



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **LICENSING COMMITTEE**

TIME: 09:30am

DATE: Wednesday 10th November 2021

VENUE: Council Chamber, Council Offices, The Grange, Nutholt Lane, Ely

ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes

DIRECT DIAL: (01353) 665555 EMAIL: adrian.scaites-stokes@eastcamb.gov.uk

Membership:

Conservative Members

Cllr Julia Huffer (Chairman)
Cllr Jo Webber (Vice
Chairman)
Cllr Christine Ambrose Smith
Cllr David Ambrose Smith
Cllr Lavinia Edwards
Cllr Alan Sharp

Substitutes:

Cllr Ian Bovingdon
Cllr Bill Hunt
Cllr Lisa Stubbs

Lead Officer:

Liz Knox, Environmental Services Manager

Quorum: 5 Members

Liberal Democrat Members

Cllr Simon Harries
Cllr Mark Inskip
Cllr Alec Jones (Lead
Member)
Gareth Wilson

Substitutes:

Cllr Charlotte Cane
Cllr Matthew Downey
Cllr John Trapp

Independent Group

Cllr Sue Austen (Lead
Member)

Substitute:

Cllr Paola Trimarco

A G E N D A

1. **Apologies and Substitutions**

2. **Declarations of Interest**

To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct

3. Minutes

To receive and confirm as a correct record the Minutes of the Licensing Committee Meeting held on 4th October 2021

4. Chairman's Announcements

5. Review of Licensing Fees

6. Local Government (Miscellaneous Provisions) Act 1982 – Post Implementation Review of Street Trading Policy 2016

7. Senior Licensing Officer's Update [verbal report]

8. Forward Agenda Plan

NOTES:

1. Members of the public are welcome to attend this meeting. There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include Public Question Time at the start of a meeting and a process to enable petitions to be submitted. Details of these can be obtained by calling the telephone number on this Agenda or by logging onto the Council's website.
2. Members of the public can gain entry by reporting to Reception during Office Hours or can enter via the door in the glass atrium at the back of the building for evening meetings.
3. The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
4. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

5. Reports are attached for each agenda item unless marked "oral".
6. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
7. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

"That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended)."



AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in the Council Chamber at The Grange, Nutholt Lane, Ely on Wednesday, 4th October 2021 at 9:30am.

PRESENT

Cllr Julia Huffer (Chairman)
Cllr Jo Webber (Vice-Chairman)
Cllr Sue Austen
Cllr Lavinia Edwards
Cllr Simon Harries
Cllr Bill Hunt (as a Substitute Member)
Cllr Mark Inskip
Cllr Alec Jones
Cllr Alan Sharp
Cllr Lisa Stubbs (as a Substitute Member)
Cllr John Trapp (as a Substitute Member)

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Liz Knox – Environmental Services Manager
Tracy Couper – Democratic Services Manager
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

5. APOLOGIES

Apologies were received from Councillors Christine Ambrose-Smith, David Ambrose-Smith, and Gareth Wilson.

6. DECLARATIONS OF INTEREST

No declarations of interests were made.

7. MINUTES

The Minutes of the meeting of the Committee held on 11 November 2020 were received. A Member queried whether the Minutes of the meeting of the Committee held after the Annual Council meeting on 29 April 2021 also should have been included on the Agenda and the Democratic Services Manager confirmed that this should have been the case.

It was resolved:

That the Minutes of the Licensing Committee meeting held on 11th November 2020 be confirmed as a correct record and be signed by the Chairman.

8. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made no announcements.

9. **GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES – THREE YEAR REVIEW**

The Committee considered a report, W68 previously circulated, that contained the revised version of the Council's Gambling Act 2005 - Statement of Principles for Licensing.

The Senior Licensing Officer informed the Committee that formal consultation on the draft Statement of Licensing Principles took place between 15 July and 27 August 2021. No consultee responses were received.

A Member highlighted a correction required to paragraph 27.2 of the Statement of Principles to refer to the Disclosure and Barring Service (DBS) rather than the Criminal Records Bureau (CRB). In response to a further question by a Member, the Senior Licensing Officer explained the various consultees listed in Annex A.

It was resolved to RECOMMEND TO COUNCIL:

That Council approve the Gambling Act 2005 - Statement of Principles for Licensing for adoption to come into effect on 31 January 2022 following a period of publication to be not less than 28 days.

10. **THE MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE FIT AND PROPER PERSON) (ENGLAND) REGULATIONS 2020**

The Committee considered a report, W69 previously circulated, containing the draft Determination Policy and draft Fee Policy for implementation of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

The Environmental Services Manager stated that there were 10 sites in the East Cambridgeshire area and explained the background to the legislation and draft Policies. This was a statutory process, but the Council had discretion on whether or not to charge an administration fee and this could only be set to include reasonable costs. A fee of £230 was proposed, which was considered reasonable.

Members welcomed the new legislative process which they considered important to ensure site managers were fit and proper persons, in the light of complaints from residents regarding the management of sites in the past. Members asked about the process for assessing applications and the possible revocation process. The Environmental Services Manager stated that the officers involved had extensive experience in these areas and also could gain good practice guidance and advice from the national forum on this issue that they were members of. In response to other questions by Members, the Environmental Services Manager agreed to confirm whether revocation would be a matter delegated to officers or for a Licensing Sub-Committee to determine and whether

site managers had an obligation to advise the Council immediately of any changes in circumstances, such as convictions.

Members commented that the Council needed to be proactive in ensuring good management of sites, since there had been cases of improper practices in the past and residents had feared or experienced harassment for reporting these. In response, the Environmental Services Manager confirmed that such complaints were dealt with on an anonymous basis, although owners/managers may make their own assumptions as to where these had originated.

Questions were raised regarding the issue of ownership/management by persons resident outside of the UK referred to in 3.1(b) of the Determination Policy, and it was confirmed that this could be a reason for failure of the fit and proper person test, if it was considered that the site could not be managed effectively. In response to a further question by a Member, the Environmental Services Manager stated that the Council could step in to manage a site, if it was not being effectively managed.

Members requested that an update report on implementation of the Regulations and Policies be submitted to the Committee in 6 months time.

It was resolved:

1. That the new statutory local authority powers in The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 be noted.
2. That approval be given to the adoption of:
 - i) The East Cambridgeshire District Council Fit and Proper Person Determination Policy for Mobile Homes and Caravan Sites 2021; and
 - ii) The East Cambridgeshire District Council Fit and Proper Person Fee Policy for Mobile Home and Caravan Sites 2021; and
 - iii) Both policies take effect from 4th October 2021.
3. That the terms of reference of the Licensing Committee be amended to include the new functions introduced by The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
4. That authority be delegated to the Monitoring Officer to make the necessary changes to the Constitution to give authority to the Environmental Services Manager to exercise the functions introduced by The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
5. That an update report on implementation of the Regulations and Policies be submitted to the Committee in 6 months.

11. **SENIOR LICENSING OFFICER UPDATE**

The Committee considered a verbal report that updated Members on the work of officers within the Licensing Department.

The Senior Licensing Officer reported that there had been a 3-4% reduction in the number of Taxi Drivers as a result of the pandemic.

12. **FORWARD AGENDA PLAN**

The Committee considered its Forward Agenda Plan.

The Senior Licensing Officer stated that the following items would be submitted to the November meeting of the Committee, in addition to those already on the Agenda Plan and the Minutes of the of the meetings of Committee held after the Annual Council meeting on 29 April 2021 and this meeting:

- Annual Fees Review
- Street Trading Policy Review

The meeting concluded at 10:10am.

TITLE: REVIEW OF LICENSING FEES

COMMITTEE: LICENSING COMMITTEE

DATE: 4 OCTOBER 2021

AUTHOR: SENIOR LICENSING OFFICER

[W93]

1.0 ISSUE

1.1 This report sets out the statutory fees that East Cambridgeshire District Council is required to charge for specific licences under the Licensing Act 2003 and the Gambling Act 2005.

1.2 The report also sets out the fees for the period 1 April 2022 to 31 March 2023 in respect of those licences and licensing related activities where the authority has the discretion to determine the relevant fees; this includes, but is not limited to hackney carriage and private hire licences, and animal licences.

2.0 RECOMMENDATION(S)

2.1 That Members:

- i) note the statutory fees that East Cambridgeshire District Council is required to charge in respect of the specified licences under the Licensing Act 2003 and the Gambling Act 2005 as set out in Appendix 1 and Appendix 2, and agree to implement these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2022.
- ii) instruct Officers to implement, as appropriate, any other statutory fees that may be brought into force during the 2021/2022 financial year.
- iii) instruct Officers to include the agreed fees in the 2022/2023 annual fees and charges report that is presented to full Council.

2.2 That Members:

- i) agree to implement the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees, as set out in Appendix 3 and Appendix 4, on the 1 April 2022.
- ii) agree to implement the proposed fees relevant to Animal Welfare licensing, as set out in Appendix 5 on the 1 April 2022.
- iii) instruct Officers to include the fees in the 2022/2023 annual fees and charges report that is presented to full Council.

2.3 That Members:

- i) agree to implement the proposed fees relevant to hackney carriage, private hire and operator licensing, as set out in Appendix 6 on the 1 April 2022.
- ii) instruct Officers to include the proposed fees, as set out in Appendix 6, in the 2022/2023 annual fees and charges report that is presented to full Council.

3.0 BACKGROUND

- 3.1 With the exception of statutory fees set by central government the Council is responsible for setting fees and charges for the licensing regulations it is responsible for administering and enforcing.
- 3.2 There is no statutory duty on the Council to consult when setting or revising licensing fees with the exception of those fees relating to hackney carriage, private hire vehicles and operators' licences under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.3 The Committee's legal authority to agree the recommendations is based within a range of specific licensing legislation together with the delegated functions set out in the Council's constitution. Extracts from the relevant legislation are provided in **Appendix 7**. Due consideration must also be given to relevant case law. Members are advised that Officers have considered these requirements when compiling this report.
- 3.4 The Council's fees and charges may be challenged through a number of routes, e.g. service complaints to the Local Government Ombudsman or via a judicial review.
- 3.5 The consequences of such a challenge are clearly demonstrated in the Court of Appeal judgement given in respect of R Hemming and others v Westminster City Council case, which involved the licensing of sex shops in Soho and Covent Garden.
- 3.6 The judgement has made it clear that local authorities may become liable for substantial costs if it is found that procedures for setting fees have not been correctly followed, and if the fees are not reasonable and proportionate to the costs of the licensing procedures.
- 3.7 When considering whether the licensing fees are reasonable and proportionate, it is also necessary to look at each regulatory power separately. In simple terms this means taxi and private hire licence holders should not be charged a fee for their licence that creates an excess which is then used to subsidise the fees paid by applicants wishing to obtain another type of licence such as, an animal welfare licence for boarding dogs.

- 3.8 It is also necessary to reflect that not all costs to the licensing authority are recoverable, such as the processing of “Charity Street Collections” and “Charity House to House Collections” where a fee is not permitted to be charged, or deficits in statutory income against expenditure.
- 3.9 As a result of the points raised in paragraph 3.8, it is not legally possible to recover 100% of the cost of running the Licensing Authority from the fees charged, and this deficit must be covered by the Council’s general fund.

4.0 SUMMARY

- 4.1 The licensing budget considers direct costs, such as licensing staff wages, but it also includes indirect costs that can reasonably be attributed to licensing procedures, for example, office accommodation, ICT support and software licensing fees, travel, legal support costs, advertising, equipment, postage & printing, subscriptions, telephone costs, training and other corporate recharges.
- 4.2 In relation to the consideration of applications, it is reasonable to recover the costs of running the relevant Committees from licensing fees and so consequently these costs have been incorporated into the overall figures.
- 4.3 As mentioned in paragraph 3.9 above, due to the current legislation, it will never be possible to recover 100% of the department’s costs, but work undertaken by Officers suggests that in any given year approximately 80% of the expenditure level incurred by the service can be legally recovered, see Table 2 below for breakdown of time spent in 2020/21.

Table 2

| Type | Percentage of time 18/19 | Percentage of time 19/20 | Percentage of time 20/21 | Average |
|-----------------------|--------------------------|--------------------------|--------------------------|---------|
| Home Boarding | 2.74 | 3.16 | 2.07 | 2.66 |
| Kennels and Catteries | 4.17 | 0.59 | 1.86 | 2.21 |
| Breeding | 2.60 | 6.51 | 8.44 | 5.85 |
| DWA | 0.14 | 0.15 | 0.15 | 0.15 |
| Pet Shop | 1.31 | 0.51 | 1.01 | 0.94 |
| Riding Est | 1.07 | 0.31 | 1.14 | 0.84 |
| Sex Est | 0 | 0 | 0.00 | 0.00 |
| Zoo | 0.03 | 0.04 | 0.04 | 0.04 |
| GA05 | 4.06 | 5.86 | 3.96 | 4.63 |
| LA03 | 31.64 | 23.16 | 25.68 | 26.83 |
| Street Trading | 2.29 | 3.35 | 5.48 | 3.71 |
| Taxi | 29.20 | 32.54 | 25.74 | 29.16 |
| Scrap Metal | 1.91 | 3.10 | 0.82 | 1.94 |
| Exhibiting Animals | N/A | N/A | 0.58 | 0.19 |
| Pave | N/A | N/A | 1.36 | 0.45 |
| Totals | 81.16 | 79.27 | 78.33 | 79.59 |

- 4.4 In 2020, as Members are aware, the world faced a global pandemic in the shape of Covid 19. Members were advised by officers that this national health emergency, and the Government’s response to it was having an unprecedented impact on the licensed trade, and it was recommended (in this report of 2020) that Members left the fees at the existing levels whilst the full financial impact of Covid could be ascertained.
- 4.5 In the previous “Review of Licensing Fees” report it was estimated, that licensing income could be reduced by up to 15% to approximately £167,000, as a direct impact of the pandemic. The final figures show licensing income for the year ending 31 March 2021 to be down 14.5% compared to the previous year at £168,741.
- 4.9 Almost all areas of licensing suffered from economic constriction, with the notable exceptions being dog breeding and street trading, which saw increases, possibly reflective of other social impacts of the pandemic, such as people spending more time at home, or seeking alternative and relatively cheap start up business ideas due to being made redundant, or being furloughed.
- 4.10 Our two largest areas of licensing; alcohol, entertainment and late-night refreshment licensing, and hackney carriage and private hire licensing saw big reductions in income. This was not unexpected, as a mixture of the lockdown measures and financial uncertainty saw community events cancelled, new applications for premises licences placed on hold, taxi drivers holding off replacing vehicles or expanding their fleet, and lower numbers of new driver applicants wishing to enter the trade.
- 4.11 The table below shows the cost of running the licensing authority, and the income received for the 2020/2021 period.

