Options)

4.1.1. Confirm the formal adoption of the procedure outlined.

4.1.2 Recommend an alternative system of enforcement.

4.1.3 Reject the proposal and retain the system of prosecution for all 'flagging' offences.

5. Implications (including financial implications)

5.1 Policy (Hackney and Private Hire Licensing)

Licensing Committee 30/04/2013

Any changes would be incorporated within the current policy.

5.2 Resources and Risk

5.2.1 Resources will continue to be managed within the licensing budget.

5.2.2 Operation Flag is a joint operation involving the police and NBC, decisions on action to be taken following the detection of offences lies with NBC.

Points to be considered are:

- whether this would be a strong enough deterrent to prevent drivers re-offending.
- Whether it is good use of officer time. (A decision would need to be made as to whether it is run as a day or a half day course).
- Ensure, should they decline the offer, that drivers are inside the six month prosecution deadline. Those refusing the offer would be prosecuted.

5.3 Legal

5.3.1 The Local Government (Miscellaneous Provisions) Act 1976, allows the Local Authority to impose sanctions in respect of drivers licences for both Hackney carriages and Private Hire Vehicles, drivers and operators.

5.3.2 All enforcement activities, including investigations and formal actions, will always be conducted in compliance with the Council's statutory obligations.

5.3.3 Human Rights Act 1998.

Article 1 of the first protocol stipulates:

Protection of property

Every natural and legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law.

The preceding provision shall not, however, in any way impair the right of the state to enforce such laws as it deemed necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Committee members ought to be aware that a person's Hackney driver's licence is a possession under article 1 of the first protocol.

Any decision to interfere with the enjoyment must be proportionate to the issues, which is fulfilling a legitimate aim.

5.4 Equality

5.4.1 An equality impact assessment has been undertaken there are no equality issues as all drivers will be offered the same opportunity to avoid prosecution.

5.4.2 By endorsing a formal process it will ensure that all licence holders are treated fairly.

5.4.3 In line with the Council's published equalities policy, we will use positive action in how we provide services

5.5 Consultees (Internal and External)

5.5.1.Legal

5.6. Background Papers

5.6.1.Local Government (Miscellaneous Provisions) Act 1976. (Relating to Hackney and Private Hire vehicles and drivers).

5.6.2.Taxis-Licensing Law and Practice – James Button.

Report Author: Philip Bayliss .
Senior Licensing officer
Ext7099



**NORTHAMPTON
BOROUGH COUNCIL**

Invitation to attend Safety Awareness Course

Course Date:

Duration of Course: 10.00am to 12.30pm.

Location of Course: The Guildhall, Holding Room.

Nominated Driver:

Private Hire Badge Number:

Address of driver:

Do you intend to attend the Course?

Yes/No

Do you understand why you have been asked to attend?

Yes/No

Please read the statements below and sign in the space provided to acknowledge that you accept the conditions of this offer.

- (a) I acknowledge that by accepting this offer I will still be liable to prosecution if I fail to attend, or refuse to attend, the course provided, at the time and date above.
- (b) I acknowledge that I will only be offered the course once, should I re-offend within a three year period there will be no further offer made and I may be prosecuted for those offences.

Signed.

Driver signature



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Appendix B

Cost to the Council of running the Safety Awareness Course

Officer Time x 2 (The course).	290
Room Hire @ £25.00 p.h	100
Administration costs 50% of officer time	145
Initial cost of Setting up the course	<u>2250</u>
	<u>2785</u>
 Average uptake (estimated) 4 drivers per course.	 -800

Prohibiting 'Flagging'

Reference the proposal to punish offenders initially with a mere caution, and repeat offenders with the *threat* of a 'Safety Awareness Course'

My view is fairly straightforward:

