

REPORT TO: LICENSING COMMITTEE

DATE: 12 SEPTEMBER 2017

TITLE: ARRANGEMENTS FOR STREET TRADING IN THE TOWN CENTRE

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RECOMMENDED that:

- A** The Licensing Committee recommends to Full Council the adoption of the revised fees and charges structure for street trading pitches on land that the Council owns in the town centre set out at Appendix 1 to the report.
- B** The Licensing Committee recommends to Full Council approval of collection of fees monthly by direct debit.

BACKGROUND

1. Members of the Licensing Committee will be aware that a limited number of 'street trading pitches' on land that the Council owns in the town centre are available for rent. The fees and charges associated with these are determined annually as part of the Council's budget setting process. Four trading pitches in Broad Walk have been occupied by a flower seller, a hot sausage seller (now vacant), a child's carrousel, and an ice cream seller. Fees historically are calculated on daily attendance and routinely paid in cash.
2. In 2015 the Council approved a proposal to permit former Harlow Market traders to operate from marked pitches in Broad Walk and East Gate under the Street Trading provisions of the Local Government (Miscellaneous Provisions) Act 1982. This requires traders to apply for annual Street Trading Licenses the fee for which is currently £360.00.
3. Street traders throughout Harlow must apply for annual statutory street trading licenses. Where traders operate on Council owned land they must also pay a monthly 'pitch rental' charge.
4. In the absence of the necessary resources to collect fees on a weekly basis the Council has entered into written 'pitch rental' agreements with former

market traders. Fees are collected by monthly direct debit. However traders have pointed out that this is less flexible for them than weekly payment, when they paid only for the days on which they worked, which generally excluded bank holidays and inclement weather.

5. The fees initially set for these pitches are the same as the former market fees, adjusted for inflation, with a reduction of 15% with the intention of allowing for those days that the traders do not trade because of inclement weather, sickness or holidays, including bank holidays.

ISSUES

6. The Council has received a number of representations from traders regarding the increase in their annual costs mainly as a result of the need to pay for a street trading licence. This disproportionately affects those traders that work one day per week.
7. Former market traders, for historical reasons, pay a different pitch rental to the established pitches described at paragraph 1 of the report.
8. Former market traders no longer receive assistance to erect stalls as they did when trading on the Market Square.
9. The Council is unable to routinely monitor daily attendance and accept daily cash payments from the former market traders.
10. Payment of pitch rental by monthly direct debit transfers some financial risk from the Council to the trader where the trader is unable to work because of inclement weather, holidays or sickness.
11. The financial effect of changes is proportionally greater on those traders who only trade on one day per week.
12. Proposals to reduce the pitch rental fee will lead to reduced income to the Council

PROPOSALS

13. It is proposed to:
 - Harmonise pitch rental charges in the town centre.
 - Reduce the adverse financial impact on traders that work 1 day per week by reducing the daily pitch rental for traders operating only one day per week.
 - Formalise the contractual arrangements with all traders whereby all

payments are made by direct debit.

- Invite all traders including 'town centre management' traders to enter into a written agreement with the Council.
- Provide traders with an approximately 15% discount on currently published fees to compensate for non-attendance due to inclement weather, holidays and sickness.
- Calculate and collect fees on a monthly, rather than on a daily or weekly, basis, while having regard for the number of days per week that pitches will be used.

14. The specific effects of these proposals on relevant fees and charges are set out in Appendix 1 which compares existing fees and charges with revised proposals.

IMPLICATIONS

Place (includes Sustainability)

As contained within the report.

Author: **Graeme Bloomer, Head of Place**

Finance (Includes ICT)

The proposals outlined within the report will result in lower income being generated and will therefore impact on the General Fund budget. However, it is hoped that in the long term, the measures will ensure that traders continue to operate in Harlow and will limit the impact of lost income in the future.

Author: **Simon Freeman, Head of Finance**

Housing

None specific.

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

None specific.

Author: **Jane Greer, Head of Community Wellbeing**

Governance (includes HR)

None specific.

Author: **Dimple Roopchand Assistant Solicitor for Brian Keane, Head of Governance**