Table 3

| Year | Income | Expenditure | Balance | % recovered |
|--|----------|-------------|----------|-------------|
| 2020/2021 (no fee increase on previous year) | £168,741 | £256,373 | -£87,632 | 66% |

- 4.12 The proposed budget for running the service for the 2022/2023 period has not been set at this point, but it is expected to be set at approximately £272,000, and therefore, a cost recovery income figure of £218,299 would be required.
- 4.13 Income for the first 5 months of the 2021/2022 period is on a par with that attained in the same period of 2019 (pre-Covid), which is positive news.

5.0 CONCLUSION

- 5.1 The pandemic has significantly reduced income, and it has affected where resources have had to be used. Almost all areas of licensing revenue are below cost recovery as a result of the pandemic.

- 5.2 Whilst there are some signs of the “bounce-back effect”, it is clear that those within regulated business are still dealing with a great deal of financial difficulty, and so whilst the work conducted by officers suggests that an increase in some fees could be justified at this time based purely on the economics of time and costs being proportioned against budget projections, it is impossible to ignore the impact that Covid 19 continues to have on the licensed trade.
- 5.3 Officers believe that any increase in fees at this time is likely to stifle economic recovery, and could actually result in further reductions in overall income, as a result of losing licence holders. Figures suggest our licensing stock of permanent licences (as opposed to temporary, or one off granted permissions like Personal Licences) has reduced by just under 5% (38 records) as a result of the pandemic.
- 5.4 Having considered all of the information available at this time, Officers recommend that the fees remain at their current levels, and should be reviewed in 12 months’ time once we have a clearer picture of how Covid 19 continues to impact the service, and the wider economy.
- 5.5 There is no need to conduct an Equality Impact Assessment (EIA) as this report does not lead to the creation of a policy, or additional regulation.

6.0 APPENDICES

- | | | |
|-----|------------|---|
| 6.1 | Appendix 1 | Licensing Act Statutory Fees |
| 6.2 | Appendix 2 | Gambling Act 2005 Statutory Fees |
| 6.3 | Appendix 3 | Gambling Act 2005 – Discretionary fees |
| 6.4 | Appendix 4 | General discretionary fees |
| 6.5 | Appendix 5 | Animal Welfare Regulation fees |
| 6.6 | Appendix 6 | Discretionary taxi fees |
| 6.7 | Appendix 7 | Extracts from legislation regarding fee setting |
| 6.8 | Appendix 8 | Neighbouring authority fees chart |

Background Documents**Location****Contact Officer**

Legislation contained in
appendix 6

Room SF208
The Grange,
Ely

Stewart Broome
Senior Licensing Officer
(01353) 616477

LGA guidance on local fee
setting 2015

Hemming v Westminster
2015

R v Tower Hamlets LBC
1994

Appendix 1 Licensing Act 2003 – Statutory Fees

Premises Licence and Club Premises Certificates:

| Type of application: | Non-domestic rateable band | | | | |
|---|----------------------------|------|------|------|------|
| | A | B | C | D | E |
| New, provisional statements, and full variation application fee | £100 | £190 | £315 | £450 | £635 |
| Annual maintenance fee | £70 | £180 | £295 | £320 | £350 |
| Minor variation | £89 | | | | |
| Provisional Statement (where premises is under construction) | £315 | | | | |

| NDR Value | Band | Fee multiplier for Premises Licences | D (x2) | E (x3) |
|---------------------|------|---|--------|--------|
| £0 to £4,300 | A | Premises Licences in bands D & E (whose primary business is the sale of alcohol) | £900 | £1905 |
| £4,301 to £33,000 | B | | | |
| £33,001 to £87,000 | C | | | |
| £87,001 to £125,000 | D | Premises Licences in bands D & E (whose primary business is the sale of alcohol) annual maintenance fee | £640 | £1050 |
| £125,001 and above | E | | | |

Premises Licence - Large event fees (payable in addition to the standard fee):

| Number in attendance at any one time: | Additional application fee: | Additional annual fee: |
|---------------------------------------|-----------------------------|------------------------|
| 5000 to 9999 | £1000 | £500 |
| 10000 to 14999 | £2000 | £1000 |
| 15000 to 19999 | £4000 | £2000 |
| 20000 to 29999 | £8000 | £4000 |
| 30000 to 39999 | £16000 | £8000 |
| 40000 to 49999 | £24000 | £12000 |
| 50000 to 59999 | £32000 | £16000 |
| 60000 to 69999 | £40000 | £20000 |
| 70000 to 79999 | £48000 | £24000 |
| 80000 to 89999 | £56000 | £28000 |
| 90000 and over | £64000 | £32000 |

Personal Licence, Temporary Events and other miscellaneous fees:

| Type of application: | Fee: |
|--|--------|
| Grant of Personal Licence | £37 |
| Temporary or Late Temporary Event Notice | £21 |
| Theft, loss etc of Premises Licence or Summary | £10.50 |
| Change of name or address on Premises Licence | £10.50 |
| Vary Premises Licence to specify a new DPS | £23 |
| Transfer a Premises Licence | £23 |
| Interim Authority Notice | £23 |
| Change of club name or address or change of rules | £10.50 |
| Change of correspondence address for club | £10.50 |
| Theft, loss etc of a Temporary Event Notice or Late Temporary Event Notice | £10.50 |
| Theft, loss etc of a Personal Licence | £10.50 |
| Right of freeholder etc to be notified of licensing matters | £21 |
| Community Premises - removal of DPS fee | £23 |
| Theft, loss etc of a Club Certificate or Summary | £10.50 |
| Change of name or address on Personal Licence | £10.50 |

Appendix 2 Gambling Act 2005 Statutory Fees

| Permission Type | Fee: |
|--|------|
| Lotteries | |
| Small Society Lotteries - new registration | £40 |
| Small Society Lotteries - renewal of existing registration | £20 |
| Licensed Premises Permits | |
| Licensed Premises Gaming Machines - notice of intention for up to 2 machines | £50 |
| Licensed Premises Gaming Machine Permits - new | £150 |
| Licensed Premises Gaming Machine Permits - variation | £100 |
| Licensed Premises Gaming Machine Permits – transfer | £25 |
| Licensed Premises Gaming Machine Permits - annual Fee | £50 |
| Licensed Premises Gaming Machine Permits - change of Name | £25 |
| Licensed Premises Gaming Machine Permits - copy (lost, stolen, damaged) | £15 |
| Club Gaming/Club Machine Permits | |
| Club Gaming/Club Machine Permits - new or renew | £200 |
| Club Gaming/Club Machine Permits for holders of club premises certificates - new or renew | £100 |
| Club Gaming/Club Machine Permits – annual fee | £50 |
| Club Gaming/Club Machine Permits - variation | £100 |
| Club Gaming/Club Machine Permits - copy (lost, stolen, damaged) | £15 |
| Prize Gaming Permits | |
| Prize Gaming Permits - new or renewal | £300 |
| Prize Gaming Permits - change of name | £25 |
| Prize Gaming Permits - copy (lost, stolen, damaged) | £15 |
| Family Entertainment Gaming Centre Gaming Machine Permits | |
| Family Entertainment Gaming Centre Gaming Machine Permits - new or renewal | £300 |
| Family Entertainment Gaming Centre Gaming Machine Permits - change of name | £25 |
| Family Entertainment Gaming Centre Gaming Machine Permits - copy (lost, stolen, damaged) | £15 |

Appendix 3

Discretionary Fees with Statutory Maximum - Gambling Act 2005 Licences

| Licence type | 2021/2022 fees | 2022/2023 proposed fees | Difference (£) |
|---|----------------|-------------------------|----------------|
| Regional Casino Licence | | | |
| Fee in respect of new premises | 15000 | 15000 | 0 |
| Annual Fee | 15000 | 15000 | 0 |
| Fee for application to vary licence | 7500 | 7500 | 0 |
| Fee for application to transfer a licence | 6500 | 6500 | 0 |
| Fee for application to reinstate a licence | 6500 | 6500 | 0 |
| Fee for application for provisional statement | 15000 | 15000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 8000 | 8000 | 0 |
| Large Casino Licence | | | |
| Fee in respect of new premises | 10000 | 10000 | 0 |
| Annual Fee | 10000 | 10000 | 0 |
| Fee for application to vary licence | 5000 | 5000 | 0 |
| Fee for application to transfer a licence | 2150 | 2150 | 0 |
| Fee for application to reinstate a licence | 2150 | 2150 | 0 |
| Fee for application for provisional statement | 10000 | 10000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 5000 | 5000 | 0 |
| Small Casino Licence | | | |
| Fee in respect of new premises | 8000 | 8000 | 0 |
| Annual Fee | 5000 | 5000 | 0 |
| Fee for application to vary licence | 4000 | 4000 | 0 |
| Fee for application to transfer a licence | 1800 | 1800 | 0 |
| Fee for application to reinstate a licence | 1800 | 1800 | 0 |
| Fee for application for provisional statement | 8000 | 8000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 3000 | 3000 | 0 |
| Bingo Premises Licence | | | |
| Fee in respect of new premises | 3500 | 3500 | 0 |
| Annual Fee | 1000 | 1000 | 0 |
| Fee for application to vary licence | 1750 | 1750 | 0 |
| Fee for application to transfer a licence | 1200 | 1200 | 0 |
| Fee for application to reinstate a licence | 1200 | 1200 | 0 |

| | | | |
|---|------|------|---|
| Fee for application for provisional statement | 3500 | 3500 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 1200 | 1200 | 0 |
| Adult Gaming Licence | | | |
| Fee in respect of new premises | 2000 | 2000 | 0 |
| Annual Fee | 1000 | 1000 | 0 |
| Fee for application to vary licence | 1000 | 1000 | 0 |
| Fee for application to transfer a licence | 1200 | 1200 | 0 |
| Fee for application to reinstate a licence | 1200 | 1200 | 0 |
| Fee for application for provisional statement | 2000 | 2000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 1200 | 1200 | 0 |
| Betting Premises (track) Licence | | | |
| Fee in respect of new premises | 2500 | 2500 | 0 |
| Annual Fee | 1000 | 1000 | 0 |
| Fee for application to vary licence | 1250 | 1250 | 0 |
| Fee for application to transfer a licence | 950 | 950 | 0 |
| Fee for application to reinstate a licence | 950 | 950 | 0 |
| Fee for application for provisional statement | 2500 | 2500 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 950 | 950 | 0 |
| Family Entertainment Centre Licence | | | |
| Fee in respect of new premises | 2000 | 2000 | 0 |
| Annual Fee | 750 | 750 | 0 |
| Fee for application to vary licence | 1000 | 1000 | 0 |
| Fee for application to transfer a licence | 950 | 950 | 0 |
| Fee for application to reinstate a licence | 950 | 950 | 0 |
| Fee for application for provisional statement | 2000 | 2000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 950 | 950 | 0 |
| Betting Premises (other) Licence | | | |
| Fee in respect of new premises | 3000 | 3000 | 0 |
| Annual Fee | 600 | 600 | 0 |
| Fee for application to vary licence | 1500 | 1500 | 0 |
| Fee for application to transfer a licence | 1200 | 1200 | 0 |
| Fee for application to reinstate a licence | 1200 | 1200 | 0 |
| Fee for application for provisional statement | 3000 | 3000 | 0 |

| | | | |
|---|------|------|---|
| Maximum non-conversion application fee in respect of provisional statement premises | 1200 | 1200 | 0 |
| Temporary Use Notices | | | |
| Temporary Use Notice fee | 500 | 500 | 0 |
| Replacement of an endorsed copy | 25 | 25 | 0 |
| Applicable to all Premises Licences | | | |
| Change of circumstances fee - for all Premises Licences | 50 | 50 | 0 |
| Fee for copy licence - for all Premises Licences | 25 | 25 | 0 |

Appendix 4 Discretionary fees for general licences

| Licence type | 2021/2022 fees | 2022/2023 proposed fees | Difference (£) |
|--|----------------|-------------------------|----------------|
| Dangerous Wild Animals (2yr licence) | | | |
| New application | 648 (v) | 648 (v) | 0 |
| Renewal application | 648 (v) | 648 (v) | 0 |
| Zoo | | | |
| New application (4 years) | 2415 (v) | 2415 (v) | 0 |
| Renewal application (6 years) | 2070 (v) | 2070 (v) | 0 |
| Applicable to all animal welfare licences | | | |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |
| Change of name on licence | 10.50 | 10.50 | 0 |
| Change of licence details | 10.50 | 10.50 | 0 |

(v) – A Council instructed veterinary inspection is required. This fee is payable in addition to the application fee. The fee will depend upon the amount of time taken to inspect the premises.

| Licence type | 2021/2022 fees | 2022/2023 proposed fees | Difference (£) |
|------------------------------|----------------|-------------------------|----------------|
| Sex Establishments | | | |
| New application | 3761 | 3761 | 0 |
| Renewal application | 1880.50 | 1880.50 | 0 |
| Variation application | 1880.50 | 1880.50 | 0 |
| Transfer application | 1880.50 | 1880.50 | 0 |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |

| Scrap Metal – Site Licence (3yr licence) | | | |
|---|-------|-------|---|
| New application | 732 | 732 | 0 |
| Renewal application | 600 | 600 | 0 |
| Variation application | 120 | 120 | 0 |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |

| Scrap Metal – Collector Licence (3yr licence) | | | |
|--|-------|-------|---|
| New application | 560 | 560 | 0 |
| Renewal application | 450 | 450 | 0 |
| Variation application | 120 | 120 | 0 |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |

| Pavement Licence | | | |
|-------------------------|-----|-----|---|
| All applications | 100 | 100 | 0 |

| Hypnotism | | | |
|------------------|----|----|---|
| Daily permit | 93 | 93 | 0 |

Street Trading *

As per the table below.