- 1) The **Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976)** requires that the offence of 'flagging' be prohibited:
- 2) This proposal does nothing to discourage 'flagging' but in fact makes it more likely:
- 3) If this proposal is adopted the anomalous position arises where driving without insurance is treated more leniently than driving with a marginally illegal tyre, which results in 3 points on a licence:
- 4) The **LG(MP)A1976)** as it stands seeks to maintain the distinction between Hackney Carriages and Private Hire Vehicles and for Northampton Borough Council to adopt this proposal
 - i) undermines the intention of Parliament as expressed in the statute:
 - ii) permits a local by-law to usurp Statutory Law regarding driving without insurance which is punishable by 6-8 points on a licence:
 - iii) makes it more likely that the public will be put in danger
 - iv) fails to protect Hackney Carriage income which is **ONE** of the intentions inherent in prohibiting 'flagging'
 - v) will encourage PHV's to break the law and **will actively aid and abet criminal conduct:**

According to FOI's received, there have only been **72** prosecutions in the last **Six** years up until last September for 'flagging' resulting in only **2 PHV badges being permanently revoked**. This means, effectively, that there is almost **NO DETERRENT TO PROHIBIT FLAGGING AS THINGS STAND IN ANY EVENT!**

According to another FOI, there were **21** vehicular spot checks last year in Northampton at a Licensing Officer wages bill of approximately **£3,500!**

Proposals to deter Flagging

- 1) Remove illuminated Private Hire Roof Signs, in line with recommendations made by the **Ministry of Transport 2010** bringing Northampton into line with policy adopted in many towns and several major cities.

Roof signs are no longer indispensable as 'PDA' systems are now widespread and identify the make, model and registration mark of any vehicle legitimately booked to the person making the booking. **This system eliminates any confusion with 'Taxis'**.

- 2) **The aspects of a safety awareness course should be taught by the Licensing Authority at the point at which the drivers' badge is first issued! In any event, the Private Drivers' Handbook which every driver is supposed to have read, encompasses these point!**
- 3) **Every PHV should have a notice on the sides of their vehicles stating 'NO ADVANCE BOOKING – NO INSURANCE' thereby eliminating any confusion and BRINGING NORTHAMPTON INTO LINE WITH MANY NEIGHBOURING TOWNS AND SEVERAL MAJOR CITIES.**

These proposals seem both fair and easy to implement.

ALSO CONSIDER, THAT BY REDUCING THE NUMBER OF VEHICULAR INSPECTIONS (Oxford for instance, which has approximately the same number of Hackney Carriages as Northampton, had ONLY TWO such inspections last year without compromising safety!), this would free up money to be spent on a coherent anti-flagging policy!

Paul Bruère Chairman of the Northampton Hackney Carriage Association



NORTHAMPTON
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LICENSING COMMITTEE REPORT

Report Title	Street Trading Fees and Consents.
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	30 April 2013
Policy Document:	Street Trading
Directorate:	Customers and Communities

1. Purpose

- 1.1 This report updates Committee on the consultation regarding the proposed increase in street trading fees and amendments to the street trading consent locations.
- 1.2 Committee is required to consider the two objections received in respect of these proposals.

2. Recommendations

- 2.1 Subject to due consideration of the objections detailed in Appendix D, to approve the following:-
- 2.2 Approve the three tier structure of the fees, to include a Standard, Premium and Town Centre category, in accordance with paragraph 3.1.16 to 3.1.18.
- 2.3 Approve the proposed increases in street trading fees, in accordance with paragraph 3.1.19.

3. Issues and Choices

3.1 Report Background

- 3.1.1 At its meeting of 11 December 2012, Licensing Committee agreed to consult on proposed increases in street trading fees and setting a new three tier structure.

- 3.1.2 At its meeting on 11 February 2013, Licensing Committee rejected the increase in street trading fees and asked officers to present a revised report indicating a more phased increase.
- 3.1.3 All street traders were notified in writing about the proposed increases and the statutory advertisement was placed in the local press setting out the proposed increases and new fee structure. A copy of the advert and notice to the traders is shown in Appendix A
- 3.1.4 Two objections to the proposed increase have been received and they are attached at Appendix D.
- 3.1.5 Committee also agreed to consult on proposals to adopt street trading pitches within the town centre; this is still pending further analysis to determine suitable locations and periods of trading, etc. This will be presented to Committee, once analysis and consultation has been completed. However, the proposed fee for a town centre premium pitch can be adopted now.
- 3.1.6 Street trading consents are regulated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA) and authorise the selling, or offering for sale, of any article in a street. The term 'street' includes any road, footway or other area to which the public has access without payment.
- This includes all hot and cold food vendors, for example:
- all vendors of burgers, kebabs, doughnuts, ice cream, etc.
- It also includes:
- all vendors of non-food products who trade on static pitches from any vehicle, stall, barrow, trailer, or any other moveable construction.
- 3.1.7 The granting of street trading consents is a matter within the general discretion of the Authority.
- 3.1.8 All streets within Northampton Borough are prohibited streets, with specified pitches granted a street trading consent. There are currently 24 street trading pitches within the Borough, as detailed in Appendix B. At present 21 locations are occupied, with 3 pending occupation.
- 3.1.9 No street trading pitches exist within the immediate vicinity of the town centre.
- 3.1.10 Each street trading pitch is currently charged the same fee regardless of the location, calculated at a rate of £100 per annum for each day of the week of trading. For example a trader operating for 5 days per week would be calculated at $5 \times £100 = £500$ per annum.

3.1.11 Street traders are billed annually around September/October in time for renewal on 1 November, with a small percentage opting to pay by two instalments, part due in September/October with the balance payable in April/May, incurring a supplement of £25 on each instalment.

3.1.12 The current annual income calculations are as follows:-

Trading Days Per Week	Annual Fee £	Number of Pitches	Calculation	Total Income £
1 x 100	100	1	100 x 1	100
5 x 100	500	15	500 x 15	7,500
6 x 100	600	2	600 x 2	1,200
7 x 100	700	3	700 x 3	2,100
Total Income				10,900

3.1.13 Street trading fees have not been increased since regulation commenced in 2003.

3.1.14 It has been identified that under Schedule 4 of the LGMPA the Council could consider setting a different fee for premium areas, this being the fee structure adopted by many other towns and cities as indicated in the benchmarking exercise at Appendix C.

3.1.15 Therefore, in addition to increasing the current standard fees, it is proposed to adopt three different fee areas, creating a higher fee for pitches located within areas that have a higher footfall. The different fee areas are defined by the following categories:-

3.1.16 **Standard Fees** – Applicable to those pitches trading outside of the town centre premium area and falling within 15 metres of the public highway.

3.1.17 **Premium Fees** – To include any public park maintained by the local authority and any other street, road or highway or area falling within 15 metres of that street, road or highway located in the Borough of Northampton and deemed to be a premium pitch.

3.1.18 **Town Centre Premium Fees** – Suggested town centre pitches will be at specified locations on Abington Street, Mercers Row, George Row, Bridge Street, Gold Street, St Giles Street, Derngate, Wood Hill, and The Drapery. Please note that as the Market Square is covered by its own Market Charter it is not included within this fee setting process.

3.1.19 It is proposed to increase street trading fees in the next financial year by 40% for standard areas, with a further phased increase of approximately 20% each year, over a four year period, and to introduce two new premium rates as detailed in the table below.

	Annual Fee for each day of trading					
	2012/13 £	2013/14 £	2014/15 £	2015/16 £	2016/17 £	2017/18 £
Standard area	100	140	170	200	240	290
Premium Park Location	N/A	175	210	250	300	360

	Daily Fee for each day of trading					
	2012/13 £	2013/14 £	2014/15 £	2015/16 £	2016/17 £	2017/18 £
Premium Town Centre Location	N/A	30	35	40	45	50

3.1.20 At this time, the Premium Town Centre locations (to be identified) will only be utilised on occasions such as the St Crispin's Street fair. These events generate a high footfall and the opportunity for a trader to earn significantly more is increased. The proposed fee reflects the exclusivity of being licensed to trade in the Town Centre on these occasions.

3.1.21 The projected fees based on the new fee structure would bring in an annual revenue income for the next five years as detailed in the tables below, assuming the number of traders and the amount of trading days remains the same.