Individual stall fees

| Type of goods | Ely (central zone) daily consent fees | | Annual | All other areas (daily consent fees) | | Annual | Transfer |
|--------------------------|---------------------------------------|--------------|--------|--------------------------------------|--------------|--------|----------|
| | Sun to Wed | Thurs to Sat | | Sun to Wed | Thurs to Sat | | |
| Clothing | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Electrical spares | | | | | | | |
| DIY products | | | | | | | |
| Hot food and drink | | | | | | | |
| Furniture | | | | | | | |
| Records, CD's and DVD | £20 | £30 | £780 | £15 | £20 | £480 | £48 |
| Household cleaning goods | | | | | | | |
| Books | | | | | | | |
| Fresh fish | £20 | £20 | £520 | £15 | £15 | £320 | £48 |
| Fresh meat | | | | | | | |
| Fruit and Veg | | | | | | | |
| Delicatessen | | | | | | | |
| Flowers and Plants | | | | | | | |
| Ice-cream vendors | | | | | | | |
| Cakes/ Bakery | | | | | | | |
| Arts and crafts | | | | | | | |
| All other traders | | | | | | | |

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates cost is £10.50.

Special Events/ Markets/Commercial Events fees

| Number of stalls | Fee per day of the event |
|------------------|--------------------------|
| 10 – 20 | £100 |
| 21 – 40 | £200 |
| 41 or more | £500 |

Charity/non-commercial events (see paragraph 6.3 in the street trading policy)

| Fee per day of the event |
|--------------------------|
| £20 |

Appendix 5 Discretionary fees for Animal Welfare Licences

| Licensable Activity | | Application fee | Initial rating or re-rating inspection fee | Maintenance fee | | | Variation of a licence requiring a re-inspection | Copy of licence, change of details not requiring an inspection |
|---------------------------|--|-----------------|--|-----------------|------|-------|--|--|
| | | | | 1 yr | 2 yr | 3 yrs | | |
| Boarding of animals | Up to 10 animals | £48.00 | £72 | £218 | £440 | £666 | £72 | £10.50 |
| | 11 to 30 animals | | £96 | | | | £96 | |
| | 31 to 60 animals | | £120 | | | | £120 | |
| | 61 to 99 animals | | £144 | | | | £144 | |
| | 100+ animals | | £168 | | | | £168 | |
| Arranging boarding | N/A | | £96 + £24 per host ¹ | | | | £96 + £24 per host ¹ | |
| Dog Breeding – Domestic | One litter per year maximum ² | | £72 + VET fee ³ | | | | £72 | |
| Dog Breeding - Commercial | More than one litter per year | | £120 + VET fee ³ | | | | £120 | |
| Hiring of Horses | N/A | | £96 + VET fee | | | | £96 | |
| Selling Animals as Pets | N/A | | £120 | | | | £120 | |
| Exhibiting Animals | N/A | £72 | N/A | N/A | £666 | £72 | | |

¹ Out of scope hosts only. In scope hosts will be required to apply for their own licence and pay the relevant fees.

² Breeding and whelping must occur wholly within the domestic house. Outbuildings or garages are not included in this definition.

³ VET fees are paid directly to the VET pre-inspection. No VET inspection is required upon subsequent renewals of a dog breeding licence.

Where more than one licensable activity occurs on the same site, only one application fee will be payable, however, the total fee will be calculated by adding the combined charges of the activity with the highest fee to 50% of the applicable inspection and maintenance fee for the additional activities.

Appendix 6 Discretionary fees for taxi and private hire licences

| Licence type | 2021/2022 fees | 2022/2023 fees | Difference (£) | |
|---|-------------------|-------------------|----------------|---|
| Joint Driver Licence | | | | |
| New application – 1 year (excl. DVLA, and DBS check) | 217 | 217 | 0 | |
| Renewal application – 1 year (excl. DVLA check) | 175 | 175 | 0 | |
| New application – 3 year (excl. DVLA, and DBS check) | 567 | 567 | 0 | |
| Renewal application – 3 year (excl. DVLA check) | 525 | 525 | 0 | |
| Knowledge test re-sit | 20 | 20 | 0 | |
| DBS (3 yearly) | 49 | 49 | 0 | |
| DVLA check | 5 | 5 | 0 | |
| Private Hire Vehicle Licence | | | | |
| New and renewal 1yr for all | 250 | 250 | 0 | |
| Variation application | 35 | 35 | 0 | |
| Transfer application | 25 | 25 | 0 | |
| Hackney Carriage Vehicle Licence | | | | |
| New and renewal 1yr for all | 250 | 250 | 0 | |
| Variation application | 35 | 35 | 0 | |
| Transfer application | 25 | 25 | 0 | |
| Private Hire Operator Licence | | | | |
| New application – 1 year | 150 – 1 vehicle | 126 | 126 | 0 |
| | 200 – 2 to 5 | 156 | 156 | 0 |
| | 250 – 6 to 10 | 186 | 186 | 0 |
| | 300 – 11+ | 216 | 216 | 0 |
| Renewal application – 1 year | 150 – 1 vehicle | 126 | 126 | 0 |
| | 200 – 2 to 5 | 156 | 156 | 0 |
| | 250 – 6 to 10 | 186 | 186 | 0 |
| | 300 – 11+ | 216 | 216 | 0 |
| New application – 5 year | 646 – 1 vehicle | 627 | 627 | 0 |
| | 896 – 2 to 5 | 737 | 737 | 0 |
| | 1146 – 6 to 10 | 847 | 847 | 0 |
| | 1396 – 11+ | 957 | 957 | 0 |
| Renewal application – 5 year | 646 – 1 vehicle | 627 | 627 | 0 |
| | 896 – 2 to 5 | 737 | 737 | 0 |
| | 1146 – 6 to 10 | 847 | 847 | 0 |
| | 1396 – 11+ | 957 | 957 | 0 |
| Miscellaneous taxi and private hire fees | | | | |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 | |
| Theft, loss etc of a vehicle plate | 20 | 20 | 0 | |
| Change of address | 10.50 | 10.50 | 0 | |
| Replacement door sticker | 6.00 | 6.00 | 0 | |

Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

Local Government (Miscellaneous Provisions) Act 1982

Controls sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

Sex establishments - Schedule 3 paragraph 19

An application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

Street Trading – Schedule 4 paragraph 9

(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

(a) to the duration of the licence or consent;

(b) to the street in which it authorises trading; and

(c) to the descriptions of articles in which the holder is authorised to trade.

(3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

(a) is surrendered or revoked; or

(b) ceases to be valid by virtue of paragraph 4(7) above,

the council may remit or refund, as they consider appropriate, the whole or a part—

(i) of any fee paid for the grant or renewal of the licence; or

(ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

(a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or

(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders; and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

Acupuncture - Section 14 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis – Section 15 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

Local Government (Miscellaneous Provisions) Act 1976

Controls hackney carriages and private hire vehicles

Section 53 - Drivers' licences for hackney carriages and private hire vehicles

(2) Notwithstanding the provisions of the Act of 1847*, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

*Town Police Clauses Act 1847

Section 70 - Fees for vehicle and operators' licences

(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the

purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

Zoo Licensing Act 1981

Controls zoos – Section 15

(1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—

- (a) applications for the grant, renewal or transfer of licences;
- (b) the grant, renewal, alteration or transfer of licences;

(2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.

(2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—

- (a) in connection with inspections in accordance with section 9A and under sections 10 to 12;
- (b) in connection with the exercise of their powers to make directions under this Act;
- (c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and
- (d) in connection with the exercise of their function under section 16E(7) or (8).

(2B) The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.

(3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.

(4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.

(5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

Dangerous Wild Animals Act 1976

Controls dangerous wild animals as listed in the Act – Section 1

(2) A local authority shall not grant a licence under this Act unless an application for it—
.... and

(e) is accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).

Public Health Acts Amendment Act 1907

Controls pleasure boats/vessels - Section 94

(1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the persons in charge of or navigating such boats and vessels, and may charge for each type of licence such annual fee as appears to them to be appropriate.

Environmental Protection Act 1990

Controls free printed matter – Schedule 3A paragraphs 3 & 4

3 (1) A principal litter authority may on the application of any person consent to that person or any other person (identified specifically or by description) distributing free printed matter on any land designated by the authority under this Schedule.

4 (1) A principal litter authority may require the payment of a fee before giving consent under paragraph 3 above.

(2) The amount of a fee under this paragraph is to be such as the authority may determine, but may not be more than, when taken together with all other fees charged by the authority under this paragraph, is reasonable to cover the costs of operating and enforcing this Schedule.

Gambling Act 2005

Statutory fees are prescribed for:-

- small society lotteries (Schedule 11 – Part 5)
- club gaming permits and club machine permits (Schedule 12)
- notification of gaming machines in alcohol licensed premises (Section 282)
- family entertainment centre gaming machine permits (Schedule 10)
- licensed premises gaming machine permits (Schedule 13)
- prize gaming permits (Schedule 14)

And, therefore, the licensing authority has no control over these fees. The following statutory instruments are relevant:-

- Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007
- Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007
- Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007

- Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007
- Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007
- Gambling Act 2005 (Prize Gaming) (Permits) Regulations 2007

The licensing authority must determine the fees, up to certain statutory maximums, that are applicable to premises licences, e.g. adult gaming centres, betting at race tracks, betting shops, bingo premises, casinos and for temporary use notices. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices) Regulations 2007 set the relevant statutory maximums. In addition, Section 212 of the Act states:-

(2) ... the authority—

(a) shall determine the amount of the fee,

(b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),

(c) shall publish the amount of the fee as determined from time to time, and

(d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

(3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, think appropriate.

In addition, where the licensing authority is required to maintain licensing registers, the authority may determine fees for providing access to, making copies of and/or providing information to members of the public from those registers.

Premises licences (Section 156)

(1) A licensing authority shall—

(a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Small society lotteries (Schedule 11 Part 5 paragraph 55)

(1) Where a statement is sent to a local authority under paragraph 39 the authority shall—

(a) retain it for at least 18 months,

(b) make it available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.

(2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.

(3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

Club gaming permits and club machine permits (Schedule 12 paragraph 26)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Temporary Use Notice (Section 234)

1) A licensing authority shall—

(a) maintain a register of temporary use notices given to them together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Family entertainment centre gaming machine permits (Schedule 10 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Licensed premises gaming machine permits (Schedule 13 paragraph 22)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Prize gaming permits (Schedule 14 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Scrap Metal Dealers Act 2013

Controls buyers/sellers of scrap metal and motor salvage operators (Section 5 Schedule 1 paragraph 6)

(1) An application must be accompanied by a fee set by the authority.

(2) In setting a fee under this paragraph, the authority must have regard to any guidance* issued from time to time by the Secretary of State with the approval of the Treasury.

*Scrap Metal Dealers Act 2013: guidance on licence fee charges – issued by Home Office 12 August 2013

Licensing Act 2003

Statutory fees for premises licences, club premises certificates, temporary event notices and personal licences are currently prescribed by the Licensing Act 2003 (Fees) Regulations 2005. The licensing authority has no control over these fees. In addition, there is a requirement to maintain a register and make it available for inspection without payment but if requested to provide a copy of information contained in the register a fee may be charged under Section 8 of the Act.

(4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.

(5) A licensing authority may charge such reasonable fee as it may determine in respect of any copy supplied under subsection (4).

Caravan Sites and Control of Development Act 1960

Under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, licensing authorities are permitted to charge fees for the licensing of residential caravan sites with effect from 1 April 2014. Transitional arrangements will be in place and the licensing authority is required to publish a fees policy. (NB The Council has not yet prepared a fees policy and therefore is currently unable to charge fees in this respect.)

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

13.—(1) A local authority may charge such fees as it considers necessary for—

(a) the consideration of an application for the grant, renewal or variation of a Licence including any inspection relating to that consideration, and for the grant, renewal or variation,

(b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in subparagraph (a) including any inspection relating to that consideration,

(c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and

(d) the reasonable anticipated costs of compliance with regulation 29.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Business and Planning Act 2020

Applications

- (1) An application for a pavement licence made to a local authority must—
- (a) be made in writing and in such form as the authority may specify,
 - (b) be sent to the authority using electronic communications in such manner as the authority may specify, and
 - (c) be accompanied by such fee not exceeding £100 as the local authority may require.

Licences for which the licensing authority is NOT permitted to charge

- House-to-house collections: House to House Collections Act 1939
- Street collections: Police, Factories, etc. (Miscellaneous Provisions) Act 1916

| | East Cambs | Hunts | South Cambs | Kings Lynn | Cambs City | Fenland | West Suffolk |
|-----------------------|---------------------|-----------------------------------|---------------------|---------------------|----------------------|---------------------|---------------|
| Home Boarding | Various £338 - £882 | Various £240 - £320 | Various £351 - £841 | Various £405 - £505 | Various £330 - £752 | Various £307 - £393 | 238.00 |
| Dog Day Care | Various £338 - £882 | Various £240 - £320 | Various £351 - £841 | Various £405 - £505 | Various £330 - £752 | Various £307 - £393 | 264.00 |
| Kennels and Catteries | Various £338 - £882 | Various £240 - £320 | Various £351 - £841 | Various £405 - £505 | Various £330 - £752 | Various £307 - £393 | 264.00 |
| Breeding | Various £338 - £786 | Various £310 - £400 | Various £247 - £600 | Various £535 - £660 | 394.00 | 350.00 | 329.00 |
| Breeding - Dom | Various £386 - £834 | Various £240 - £300 | Not available | N/A | N/A | N/A | N/A |
| DWA | 648.00 | £395 + £50 per additional species | 90.00 | 276.00 | 352.00 | 142.00 | 250.00 |
| Pet Shop | Various £386 - £834 | 250.00 | Various £420 - £773 | Various £510 - £615 | Various £416 - £666 | 250.00 | 329.00 |
| Riding Est | Various £362 - £810 | Various £250 - £450 | Various £247 - £600 | Various £540 - £675 | Various £249 - £504 | 250.00 | 329.00 |
| Zoo | 2,070.00 | £40 per hour | Variable | 741.00 | 592.00 | Not available | 1,000.00 |
| GA05 | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory |
| LA03 | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory |
| Sex Est | 3,761.00 | 2,824.00 | 3,900.00 | 1,694.50 | 3,070.00 | Not available | 3,000.00 |
| Street Trading | Various £20 - £1040 | Various £58 - £1927 | Various £245 - £803 | £13 per day | Various £682 - £2886 | N/A | Not available |

| | | | | | | | |
|-------------------------|------------------------|--------|-------------------------|------------------------|--------|------------------------|--------|
| Scrap Metal - Site | 600.00 | 423.50 | 241.00 | 232.00 | 450.00 | 384.60 | 422.00 |
| Scrap Metal - Collector | 450.00 | 255.00 | 194.00 | 162.00 | 192.00 | 119.40 | 283.00 |
| | | | | | | | |
| Taxi - Driver - 1yr | 175.00 | 46.00 | N/A | 74.00 | 84.00 | 228.00 | N/A |
| Taxi - Driver - 3yr | 525.00 | 120.00 | 126.00 | 125.00 | 230.00 | 468.00 | 206.00 |
| Taxi - Hackney Carriage | 250.00 | 195.00 | 105.00 | 109.00 | 240* | 150.00 | 163.00 |
| Taxi - Private Hire | 250.00 | 195.00 | 105.00 | 104.00 | 230* | 132.00 | 154.00 |
| Taxi - Operator - 1yr | Various £126 - £216 | 125.00 | Various £100 - £510 | Various £97 - £159 | 218.00 | Various £84 - £306 | 200.00 |
| Taxi - Operator - 5yr | Various £627 - £957 | 400.00 | Various £439 - £2318 | Various £180 - £772 | 894.50 | Various £252 - £734 | 301.00 |

* Exempt for 5 years for ULEZ compliant vehicles - subject to funding limits.A7

**TITLE: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1982 – POST IMPLEMENTATION REVIEW OF STREET
TRADING POLICY 2016**

COMMITTEE: LICENSING COMMITTEE

DATE: 10 NOVEMBER 2021

AUTHOR: SENIOR LICENSING OFFICER

[W94]

1.0 ISSUE

1.1 To approve the draft revised version of the Council’s Street Trading Policy.

2.0 RECOMMENDATION(S)

2.1 That Members:

- i. take note of the report, and approve the revised policy to come into effect immediately.
- ii. approve the amended fee table in appendix 2, to come into effect immediately, and instruct Officers to include the agreed fees in the 2022/2023 annual fees and charges report that is presented to full Council.

3.0 BACKGROUND

3.1 The Local Government (Miscellaneous Provisions) Act 1982 (“1982 Act”) allows local authorities to control street trading activities within their areas by designating streets as either consent streets, licence streets or prohibited streets. Where streets have been designated as consent or licence streets, a person wishing to trade in those streets can apply to the local authority for the necessary consent or licence (as appropriate). The local authority can place conditions on the grant of a licence or consent. Where a street has been designated as a prohibited street, then no street trading is permitted at any time.

3.2 In 2015 Members approved a resolution to re-designate all streets in the district as Consent Streets with the exception of the high speed A10, A11 and A14 trunk roads which were designated as Prohibited Streets. At the same time Members also approved a Street Trading policy to guide all parties on how to apply, manage and enforce the new scheme. These changes all came into effect on 1 April 2016.

3.3 A further review of the policy was undertaken in 2018.

4.0 SUMMARY

4.1 It has now been just over five years since the new designations and policy came into effect. The purpose of this report is to feedback to Members on how the new scheme has been working, and to ask Members to approve a few minor amendments to the policy to reflect the changing street trading scene.

- 4.2 Since 2016, the Council has seen a steady increase in the numbers of applications and general enquires. In the 2020/2021 period, the Council issued 14 annual Street Trading Consents, and officers also issued numerous daily trading Consents, and occasional event Consents. As a result of this, the income generated now covers the cost of the service.
- 4.3 In late 2020, officers started to see more enquiries from individuals running food trucks who wished to “pop-up” trade from multiple privately-owned locations such as pub and social club car parks, and village hall/ community centre car parks. However, the pop-up nature of the trading did not sit within the existing framework, as they were not static traders using one location, nor were they mobile traders on a route like ice-cream vans, and due to notice periods, and other restrictions on numbers, daily permits were not really an option either.
- 4.4 Earlier this year, Officers were approached by NCASS (The Nationwide Caterers Association), an association representing the independent food & drink industry, and “Off the Beaten Truck” (OTBT) an independent business representing a number of high-quality pop-up food businesses, who both wished to work with officers to promote this emerging business model.
- 4.5 As a result of the conversations held with NCASS and OTBT, a potential solution has been proposed that will enable pop-up trading to occur from privately owned land falling within the scope of street trading, whilst also ensuring the locations where the trading may occur are suitably vetted to ensure that the core considerations for any street trading activity are not undermined. The draft policy in **Appendix 1** contains this proposal in section 8, which for Member’s ease is shown below:

“Pop-up” Street Food Trading on Private Land

8.1 Pop-up street food trading on private land is a relatively new concept, which is growing in popularity. The pop-up nature of this type of trading requires a different approach to be taken to provide the flexibility necessary, whilst ensuring that such trading from private locations including, pub and social club car parks, and village hall and community centre car parks is suitably controlled to promote the objectives of the street trading policy within the district. Due to this a specific scheme has been set up with the kind assistance of the National Caterers Association. Details of this scheme can be found in the following paragraphs.

Host Premises

8.2 Any business wishing to permit a food van to trade from their private land in a way that is controlled by the 1982 Act must apply for a Premises Consent using the specific application form for this purpose. A consultation period will take place in accordance with paragraphs 4.11 and 4.12 of this policy, and the application will be determined in accordance with the same parameters as those for all other applications, as detailed in this policy. Once issued, the premises will be permitted to host any pop-up street food trader holding a street trading consent with the Council.

Pop-up food traders

8.3 Any trader wishing to trade freely from any registered host premises in the district, who does not wish to apply for a daily permit, and wait the

requisite 10 working days for determination, must apply for an annual “Pop-up trader Consent” using the specific application form for this purpose. No consultation period will be required, and if you are registered with the National Caterers Association, a reduced number of supporting documents will be required to be submitted with your application. The application will be determined in accordance with the same relevant parameters as those for all other applications, as detailed in this policy. Once issued, the trader will be permitted to trade from any location holding a Host Premises Consent within the times permitted on the Host Premises Consent, subject only to requiring the host premises permission to use their land.

- 4.6 It is proposed that the fee for host premises are set at the same level as an annual static or mobile Consent application, as the process for obtaining “Host” status is identical to these existing Consent types.
- 4.7 It is proposed that the fee for the pop-up traders should be initially set at £240 per annum, and reviewed in November 2022.
- 4.8 It is also proposed that the holder of any existing annual static Consent capable of obtaining “Host” status, be given the option to convert their existing singular Consent to a Host Consent, for the same trading days and times, without the need for further consultation.
- 4.9 There are two other minor amendments to note in this revision
- (i) the inclusion of “associate” and its definition. This has been inserted to resolve a potential issue in the existing policy where the maximum number of daily permits at a location per trader of 16 could be exceeded by the use of other persons connected to the original trader, and
 - (ii) the inclusion of paragraph 3.3 to the report allowing minor amendments to be made the policy by the Environmental Services Manager following consultation with the Chair and/or Vice Chair of the Licensing Committee and the Legal Services Manager. This is to allow suitable flexibility to the policy, and align this policy to other Council policies that contain this wording.

5.0 CONCLUSION

- 5.1 The decision to re-designate the streets in the district, and create a new policy has been very successful. It has enabled officers to control street trading whilst at the same time enabling more legitimate traders to commence trading. The budget deficit for this area of licensing has been resolved and when called upon Members have been able to use the policy to guide their decision making process.
- 5.2 The proposed amendments tabled at this time will not reduce the protections afforded to those affected by street trading, but they will provide a comprehensive package of trading options to cover the many varied business models that street trading covers.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications other than Member and Officer time which is already budgeted for.

6.2 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.

7.0 APPENDICES

7.1 Appendix 1 Draft amended Street Trading Policy 2021

7.2 Appendix 2 Fees table.

7.3 Appendix 3 Equality Impact Assessment (EIA)

Background Documents

Location

Contact Officer

Local Government
(Miscellaneous Provisions)
Act 1982

Room SF208
The Grange,
Ely

Stewart Broome
Senior Licensing Officer
(01353) 616477



**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982**

STREET TRADING POLICY

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1.0 Introduction

- 1.1 The aim of this policy is to set out East Cambridgeshire District Council's framework for the management of street trading with the aims to prevent obstruction of the streets, ensure the safety of persons using them and prevent nuisance to neighbouring residents and businesses. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- 1.2 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will also be observed: -
- a) the right of any individual or body to apply for a permission is not undermined and that each application will be determined on its merits;
 - b) the statutory right of any person to make appropriate representations;
 - c) that the statutory function of licensing is primarily concerned with the regulation of activities within the legislation and that any terms and conditions will focus on:
 - i) matters within the control of individual consent holders who are granted any relevant permissions;
 - ii) the premises and places being used for licensable activities;
 - iii) the direct impact of the activities taking place at the relevant premises on the public living, working or engaged in normal activity in the area concerned;
 - iv) the premises on the public living, working or engaged in normal activity in the area concerned;
- 1.3 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.4 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and the commitment to work in partnership with other enforcement agencies.

Consultation

- 1.5 In determining this policy, the Council has consulted the following people and bodies:
- Cambridgeshire Police;
 - Cambridgeshire Fire and Rescue;
 - Cambridge County Council highways department;
 - Existing licence holders;
 - Representatives of businesses and residents in the East Cambridgeshire district;
 - City, town and parish councils;
 - District Councillors
 - [Nationwide Caterers Association](#)
 - Ely Chamber of Commerce
- 1.6 The views of all the appropriate bodies and organisations have been taken into account in the drafting of this policy.

Review of the Policy

- 1.7 This policy will be reviewed every five years at which time, further consultation will be undertaken. Additionally, the policy may be reviewed from time to time to take account of changes in legislation or government guidance.