2013/14

Trading Days Per Week	Annual Fee £	Number of Pitches	Calculation	Total Income £
1 X 140	140	1	140 x 1	140
5 X 140	700	15	700 x 15	10,500
6 X 140	840	2	840 x 2	1,680
7 X 140	980	1	980 x 1	980
Premium Park Location 7 X 175	1,225	2	1,225 x 2	2,450
Premium Town Centre Location		TBC	TBC	TBC
Total Income				15,750

2014/15

Trading Days Per Week	Annual Fee £	Number of Pitches	Calculation	Total Income £
1 x 170	170	1	170 x 1	170
5 x 170	850	15	850 x 15	12,750
6 x 170	1,020	2	1,020 x 2	2,040
7 x 170	1,190	1	1,190 x 1	1,190
Premium Park Location 7 x 210	1,470	2	1,470 x 2	2,940
Premium Town Centre Location		TBC	TBC	TBC
Total Income				19,090

2015/16

Trading Days Per Week	Annual Fee £	Number of Pitches	Calculation	Total Income £
1 x 200	200	1	200 x 1	200
5 x 200	1,000	15	1,000 x 15	15,000
6 x 200	1,200	2	1,200 x 2	2,400
7 x 200	1,400	1	1,400 x 1	1,400
Premium Park Location 7 x 250	1,750	2	1,750 x 2	3,500
Premium Town Centre Location		TBC	TBC	TBC
Total Income				22,500

2016/17

Trading Days Per Week	Annual Fee £	Number of Pitches	Calculation	Total Income £
1 x 240	240	1	240 x 1	240
5 x 240	1,200	15	1,200 x 15	18,000
6 x 240	1,440	2	1,440 x 2	2,880
7 x 240	1,680	1	1,680 x 1	1,680
Premium Park Location 7 x 300	2,100	2	2,100 x 2	4,200
Premium Town Centre Location		TBC	TBC	TBC
Total Income				27,000

2017/18

Trading Days Per Week	Annual Fee £	Number of Pitches	Calculation	Total Income £
1 x 290	290	1	290 x 1	290
5 x 290	1,450	15	1,450 x 15	21,750
6 x 290	1,740	2	1,740 x 2	3,480
7 x 290	2,030	1	2,030 x 1	2,030
Premium Park Location 7 x 360	2,520	2	2,520 x 2	5,040
Premium Town Centre Location		TBC	TBC	TBC
Total Income				32,590

3.1.22 **Benchmarking** – The fee structure and regulation of trading varies considerably across authorities. This may be due to the different characteristics of the town or city centre.

3.1.23 The fees identified as higher than Northampton are primarily due to the location of street trading pitches, with higher fees being reflected in those towns or cities that have town centre pitches, or locations with a higher footfall.

3.1.24 Example 1 - Norwich has defined street trading areas within the town centre, alongside the permanent market stalls. These are charged at a premium fee, with the fee for some pitches including the use of the stall and electricity. A lower fee is charged for those traders who operate typically on industrial estates.

3.1.25 Example 2 - South Northamptonshire has stalls mostly in lay-bys or on industrial estates.

3.1.26 Example 3 - Bristol has a variety of street trading consents within the town centre location, defined by wards that are charged a premium of £20 per day. Burger vans and similar types of street trading on the city outskirts are charged at £10 per day. Bristol also allows mobile ice cream sellers in the city centre at a flat fee of £415 per annum; these are allowed in certain consent streets and with the permission of any land owners, etc.

3.1.27 The proposed premium street trading fees around the parks are comparable to the lease fees currently charged in the region of £3,000 by Northampton Borough Council's Asset Management Department, for similar type of vendors currently operating in park locations.

3.1.28 A summary of the benchmarking findings is detailed in Appendix C.

3.1.29 An analysis of service expenditure and income is attached at Appendix E. This shows that at current fee levels, income from street trading consents is less than the expenditure on the service.

3.1.30 Implementation of the new fee structure is planned for 1 May 2013.

3.2 Issues

There are two existing traders located on Park Avenue South, who will fall into the premium fee category and who will face a higher increase than other existing traders. This might result in a legal challenge and negative publicity.