Definitions of terms used in this policy

- 1.8 Within the terms of the East Cambridgeshire District Council's Street Trading Consent Scheme the following definitions apply:

| | |
|----------------------|---|
| 1982 Act | The Local Government (Miscellaneous Provisions) Act 1982 |
| The Council | East Cambridgeshire District Council |
| Street Trading | Selling or exposing or offering for sale of any article (including a living thing) in any street. |
| Street | i) Any road, footway, beach or other area to which the public have access without payment. ii) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street. |
| Consent Street | A street in which street trading is prohibited without the consent of East Cambridgeshire District Council. |
| Consent | Consent to trade on a street issued by East Cambridgeshire District Council |
| Consent Holder | The person or company to whom the consent to trade has been granted to by East Cambridgeshire District Council. |
| <u>Associate</u> | An "associate" is: <u>(a) the spouse or civil partner of that person;</u> <u>(b) a child, parent, grandchild, grandparent, brother or sister of that person;</u> <u>(c) an agent or employee of that person; or</u> <u>(d) the spouse or civil partner of a person within (b) or (c).</u> <u>A person living with another as that person's husband or wife is to be treated as that person's spouse.</u> |
| Licensed Street | A street in which street trading is prohibited without obtaining a street trading licence from East Cambridgeshire District Council. |
| Prohibited Street | A street in which street trading is prohibited at all times. |
| Static Street Trader | A trader granted permission by East Cambridgeshire District Council to trade from a specified position |
| Mobile Trader | A trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours. |
| <u>Host Premises</u> | <u>A privately-owned piece of land, forming part of another business, but not falling within the definition of a highway under section 7A of the Highways Act 1980.</u> |
| <u>Pop-up Trader</u> | <u>A food trader who trades only upon Host Premises in an ad-hoc manner with the Hosts permission.</u> |
| Authorised Officer | An officer employed by East Cambridgeshire District Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982. |

2.0 Legislation and current provision

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- 2.1 Street trading is governed by the 1982 Act. The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:
- Prohibited streets: those which are not open to street traders
 - Consent streets: where street trading is prohibited without local authority consent
 - Licence streets: where trading is prohibited without a local authority licence.
- 2.2 At a meeting of Council held on 17 January 1984, it was resolved that Schedule 4 of the 1982 Act should apply to the East Cambridgeshire District Council area. Subsequent resolutions have been passed designating streets within the district as Consent and Prohibited streets in accordance with Schedule 4 of the 1982 Act. The Council does not have any streets designated as licensed streets.
- 2.3 Any person who wishes to trade on a Consent Street must obtain permission from the Council before they commence trading. Street Trading is not permitted on streets designated as Prohibited Streets at any time.
- 2.4 Annex 1 lists the streets in the district that are currently designated as Consent, and Prohibited streets. The Council may designate or re-designate streets from time to time, but must follow a strict process when doing so. This process includes a requirement to advertise the proposed change.
- 2.5 Street traders who serve hot or cold drink at any time between 11.00pm and 05:00am the following day, or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 2.6 Local Authorities can place conditions on any Consent they issue. The Act also creates offences associated with trading in Consent streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000 per offence.
- 2.7 Traders may also be required to obtain planning permission or food registration if applicable to their application.
- 2.8 Street trading consent applicants must have a right to work in the UK. Applications will be refused where any of the applicants listed on the application form do not have this right.
- 2.9 The granting of consent to trade does not provide a right to occupy any land where consent to trade is obtained. The landowner retains the right to control the use of any land in their ownership.
- Exempted activities
- 2.10 The Act makes certain activities exempt from the requirement to hold a Consent. These are:
- a) Pedlars acting under the authority of a pedlar's certificate granted under the Pedlars Act 1871
 - b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
 - c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
 - d) News vendors selling only newspapers or periodicals
 - e) Petrol filling stations
 - f) Shops forecourts
 - g) Rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order).

- h) Objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
- i) Operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- j) Street Collections (covered by the Police, Factories, Etc (Miscellaneous Provisions) Act 1916)

3.0 The licensing process and delegation of functions

3.1 This part of the document sets out how applications for street trading permissions in the East Cambridgeshire District will be dealt with. The Council aims to provide a clear, consistent licensing service for service users whilst at the same time aiming to protect the safety of highway users and to prevent nuisance or annoyance.

3.2 Delegation is laid out in the Council's Constitution. In certain circumstances, e.g. when a representation has been made to a licence application, applications will be referred to the relevant Committee for determination.

3.3 Minor amendments to this policy may be made by the Environmental Services Manager following consultation with the Chair and/or Vice Chair of the Licensing Committee and the Legal Services Manager.

4.0 Applications for a street trading consent

Advice for new applicants

- 4.1 New applicants must be at least 17 years of age, and are advised to contact the Council, Cambridgeshire Constabulary and Cambridgeshire County Transport at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.
- 4.2 Street Traders wishing to trade from a static location in the East Cambridgeshire district area must obtain written permission from the landowner of where they are proposing to trade prior to submitting a street trading application.
- 4.3 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission, or food registration approval.
- 4.4 Applications will be considered from organisers of Markets, Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block Consent for the market or event in question. The market or event organiser in receipt of a Block Consent will become responsible for all the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.
- 4.5 An applicant for the grant of a first time Consent should give a minimum of 90 days notice of application to allow time for a determination. It may be possible to obtain a Consent having given less than 90 days notice, but this cannot be guaranteed.

New Applications

- 4.6 Applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.
- 4.7 Each application must be accompanied by the published application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the Consent is refused.

Supporting Documentation

- 4.8 Depending upon the type of street trading application being submitted, certain supporting documentation will be required. For ease of purpose these are specifically listed in the checklist of the individual application forms, but the types of documentation which may be

required are listed below:~~The following will also be required to be submitted with the application:~~

- Where the proposed street trading is from a fixed position, a copy of a map clearly identifying the proposed site position by marking the site boundary with a red line.
- Details of the proposed activity, including the nature of goods being sold, times and days of operations.
- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
- Written permission from the land owner of the proposed trading location (not applicable to mobile traders)
- Proof of right to work in the UK
- A Passport style photo of the applicant(s)
- A photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.
- Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.
- Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.
- Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
- Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
- It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

Processing of an Application

- 4.9 On receipt of an application an acknowledgment will be sent to the applicant.
- 4.10 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises/site which the applicant intends to trade from.
- 4.11 Before a Street Trading Consent is granted the Council will carry out a consultation process with various persons and groups. The scale of the consultation will be dependent upon the nature of the application, but may include the following organisations or persons:
- Cambridgeshire Constabulary,
 - Cambridgeshire Fire and Rescue Service,
 - Cambridge County Council highways department,
 - Environmental Health
 - Planning
 - Ward, City, town and parish councils
 - Property owners within 100metres who directly overlook the proposed location (static pitches only)
 - Town centre manager

4.12 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the Consent. If representations are received, then the relevant Committee will be required to determine the application.

4.13 A reduced consultation period will be applicable to event and daily permit requests.

4.134.14 More information on Member determinations can be found in the "Determination of application by relevant Committee" section on page 9.

Key Considerations

4.144.15 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.

4.154.16 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

a) **Public Safety**

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

b) **Public Order**

Whether the street trading activity represents, or is likely to represent a substantial risk to public order.

c) **The Avoidance of Public Nuisance**

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

d) **Highway**

The location and operating times will be such that the highway can be maintained in accordance with the Cambridgeshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

e) **Compliance with legal requirements**

Trading should only be conducted from a trading unit that complies with relevant legislation. Observations from relevant officers will be considered on this point.

4.164.17 The Council will normally grant a Street Trading Consent unless, in its opinion:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes but note that competition issues will not be a consideration;
- There is a conflict with Traffic Orders such as waiting restrictions;

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- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The trading unit is not considered to be suitable in style or in keeping with the location requested.
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.
- In the case of a renewal application the previous year's fees have not been settled, and/or the consent holder has been the subject of substantiated complaints.

Departure from Policy

4.174.18 In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.

4.184.19 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.

4.194.20 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. Members of the determining Committee, or the Environmental Services Manager may authorise a departure from the policy in accordance with this section if he/she/they consider it necessary in the specific circumstances. In cases where the Environmental Services Manager departs from the policy he/she will advise Councillors of the action taken at the next available Licensing Committee.

Renewal applications

4.204.21 Renewal applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.

4.214.22 Renewal applications will only be accepted where the trading location, trading days, and the nature of the goods being sold is identical to that of the Consent that is due to expire.

4.224.23 ~~A reduced list of The following reduced list of~~ supporting documents will be required to be submitted with a renewal application and the appropriate fee. These are indicated on the renewal application form.:-

- ~~Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.~~
- ~~A recent Passport style photo of the applicant(s)~~
- ~~A recent photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.~~

4.294.24 Upon receiving a renewal application, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.

4.304.25 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues, and all fees have been paid on time, the Consent will be renewed within 28 days of receipt.

4.314.26 Where there have been complaints or enforcement issues, or fees have not been paid on time, a renewal application may be referred to the relevant Committee for determination. For this reason, Consent holders are advised to submit their renewal application two months prior to the expiry date.

Transfer applications

4.324.27 A transfer application will only be accepted where the van, cart, barrow, other vehicle or stall from which trading is intended to take place by the proposed consent holder is the same van, cart, barrow, other vehicle or stall from which trading is currently taking place. No aspects of the Consent can be amended other than the consent holder's details.

4.334.28 Applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.

4.344.29 Each application must be accompanied by the published transfer application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the transfer is refused. A refund of in advance fees will be provided to the previous consent holder. The new consent holder will be liable for in advance fees which must be settled before the transfer can be granted.

4.354.30 No consultation will take place, but the following will also be required to be submitted with the transfer application:

- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
- A transfer consent form completed by the existing consent holder, or confirmation that the consent holder has passed away.
- Proof of right to work in the UK
- A Passport style photo of the applicant(s)
- Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
- Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.

- It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

Determination of application by the relevant Committee

4.364.31 The Council's Licensing Committee and Licensing (Non-Statutory) Sub-Committee have been established to consider applications in relation to licensing matters. Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature. The role of the Committee with regards to Street Trading is to determine applications to which objections have been made.

4.374.32 On receipt of a written objection arrangements will be made to have the appeal or application heard at the next available meeting of the Licensing (Non-Statutory) Sub-Committee or main Licensing Committee.

4.384.33 Once arrangements have been made for the application to be heard by the Committee all parties will be advised in writing of the date, time and place where the application will be heard. The Council will endeavour to have applications heard as quickly as possible.

4.394.34 A report will be produced by the Licensing Officer. Members of the Committee and the applicant will be provided with a copy of the report which will include the letters of objection. Further copies of the report will be made available on the day of the Committee.

4.404.35 The person submitting an application will be expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Committee will follow a set procedure that will be notified to all attending parties in advance of the meeting.

4.414.36 In determining an application, the Committee will consider both the written word, and oral submissions relating to their application or representation, as well as the statement of fact from the Council's Licensing Officer.

4.424.37 Witnesses may be used, and supporting documentation may be submitted to the Committee for consideration providing this information is provided at least two working days prior to the hearing commencing. Witnesses and supporting documentation may only be used without prior notice with the agreement of all parties on the day of the hearing.

4.434.38 The Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and all other parties. After hearing the evidence presented to it, the Committee will retire and come to a decision on the application. A decision will be made on the day, and will be communicated to all parties within 5 working days.

4.444.39 The Committee will always strive to ensure that when it is considering an application, all persons get a proper and fair hearing through:

1. Considering each case on its own merits.
2. Using these guidelines to assess applications where it is felt appropriate.
3. Ensuring that the rules of natural justice are applied in any hearings held.
4. Giving all parties sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their case.

Refusals

4.454.40 Where an application is refused, reasons for refusal will be provided. The decision of the Officer or Committee is final. The 1982 Act does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision of the Licensing Panel, should it be felt necessary. The Council recommends taking legal advice prior to commencing any action following the refusal of a Consent application as legal costs may become payable.

Duration of consents

4.464.41 Consents will be issued for a period of up to one year. Fees will be payable per quarter in advance.

4.474.42 Consents that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new Consent has been granted.

4.484.43 A Consent cannot be transferred or sold to another person unless the Licensing Authority are informed by way of the proposed owner submitting a transfer application. In the event of the death or incapacity of the Consent Holder a member of the Consent holder's immediate family may apply for an interim Consent whilst the normal transfer is processed. For more information refer to the section on transfers.

4.494.44 The sub-letting of a pitch is prohibited.

5.0 Consent Conditions

- 5.1 Standard conditions will be attached to every issued Consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. These are detailed in annex 3.
- 5.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size and location of the pitch.
- 5.3 Failure to comply with conditions may lead to the revocation or non renewal of Consent.
- 5.4 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to specific consent conditions that are requested by Consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to amend or vary a Consent condition.

6.0 Fees

- 6.1 The 1982 Act permits a Council to charge reasonable fees for the grant and renewal of Consents. The level of fees applicable takes into account the duration of the Consent, the trading hours, location and the nature of the articles being sold. Details of the current fees can be found in annex 2 and on www.eastcambs.gov.uk. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance. One month's notice of ceasing to trade must be given. Where trading ceases during the term of a Consent refunds will not be given for any outstanding period of less than 1 month.
- 6.2 Applications for annual Consents should be accompanied by an application fee which is set at 10% of the annual fee. If the application is approved, the balance of the quarterly fee will be due in advance of the Consent being issued. If the application is not successful the application fee will be refunded. Daily and Event consents must be accompanied by the full fee.
- 6.3 Reduced fees will be payable by organisers of:

- Non-commercial fetes, carnivals or similar community based and run events. ¹
- Non-commercial, civic, or charitable events. ¹
- Farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
- Sales of articles by householders on land contiguous with their homes. ²

¹ In order to be considered eligible for reduced fees, an event must be promoted with the intention that all money raised (proceeds) from the event will go entirely to purposes that are not for private gain. Money raised by third parties i.e. traders at the event will not be considered as proceeds from the event, and so may be appropriated for private gain, and will not be taken into account when determining eligibility under this paragraph.

² For the purposes of this paragraph "land contiguous" will be construed to be land owned by the householder not including the house itself, i.e. the articles must be placed within any garden or hard-standing area, not on the public highway. Consent may be obtainable to trade on the public highway in such circumstances, but no reduced fee will be available.

7.0 Markets, special events, commercial events, and individual trader one off daily permits.

- 7.1 The authorised weekly markets held throughout the week in Ely, the Christmas Food Flower and Craft held on or around the last Sunday of November, and the Christmas special market held on or around the 23 December are outside the scope of the street trading scheme. Trading at these events/markets is dealt with by the Markets' Team. More information is available on the Council's website.
- 7.2 For special events, and commercial events such as continental street markets, street fairs, craft shows, and events such as those mentioned in paragraph 6.3 above, the Council will issue one Consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them. Applicants wishing to use this provision must provide at least twenty-eight days notice, and availability is strictly on a first come, first served basis.
- 7.3 The Council will require that the ~~applicant~~ company produces a list of the individual traders before the trading day, and a signed declaration that the organiser is satisfied that all the traders hold the necessary insurances and certificates for the stall they are running.
- 7.4 Applications for markets, special events, and commercial events will be subject to a reduced consultation process than that required of normal annual consent applicants, however, determination may take up to the full 28 day limit.

7.5 Daily permits for individual traders wishing to trade on a consent street are available. The applicable documents stated on the application form from the list of items detailed in paragraph 4.8~~7~~ must accompany an application, but when determining the application, the consultation stage shall be omitted. No more than sixteen days of trading per Consent Street, per trader or their associate/stall, will be permitted under this provision per annum. All other considerations will be taken into account when determining an application. Applicants wishing to use this provision must provide at least ten clear working days notice, and availability is strictly on a first come, first served basis.

8.0 "Pop-up" Street Food Trading on Private Land

8.1 Pop-up street food trading on private land is a relatively new concept, which is growing in popularity. The pop-up nature of this type of trading requires a different approach to be taken to provide the flexibility necessary, whilst ensuring that such trading from private locations including, pub and social club car parks, and village hall and community centre car

Appendix 1

parks is suitably controlled to promote the objectives of the street trading policy within the district. Due to this a specific scheme has been set up with the kind assistance of the National Caterers Association. Details of this scheme can be found in the following paragraphs.

Host Premises

7.5 8.2 Any business wishing to permit a food van to trade from their private land in a way that is controlled by the 1982 Act must apply for a Premises Consent using the specific application form for this purpose. A consultation period will take place in accordance with paragraphs 4.11 and 4.12 of this policy, and the application will be determined in accordance with the same parameters as those for all other applications, as detailed in this policy. Once issued, the premises will be permitted to host any pop-up street food trader holding a street trading consent with the Council.

Pop-up food traders

8.3 Any trader wishing to trade freely from any registered host premises in the district who does not wish to apply for a daily permit, and wait the requisite 10 working days for determination, must apply for an annual "Pop-up trader Consent" using the specific application form for this purpose. No consultation period will be required, and if you are registered with the National Caterers Association, a reduced number of supporting documents will be required to be submitted with your application. The application will be determined in accordance with the same relevant parameters as those for all other applications, as detailed in this policy. Once issued, the trader will be permitted to trade from any location holding a Host Premises Consent within the times permitted on the Host Premises Consent, subject only to requiring the host premises permission to use their land.

98.0 Enforcement

- 9.1 The Council is committed to enforcing the provisions contained within the relevant legislation, and will work in partnership with all enforcement agencies to provide consistent enforcement on licensing issues.
- 9.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 9.3 In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Enforcement Policy.
- 9.4 The responsibility for the overall supervision of street trading lies with the Environmental Services Manager.

109.0 Further Information

Further information on the Authority's licensing policy and application process can be obtained from:

Licensing Team
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

T: 01353 665555
E: licensing@eastcambs.gov.uk
Website: www.eastcambs.gov.uk

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Annex 1 – Designated Streets

| Consent Streets |
|--|
| All streets as defined by the 1982 Act with the exception of the prohibited streets listed below. |
| Prohibited Streets |
| Trunk Road A10 within the District Trunk Road A11 within the District Trunk Road A14 within the District |

Annex 2**Current fees applicable to Street Trading Consents**

| Type of goods | Ely (central zone) daily consent fees | | Annual | All other areas (daily consent fees) | | Annual | Transfer | | | | | | | |
|--------------------------|---------------------------------------|--------------|--------|--------------------------------------|--------------|--------|----------|-----|-----|-------|-----|-----|------|-----|
| | Sun to Wed | Thurs to Sat | | Sun to Wed | Thurs to Sat | | | | | | | | | |
| Clothing | £20 | £30 | £1040 | £15 | £20 | £740 | £48 | | | | | | | |
| Electrical spares | | | | | | | | | | | | | | |
| DIY products | | | | | | | | | | | | | | |
| Hot food and drink | | | | | | | | | | | | | | |
| Furniture | | | | | | | | | | | | | | |
| Records, CD's and DVD | £20 | £30 | £780 | £15 | £20 | £480 | £48 | | | | | | | |
| Household cleaning goods | | | | | | | | | | | | | | |
| Books | | | | | | | | | | | | | | |
| Fresh fish | £20 | £20 | £520 | £15 | £15 | £320 | £48 | | | | | | | |
| Fresh meat | | | | | | | | | | | | | | |
| Fruit and Veg | | | | | | | | | | | | | | |
| Delicatessen | | | | | | | | | | | | | | |
| Flowers and Plants | | | | | | | | | | | | | | |
| Ice-cream vendors | | | | | | | | | | | | | | |
| Cakes/ Bakery | | | | | | | | | | | | | | |
| Arts and crafts | | | | | | | | | | | | | | |
| All other traders | | | | | | | | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Host Premises | | | | | | | | N/A | N/A | £1040 | N/A | N/A | £740 | £48 |
| Pop-up food trader | N/A | N/A | £240 | N/A | N/A | £240 | £48 | | | | | | | |

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The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates can be provided. The cost is £10.50.

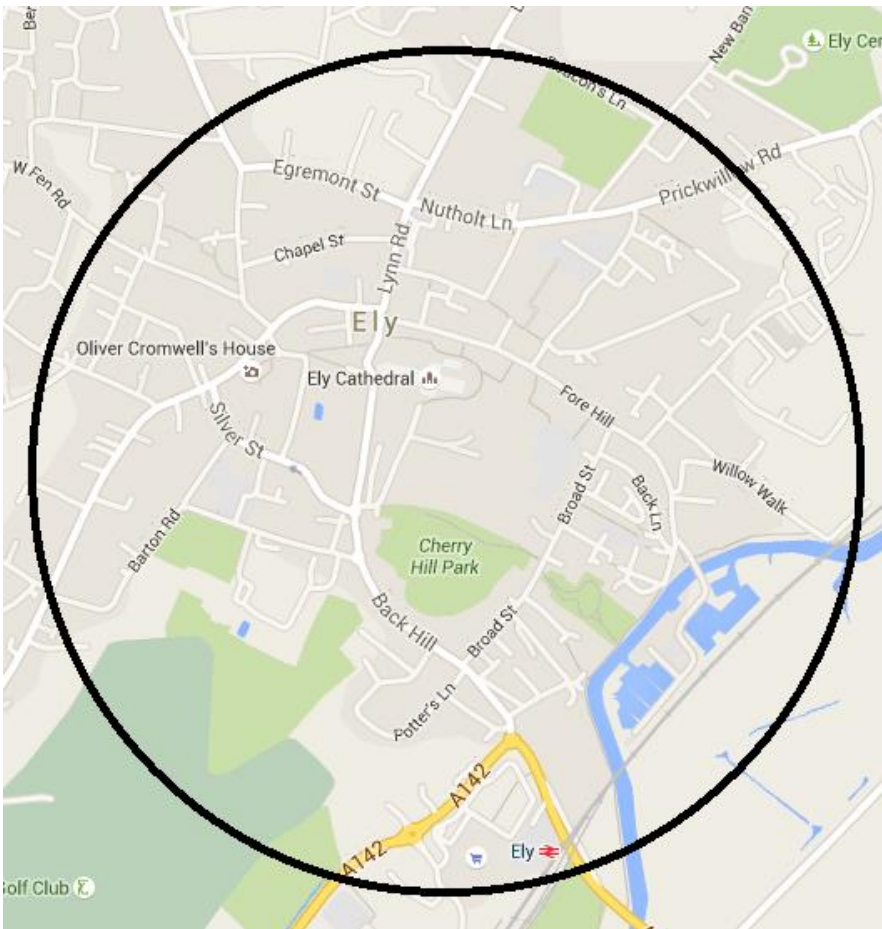
Special Events/Markets/Commercial Events

| Number of stalls | Fee per day of the event |
|------------------|--------------------------|
| 10 – 20 | £100 |
| 21 – 40 | £200 |
| 41 or more | £500 |

Events listed in paragraph 6.3

| |
|--------------------------|
| Fee per day of the event |
| £20 |

Ely central charging zone



Annex 3

Standard conditions applicable to Street Trading Consents

General

These Standard Conditions will apply to all licences unless dis-applied or varied by the Environmental Services Manager, or they are over-riden by the special conditions for special events/markets.

Standard Conditions

1. Definitions
 - i. 'street' includes –
 - a) any road, footway, beach or other area to which the public have access without payment, and
 - b) a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street
 - ii. 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a street
2. The Consent granted by the Council is personal to the holder.
3. The consent holder (or a person nominated by the consent holder) shall attend in person at the Consent position for not less than 75% of the time on any day which trading is carried out.
4. The street trading consent only relates to the vehicle/premises stipulated within the Consent.
5. The consent holder can only trade in the goods stipulated in the consent.
6. Ancillary items can be sold where relevant to the goods being traded.
7. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent, and goods should not migrate outside of the permitted area.
8. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
9. Any stall, vehicle, van, barrow, or cart authorised by the Council must be equipped with safe and adequate lighting for operation during the hours of darkness.
10. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
11. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
12. The Consent may only be transferred to another person with the prior written consent of the Environmental Services Manager.
13. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
14. The 'permitted hours' will be those stipulated within the Consent.

[Appendix 1](#)

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15. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.
16. The consent holder will vacate the site within 30 minutes of the end of the permitted hours.
17. The consent holder shall not trade in any street designated by the Council as a prohibited street.
18. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
19. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
20. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - b) Cause an obstruction to the vehicles or pedestrians in the street.
 - c) Cause a danger to occupiers of adjoining property or to other users of the street.
21. The consent holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
22. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
23. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.
24. A copy of the Consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
25. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.
26. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
27. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
28. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Items including but not limited to items used for sexual stimulation, and/or weapons likely to cause harm would be considered unsuitable. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.

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29. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Environmental Services Manager.
30. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
31. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which Consent has been granted.
32. Failure to comply with any condition attached to the street trading consent may result in the revocation of such Consent.
33. The holder shall notify the Environmental Services Manager at the Council Offices, The Grange, Nutholt Road, Ely, CB7 4EE in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
34. The holder of a Consent shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
35. The Council may revoke the Consent at any time.
36. The holder will return the Consent to the Council immediately upon revocation or surrender.
37. In the event of the Consent being surrendered or revoked no refunds will be given. Where Consent is withdrawn by the Council for reasons other than an offence or breach being committed, a proportioned refund will be given.
38. The Council may at any time vary these Conditions without notice.
39. If the Consent Holder Street Trades from any Council Land he/she shall indemnify the Council from and against all loss, damage, costs, liabilities and claims whatsoever arising from its use and occupation of the land.22.
40. The Consent Holder and persons manning the stall will ensure their activities do not cause direct and permanent damage the grass and gardens and/or disturb wildlife.

Additional conditions applicable to Special Events/Markets

41. All stalls to be issued with a number that must be displayed on the stall.
42. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
43. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, standard firearms, airguns, swords and crossbows)
44. The consent holder must not allow the sale of materials considered offensive, indecent, or considered adult in nature.
45. If the Public Conveniences are required to open beyond 17:00 a charge will be levied in accordance with the Council's fees and charges.
46. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

Street Trading Consent Fees

Individual stall fees

| Type of goods | Ely (central zone) daily consent fees | | Annual | All other areas (daily consent fees) | | Annual | Transfer |
|--------------------------|---------------------------------------|--------------|--------|--------------------------------------|--------------|--------|----------|
| | Sun to Wed | Thurs to Sat | | Sun to Wed | Thurs to Sat | | |
| Clothing | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Electrical spares | | | | | | | |
| DIY products | | | | | | | |
| Hot food and drink | | | | | | | |
| Furniture | | | | | | | |
| Records, CD's and DVD | £20 | £30 | £780 | £15 | £20 | £480 | £48 |
| Household cleaning goods | | | | | | | |
| Books | | | | | | | |
| Fresh fish | £20 | £20 | £520 | £15 | £15 | £320 | £48 |
| Fresh meat | | | | | | | |
| Fruit and Veg | | | | | | | |
| Delicatessen | | | | | | | |
| Flowers and Plants | | | | | | | |
| Ice-cream vendors | | | | | | | |
| Cakes/ Bakery | | | | | | | |
| Arts and crafts | | | | | | | |
| All other traders | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Host Premises | N/A | N/A | £1040 | N/A | N/A | £740 | £48 |
| Pop-up food trader | N/A | N/A | £240 | N/A | N/A | £740 | £48 |

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates cost is £10.50.