3.3 Choices (Options)

- 3.3.1 Agree the increase in fees and a different fee structure for the premium areas.
- 3.3.2 Agree the increase in fees for standard areas to apply across the town, regardless of location and not adopt a different fee for premium areas.
- 3.3.3 Agree an increase in fees different to that proposed and start the consultation process again.
- 3.3.4 Take no action and leave the fees at current rates.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 There would be no change to the existing street trading policy regarding the prohibited streets and consent locations. There will be a change to the existing fee structure. The fee structure has not been increased since Street Trading Consents were introduced in 2003.

4.2 Resources and Risk

- 4.2.1 In the current economic climate and with some traders already deciding to reduce the number of days trading, it is a high possibility that the increase in fees will result in a decrease in the number of financially viable locations. This could impact upon the estimated income detailed above.
- 4.2.2 Not increasing fees now may result in Northampton Borough Council falling lower in future comparable reports, creating a bigger differential in the future to bring fees in line with other authorities.
- 4.2.3 Not increasing the current fees would retain the burden on the Council Tax Payer.

4.3 Legal

- 4.3.1 The designation of streets / roads as consented streets is lawful within the meaning of the LGMPA Schedule 4 Section 2 (1) (c).
- 4.3.2 The legislation under Schedule 4 of the LGMPA clearly states that the levying of fees must be reasonable and therefore in order to justify these increases and to minimise the legal challenge, a detailed rationale must be undertaken with finance to corroborate the basis of the increase, which is to optimise recovery of direct and indirect costs in delivering the street trading function.

4.3.3 It will be the Council's duty to consider any representations and take account of these when making the final decision, this decision must be reasonable/rational within the Wednesbury reasonableness principle;

"It applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it".

4.4 Equality

4.4.1 There are no known equality and diversity issues resulting from these proposals.

4.5 Consultees (Internal and External)

4.5.1 Street Traders, Finance, Legal

4.6 Other Implications

4.6.1 N/A

5. Background Papers

5.1 Local Government (Miscellaneous Provisions) Act 1982

5.2 Northampton Borough Council Street Trading Policy

**Report Author Louise Faulkner
Title Senior Licensing Officer
Ext: 8393**

Julie Seddon
Director of Environment & Culture



Licensing Team
The Guildhall
Northampton
Tel: 01604 838711
Email: licensing@northampton.gov.uk

Contact: Louise Faulkner
Direct Line: 01604 838545
E-Mail: licensing@northampton.gov.uk
Date: 18 March 2013

Proposed Street Trading Fees
Street Trading Consent No: STC0001

Please find enclosed notice of the proposed increase to Street Trading Fees.

Any representations or objections must be made in writing to the Licensing Team within 28 days of this notice.

Yours sincerely,

Louise Faulkner
Senior Licensing Officer

Location of Existing Street Trading Pitches

1		Tweed Road
2		Rhossili Road
3	*	Abington Park, Park Avenue South
4		Rhossili Road
5		Tyne Road
6		Lodge Way, Lodge Farm Ind Estate
7		Stone Circle Rd, Round Spinney
8		Deer Park Road
9		Lower Farm Road, Lodge Farm
10		St Gregory's Road
11		St James Mill Road
12		Quarry Park Close
13	**	Lilliput Road, Brackmills
14		Salthouse Road, Brackmills
15		Fairground Way
16	*	Park Avenue South
17		Lodge Way
18		Gambrel Road
19		Gowerton Road, Brackmills
20		Crow Lane/Ravens Way
21	**	Bunting Road
22		Heathfield Way Gladstone Road
23		Bedford Rd Near Gt Houghton Turn
24	**	A45 Sandy Lane Upton