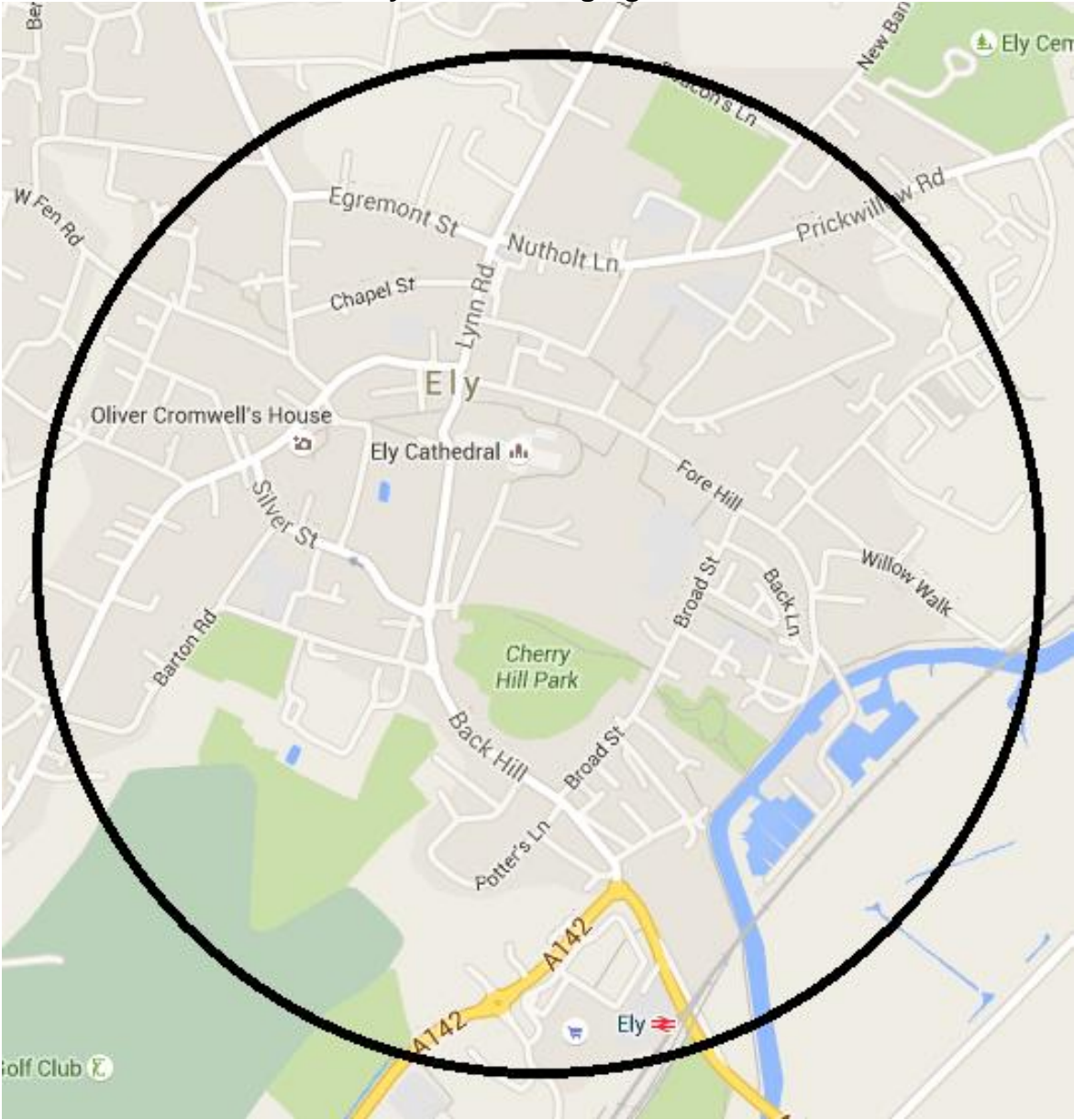
Special Events/ Markets/Commercial Events fees

| Number of stalls | Fee per day of the event |
|------------------|--------------------------|
| 10 – 20 | £100 |
| 21 – 40 | £200 |
| 41 or more | £500 |

Charity/non-commercial events (see paragraph 6.3 in the street trading policy)

| Fee per day of the event |
|--------------------------|
| £20 |

Ely central charging zone



EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING TEMPLATE (IST)

Initial screening needs to take place for all new/revised Council policies. The word ‘policy’, in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an EIA for this activity.

| | |
|--|-----------------------|
| Name of Policy: | Street Trading Policy |
| Lead Officer (responsible for assessment): | Stewart Broome |
| Department: | Licensing |
| Others Involved in the Assessment (i.e. peer review, external challenge): | |
| Date Initial Screening Completed: | 23/3/2018 |

(a) What is the policy trying to achieve? i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

| |
|---|
| A framework to assist members of the public, Officers and Committee Members with regards to controlling street trading in the district. |
|---|

(b) Who are its main beneficiaries? i.e. who will be affected by the policy?

| |
|--|
| Persons who wish to sell goods, or hold events that will sell goods on controlled streets (as defined by the Local Government (Miscellaneous Provisions) Act 1982 within the district. |
|--|

(c) Is this assessment informed by any information or background data? i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

| |
|--|
| Yes, previous consultation in 2015 and working with the policy |
|--|

(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics? (please tick all that apply):

| | | | |
|----------------------------------|--------------------------|---|--------------------------|
| Ethnicity | <input type="checkbox"/> | Age | <input type="checkbox"/> |
| Gender | <input type="checkbox"/> | Religion or Belief | <input type="checkbox"/> |
| Disability | <input type="checkbox"/> | Sexual Orientation | <input type="checkbox"/> |
| Gender Reassignment | <input type="checkbox"/> | Marriage & Civil Partnership | <input type="checkbox"/> |
| Pregnancy & Maternity | <input type="checkbox"/> | Caring Responsibilities | <input type="checkbox"/> |

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

| |
|---|
| This policy affects all applicants and licence holders equally. |
|---|

(e) Does the policy affect service users or the wider community?

| |
|------------|
| YES |
|------------|

- (f) Does the policy have a significant effect on how services are delivered?
- (g) Will it have a significant effect on how other organisations operate?
- (h) Does it involve a significant commitment of resources?
- (i) Does it relate to an area where there are known inequalities, e.g. disabled people’s access to public transport etc?

| |
|-----------|
| NO |
| NO |
| NO |
| NO |

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment (EIA). If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council’s Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to the Principal HR Officer.

Signatures:

Completing Officer: Stewart Broome **Date:** 23/3/2018

Head of Service: Liz Knox **Date:** 23/3/2018

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

| Meeting on: 8 th December 2021 9:30am | | Meeting on: 9 th February 2022 9:30am | | Meeting on: 9 th March 2022 9:30am | |
|---|---|--|---|---|---|
| Deadline for reports/dispatch: 26 th November 2021 | | Deadline for reports/dispatch: 31 st January 2022 | | Deadline for reports/dispatch: 1 st March 2022 | |
| • Chairman's Announcements | | • Chairman's Announcements | | • Chairman's Announcements | |
| • Forward Agenda Plan | | • Forward Agenda Plan | | • Forward Agenda Plan | |
| • Licensing Officers Update | S Broome Senior Licensing Officer | • Licensing Officers Update | S Broome Senior Licensing Officer | • Licensing Officers Update | S Broome Senior Licensing Officer |
| • CCTV in Taxis | S Broome Senior Licensing Officer | | | | |
| | | | | | |
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| | | | | | |



AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in the Council Chamber at The Grange, Nutholt Lane, Ely on Wednesday, 4th October 2021 at 9:30am.

PRESENT

Cllr Julia Huffer (Chairman)
Cllr Jo Webber (Vice-Chairman)
Cllr Sue Austen
Cllr Lavinia Edwards
Cllr Simon Harries
Cllr Bill Hunt (as a Substitute Member)
Cllr Mark Inskip
Cllr Alec Jones
Cllr Alan Sharp
Cllr Lisa Stubbs (as a Substitute Member)
Cllr John Trapp (as a Substitute Member)

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Liz Knox – Environmental Services Manager
Tracy Couper – Democratic Services Manager
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

5. APOLOGIES

Apologies were received from Councillors Christine Ambrose-Smith, David Ambrose-Smith, and Gareth Wilson.

6. DECLARATIONS OF INTEREST

No declarations of interests were made.

7. MINUTES

The Minutes of the meeting of the Committee held on 11 November 2020 were received. A Member queried whether the Minutes of the meeting of the Committee held after the Annual Council meeting on 29 April 2021 also should have been included on the Agenda and the Democratic Services Manager confirmed that this should have been the case.

It was resolved:

That the Minutes of the Licensing Committee meeting held on 11th November 2020 be confirmed as a correct record and be signed by the Chairman.

8. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made no announcements.

9. **GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES – THREE YEAR REVIEW**

The Committee considered a report, W68 previously circulated, that contained the revised version of the Council's Gambling Act 2005 - Statement of Principles for Licensing.

The Senior Licensing Officer informed the Committee that formal consultation on the draft Statement of Licensing Principles took place between 15 July and 27 August 2021. No consultee responses were received.

A Member highlighted a correction required to paragraph 27.2 of the Statement of Principles to refer to the Disclosure and Barring Service (DBS) rather than the Criminal Records Bureau (CRB). In response to a further question by a Member, the Senior Licensing Officer explained the various consultees listed in Annex A.

It was resolved to RECOMMEND TO COUNCIL:

That Council approve the Gambling Act 2005 - Statement of Principles for Licensing for adoption to come into effect on 31 January 2022 following a period of publication to be not less than 28 days.

10. **THE MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE FIT AND PROPER PERSON) (ENGLAND) REGULATIONS 2020**

The Committee considered a report, W69 previously circulated, containing the draft Determination Policy and draft Fee Policy for implementation of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

The Environmental Services Manager stated that there were 10 sites in the East Cambridgeshire area and explained the background to the legislation and draft Policies. This was a statutory process, but the Council had discretion on whether or not to charge an administration fee and this could only be set to include reasonable costs. A fee of £230 was proposed, which was considered reasonable.

Members welcomed the new legislative process which they considered important to ensure site managers were fit and proper persons, in the light of complaints from residents regarding the management of sites in the past. Members asked about the process for assessing applications and the possible revocation process. The Environmental Services Manager stated that the officers involved had extensive experience in these areas and also could gain good practice guidance and advice from the national forum on this issue that they were members of. In response to other questions by Members, the Environmental Services Manager agreed to confirm whether revocation would be a matter delegated to officers or for a Licensing Sub-Committee to determine and whether

site managers had an obligation to advise the Council immediately of any changes in circumstances, such as convictions.

Members commented that the Council needed to be proactive in ensuring good management of sites, since there had been cases of improper practices in the past and residents had feared or experienced harassment for reporting these. In response, the Environmental Services Manager confirmed that such complaints were dealt with on an anonymous basis, although owners/managers may make their own assumptions as to where these had originated.

Questions were raised regarding the issue of ownership/management by persons resident outside of the UK referred to in 3.1(b) of the Determination Policy, and it was confirmed that this could be a reason for failure of the fit and proper person test, if it was considered that the site could not be managed effectively. In response to a further question by a Member, the Environmental Services Manager stated that the Council could step in to manage a site, if it was not being effectively managed.

Members requested that an update report on implementation of the Regulations and Policies be submitted to the Committee in 6 months time.

It was resolved:

1. That the new statutory local authority powers in The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 be noted.
2. That approval be given to the adoption of:
 - i) The East Cambridgeshire District Council Fit and Proper Person Determination Policy for Mobile Homes and Caravan Sites 2021; and
 - ii) The East Cambridgeshire District Council Fit and Proper Person Fee Policy for Mobile Home and Caravan Sites 2021; and
 - iii) Both policies take effect from 4th October 2021.
3. That the terms of reference of the Licensing Committee be amended to include the new functions introduced by The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
4. That authority be delegated to the Monitoring Officer to make the necessary changes to the Constitution to give authority to the Environmental Services Manager to exercise the functions introduced by The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
5. That an update report on implementation of the Regulations and Policies be submitted to the Committee in 6 months.

11. **SENIOR LICENSING OFFICER UPDATE**

The Committee considered a verbal report that updated Members on the work of officers within the Licensing Department.

The Senior Licensing Officer reported that there had been a 3-4% reduction in the number of Taxi Drivers as a result of the pandemic.

12. **FORWARD AGENDA PLAN**

The Committee considered its Forward Agenda Plan.

The Senior Licensing Officer stated that the following items would be submitted to the November meeting of the Committee, in addition to those already on the Agenda Plan and the Minutes of the of the meetings of Committee held after the Annual Council meeting on 29 April 2021 and this meeting:

- Annual Fees Review
- Street Trading Policy Review

The meeting concluded at 10:10am.

TITLE: REVIEW OF LICENSING FEES

COMMITTEE: LICENSING COMMITTEE

DATE: 4 OCTOBER 2021

AUTHOR: SENIOR LICENSING OFFICER

[W93]

1.0 ISSUE

1.1 This report sets out the statutory fees that East Cambridgeshire District Council is required to charge for specific licences under the Licensing Act 2003 and the Gambling Act 2005.

1.2 The report also sets out the fees for the period 1 April 2022 to 31 March 2023 in respect of those licences and licensing related activities where the authority has the discretion to determine the relevant fees; this includes, but is not limited to hackney carriage and private hire licences, and animal licences.

2.0 RECOMMENDATION(S)

2.1 That Members:

- i) note the statutory fees that East Cambridgeshire District Council is required to charge in respect of the specified licences under the Licensing Act 2003 and the Gambling Act 2005 as set out in Appendix 1 and Appendix 2, and agree to implement these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2022.
- ii) instruct Officers to implement, as appropriate, any other statutory fees that may be brought into force during the 2021/2022 financial year.
- iii) instruct Officers to include the agreed fees in the 2022/2023 annual fees and charges report that is presented to full Council.

2.2 That Members:

- i) agree to implement the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees, as set out in Appendix 3 and Appendix 4, on the 1 April 2022.
- ii) agree to implement the proposed fees relevant to Animal Welfare licensing, as set out in Appendix 5 on the 1 April 2022.
- iii) instruct Officers to include the fees in the 2022/2023 annual fees and charges report that is presented to full Council.