*Yellow = Existing Trading Locations falling into Premium Fees

**Grey = Pending New Trader Occupation

Benchmarking

Appendix C

Town/City	Charges Levied Per Day £	Charges Levied Per Annum £	Town Centre Fees Per Annum £	Out of Town Centre Fees Per Annum £	Additional Comments
Northampton	N/A	700.00	N/A	700.00	
Peterborough	8.80 – 15.80 Day 70.00 Night	Average 6,000.00	N/K	N/K	mobile ice cream traders £655.00 per annum
Norwich	10.00 – 15.00	Average 1,500.00	Average 5,500.00	Average 1,500.00	some pitches include cost of staff and electricity
North West Leicestershire	N/A	375.00	N/A	N/A	
Nuneaton	Average 40.00	N/A	4,000	N/A	
Bristol	10.00 – 20.00	N/A	Average 7 days trading 7,300.00	Average 3 days trading 1,400.00	allow mobile ice cream sellers, for example on tricycles in town centre locations at flat fee of 415.00
South Northants DC	N/A	900.00	900.00	900.00	
Corby	25.00	1,000.00	1,000.00	1,000.00	

NATIONAL AWARDS FOR ICE CREAM

SILVER MEDAL 1970	SILVER MEDAL 1987
BRONZE MEDAL 1971	SILVER MEDAL 1988
INTERNATIONAL AWARD 1974	SILVER MEDAL 1991
SILVER MEDAL 1978	SILVER MEDAL 1994
SILVER MEDAL 1980	SILVER CHALLENGE CUP 1995
SILVER MEDAL 1985	SILVER CHALLENGE CUP 1996
BRONZE MEDAL 1985	BRONZE MEDAL 1996
SILVER CHALLENGE CUP 1986	SECOND PRIZE 1997
SILVER CHALLENGE CUP 2000	BRONZE MEDAL 2001

COMPANY No. 680619 ENGLAND

E Gallone Ltd

ICE-CREAM MANUFACTURERS

VAT No:119-6824-49
Company Directors : A. Gallone, G. Gallone
L. Gallone

COMPANY No: 680619
REG. ADDRESS:
8 Welford Road, Northampton, NN2 8AG
Telephone: 01604/715371 Fax: 01604/721482

30/03/2013

Re: Increase in fees

Dear Sir,

We would like to place an objection to the fees, and would like to be considered as other sites in regards to any increases. This would be based on the Retail Price Index. It would put us in line with your other sites, and then these would also be transparent for all in regards to future increases and reviewed every five years.

We would also again like to object to us being moved from our traditional spot of over "80" years, and would like to attend your next committee meeting.

Many Thanks

Aldo Gallone

Keith Hills
2 Railway Cottages
Church Brampton
Northampton
NN6 8AR.

9th April, 2013

Northampton Borough Council
Licensing Team
The Guildhall
Northampton

For the Attention of Louise Faulkner

Re: Proposed Street Trading Fees.

Dear Sir,

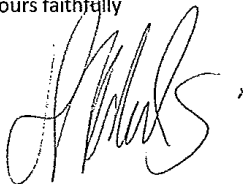
I am writing in regard to the proposed street traders license increase. I do understand that there has to be an increase as with everything in these tough economic times, but over the next 3 years the increase totals 190%, which is a very large increase.

Already small businesses are struggling as is myself, I am on a small industrial estate on the edge of Northampton and all around me businesses and factories are closing down. The cost of stock and fuel is rising which is making things even tougher.

This combined with the amount of mobile food vans that call to the estate is having a dramatic effect on business and as I understand, these mobile street traders that move from site to site need no license at all! During the summer months there's also ice cream vans that sell soft drinks and confectionary.

Can you please bear all this in mind when considering any future increases.

Yours faithfully



Keith Hills



Street Trading Expenditure & Income

Appendix E

			2013/14	2014/15	2015/16	2016/17	2017/18	
			Budget	Budget	Budget	Budget	Budget	
			£					
0820A	Licensing Administration	Employees 5%	10,250	10,500	10,750	10,858	10,967	
		Management On Costs	19,235	19,338	19,430	19,624	19,820	
		Software	800	821	843	866	889	2.70%
		Advertising	0	0	0	0	0	
		Support Services	1,988	1,988	1,988	1,988	1,988	Cost of Increase in Support Services N/K
		Total Admin costs		32,273	32,647	33,011	33,336	33,664
<u>Income</u>								
08228	Street Trading Consents		-15,750	-19,090	-22,500	-27,000	-32,590	
Total			16,522.98	13,557	10,511	6,336	1,074	