2.3 That Members:

- i) agree to implement the proposed fees relevant to hackney carriage, private hire and operator licensing, as set out in Appendix 6 on the 1 April 2022.
- ii) instruct Officers to include the proposed fees, as set out in Appendix 6, in the 2022/2023 annual fees and charges report that is presented to full Council.

3.0 BACKGROUND

- 3.1 With the exception of statutory fees set by central government the Council is responsible for setting fees and charges for the licensing regulations it is responsible for administering and enforcing.
- 3.2 There is no statutory duty on the Council to consult when setting or revising licensing fees with the exception of those fees relating to hackney carriage, private hire vehicles and operators' licences under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.3 The Committee's legal authority to agree the recommendations is based within a range of specific licensing legislation together with the delegated functions set out in the Council's constitution. Extracts from the relevant legislation are provided in **Appendix 7**. Due consideration must also be given to relevant case law. Members are advised that Officers have considered these requirements when compiling this report.
- 3.4 The Council's fees and charges may be challenged through a number of routes, e.g. service complaints to the Local Government Ombudsman or via a judicial review.
- 3.5 The consequences of such a challenge are clearly demonstrated in the Court of Appeal judgement given in respect of R Hemming and others v Westminster City Council case, which involved the licensing of sex shops in Soho and Covent Garden.
- 3.6 The judgement has made it clear that local authorities may become liable for substantial costs if it is found that procedures for setting fees have not been correctly followed, and if the fees are not reasonable and proportionate to the costs of the licensing procedures.
- 3.7 When considering whether the licensing fees are reasonable and proportionate, it is also necessary to look at each regulatory power separately. In simple terms this means taxi and private hire licence holders should not be charged a fee for their licence that creates an excess which is then used to subsidise the fees paid by applicants wishing to obtain another type of licence such as, an animal welfare licence for boarding dogs.

- 3.8 It is also necessary to reflect that not all costs to the licensing authority are recoverable, such as the processing of “Charity Street Collections” and “Charity House to House Collections” where a fee is not permitted to be charged, or deficits in statutory income against expenditure.
- 3.9 As a result of the points raised in paragraph 3.8, it is not legally possible to recover 100% of the cost of running the Licensing Authority from the fees charged, and this deficit must be covered by the Council’s general fund.

4.0 SUMMARY

- 4.1 The licensing budget considers direct costs, such as licensing staff wages, but it also includes indirect costs that can reasonably be attributed to licensing procedures, for example, office accommodation, ICT support and software licensing fees, travel, legal support costs, advertising, equipment, postage & printing, subscriptions, telephone costs, training and other corporate recharges.
- 4.2 In relation to the consideration of applications, it is reasonable to recover the costs of running the relevant Committees from licensing fees and so consequently these costs have been incorporated into the overall figures.
- 4.3 As mentioned in paragraph 3.9 above, due to the current legislation, it will never be possible to recover 100% of the department’s costs, but work undertaken by Officers suggests that in any given year approximately 80% of the expenditure level incurred by the service can be legally recovered, see Table 2 below for breakdown of time spent in 2020/21.

Table 2

| Type | Percentage of time 18/19 | Percentage of time 19/20 | Percentage of time 20/21 | Average |
|-----------------------|--------------------------|--------------------------|--------------------------|---------|
| Home Boarding | 2.74 | 3.16 | 2.07 | 2.66 |
| Kennels and Catteries | 4.17 | 0.59 | 1.86 | 2.21 |
| Breeding | 2.60 | 6.51 | 8.44 | 5.85 |
| DWA | 0.14 | 0.15 | 0.15 | 0.15 |
| Pet Shop | 1.31 | 0.51 | 1.01 | 0.94 |
| Riding Est | 1.07 | 0.31 | 1.14 | 0.84 |
| Sex Est | 0 | 0 | 0.00 | 0.00 |
| Zoo | 0.03 | 0.04 | 0.04 | 0.04 |
| GA05 | 4.06 | 5.86 | 3.96 | 4.63 |
| LA03 | 31.64 | 23.16 | 25.68 | 26.83 |
| Street Trading | 2.29 | 3.35 | 5.48 | 3.71 |
| Taxi | 29.20 | 32.54 | 25.74 | 29.16 |
| Scrap Metal | 1.91 | 3.10 | 0.82 | 1.94 |
| Exhibiting Animals | N/A | N/A | 0.58 | 0.19 |
| Pave | N/A | N/A | 1.36 | 0.45 |
| Totals | 81.16 | 79.27 | 78.33 | 79.59 |

- 4.4 In 2020, as Members are aware, the world faced a global pandemic in the shape of Covid 19. Members were advised by officers that this national health emergency, and the Government’s response to it was having an unprecedented impact on the licensed trade, and it was recommended (in this report of 2020) that Members left the fees at the existing levels whilst the full financial impact of Covid could be ascertained.
- 4.5 In the previous “Review of Licensing Fees” report it was estimated, that licensing income could be reduced by up to 15% to approximately £167,000, as a direct impact of the pandemic. The final figures show licensing income for the year ending 31 March 2021 to be down 14.5% compared to the previous year at £168,741.
- 4.9 Almost all areas of licensing suffered from economic constriction, with the notable exceptions being dog breeding and street trading, which saw increases, possibly reflective of other social impacts of the pandemic, such as people spending more time at home, or seeking alternative and relatively cheap start up business ideas due to being made redundant, or being furloughed.
- 4.10 Our two largest areas of licensing; alcohol, entertainment and late-night refreshment licensing, and hackney carriage and private hire licensing saw big reductions in income. This was not unexpected, as a mixture of the lockdown measures and financial uncertainty saw community events cancelled, new applications for premises licences placed on hold, taxi drivers holding off replacing vehicles or expanding their fleet, and lower numbers of new driver applicants wishing to enter the trade.
- 4.11 The table below shows the cost of running the licensing authority, and the income received for the 2020/2021 period.

Table 3

| Year | Income | Expenditure | Balance | % recovered |
|--|----------|-------------|----------|-------------|
| 2020/2021 (no fee increase on previous year) | £168,741 | £256,373 | -£87,632 | 66% |

- 4.12 The proposed budget for running the service for the 2022/2023 period has not been set at this point, but it is expected to be set at approximately £272,000, and therefore, a cost recovery income figure of £218,299 would be required.
- 4.13 Income for the first 5 months of the 2021/2022 period is on a par with that attained in the same period of 2019 (pre-Covid), which is positive news.

5.0 CONCLUSION

- 5.1 The pandemic has significantly reduced income, and it has affected where resources have had to be used. Almost all areas of licensing revenue are below cost recovery as a result of the pandemic.

- 5.2 Whilst there are some signs of the “bounce-back effect”, it is clear that those within regulated business are still dealing with a great deal of financial difficulty, and so whilst the work conducted by officers suggests that an increase in some fees could be justified at this time based purely on the economics of time and costs being proportioned against budget projections, it is impossible to ignore the impact that Covid 19 continues to have on the licensed trade.
- 5.3 Officers believe that any increase in fees at this time is likely to stifle economic recovery, and could actually result in further reductions in overall income, as a result of losing licence holders. Figures suggest our licensing stock of permanent licences (as opposed to temporary, or one off granted permissions like Personal Licences) has reduced by just under 5% (38 records) as a result of the pandemic.
- 5.4 Having considered all of the information available at this time, Officers recommend that the fees remain at their current levels, and should be reviewed in 12 months’ time once we have a clearer picture of how Covid 19 continues to impact the service, and the wider economy.
- 5.5 There is no need to conduct an Equality Impact Assessment (EIA) as this report does not lead to the creation of a policy, or additional regulation.

6.0 APPENDICES

- | | | |
|-----|------------|---|
| 6.1 | Appendix 1 | Licensing Act Statutory Fees |
| 6.2 | Appendix 2 | Gambling Act 2005 Statutory Fees |
| 6.3 | Appendix 3 | Gambling Act 2005 – Discretionary fees |
| 6.4 | Appendix 4 | General discretionary fees |
| 6.5 | Appendix 5 | Animal Welfare Regulation fees |
| 6.6 | Appendix 6 | Discretionary taxi fees |
| 6.7 | Appendix 7 | Extracts from legislation regarding fee setting |
| 6.8 | Appendix 8 | Neighbouring authority fees chart |

Background Documents**Location****Contact Officer**

Legislation contained in
appendix 6

Room SF208
The Grange,
Ely

Stewart Broome
Senior Licensing Officer
(01353) 616477

LGA guidance on local fee
setting 2015

Hemming v Westminster
2015

R v Tower Hamlets LBC
1994

Appendix 1 Licensing Act 2003 – Statutory Fees

Premises Licence and Club Premises Certificates:

| Type of application: | Non-domestic rateable band | | | | |
|---|----------------------------|------|------|------|------|
| | A | B | C | D | E |
| New, provisional statements, and full variation application fee | £100 | £190 | £315 | £450 | £635 |
| Annual maintenance fee | £70 | £180 | £295 | £320 | £350 |
| Minor variation | £89 | | | | |
| Provisional Statement (where premises is under construction) | £315 | | | | |

| NDR Value | Band | Fee multiplier for Premises Licences | D (x2) | E (x3) |
|---------------------|------|---|--------|--------|
| £0 to £4,300 | A | Premises Licences in bands D & E (whose primary business is the sale of alcohol) | £900 | £1905 |
| £4,301 to £33,000 | B | | | |
| £33,001 to £87,000 | C | | | |
| £87,001 to £125,000 | D | Premises Licences in bands D & E (whose primary business is the sale of alcohol) annual maintenance fee | £640 | £1050 |
| £125,001 and above | E | | | |

Premises Licence - Large event fees (payable in addition to the standard fee):

| Number in attendance at any one time: | Additional application fee: | Additional annual fee: |
|---------------------------------------|-----------------------------|------------------------|
| 5000 to 9999 | £1000 | £500 |
| 10000 to 14999 | £2000 | £1000 |
| 15000 to 19999 | £4000 | £2000 |
| 20000 to 29999 | £8000 | £4000 |
| 30000 to 39999 | £16000 | £8000 |
| 40000 to 49999 | £24000 | £12000 |
| 50000 to 59999 | £32000 | £16000 |
| 60000 to 69999 | £40000 | £20000 |
| 70000 to 79999 | £48000 | £24000 |
| 80000 to 89999 | £56000 | £28000 |
| 90000 and over | £64000 | £32000 |

Personal Licence, Temporary Events and other miscellaneous fees:

| Type of application: | Fee: |
|--|--------|
| Grant of Personal Licence | £37 |
| Temporary or Late Temporary Event Notice | £21 |
| Theft, loss etc of Premises Licence or Summary | £10.50 |
| Change of name or address on Premises Licence | £10.50 |
| Vary Premises Licence to specify a new DPS | £23 |
| Transfer a Premises Licence | £23 |
| Interim Authority Notice | £23 |
| Change of club name or address or change of rules | £10.50 |
| Change of correspondence address for club | £10.50 |
| Theft, loss etc of a Temporary Event Notice or Late Temporary Event Notice | £10.50 |
| Theft, loss etc of a Personal Licence | £10.50 |
| Right of freeholder etc to be notified of licensing matters | £21 |
| Community Premises - removal of DPS fee | £23 |
| Theft, loss etc of a Club Certificate or Summary | £10.50 |
| Change of name or address on Personal Licence | £10.50 |

Appendix 2 Gambling Act 2005 Statutory Fees

| Permission Type | Fee: |
|--|------|
| Lotteries | |
| Small Society Lotteries - new registration | £40 |
| Small Society Lotteries - renewal of existing registration | £20 |
| Licensed Premises Permits | |
| Licensed Premises Gaming Machines - notice of intention for up to 2 machines | £50 |
| Licensed Premises Gaming Machine Permits - new | £150 |
| Licensed Premises Gaming Machine Permits - variation | £100 |
| Licensed Premises Gaming Machine Permits – transfer | £25 |
| Licensed Premises Gaming Machine Permits - annual Fee | £50 |
| Licensed Premises Gaming Machine Permits - change of Name | £25 |
| Licensed Premises Gaming Machine Permits - copy (lost, stolen, damaged) | £15 |
| Club Gaming/Club Machine Permits | |
| Club Gaming/Club Machine Permits - new or renew | £200 |
| Club Gaming/Club Machine Permits for holders of club premises certificates - new or renew | £100 |
| Club Gaming/Club Machine Permits – annual fee | £50 |
| Club Gaming/Club Machine Permits - variation | £100 |
| Club Gaming/Club Machine Permits - copy (lost, stolen, damaged) | £15 |
| Prize Gaming Permits | |
| Prize Gaming Permits - new or renewal | £300 |
| Prize Gaming Permits - change of name | £25 |
| Prize Gaming Permits - copy (lost, stolen, damaged) | £15 |
| Family Entertainment Gaming Centre Gaming Machine Permits | |
| Family Entertainment Gaming Centre Gaming Machine Permits - new or renewal | £300 |
| Family Entertainment Gaming Centre Gaming Machine Permits - change of name | £25 |
| Family Entertainment Gaming Centre Gaming Machine Permits - copy (lost, stolen, damaged) | £15 |

Appendix 3

Discretionary Fees with Statutory Maximum - Gambling Act 2005 Licences

| Licence type | 2021/2022 fees | 2022/2023 proposed fees | Difference (£) |
|---|----------------|-------------------------|----------------|
| Regional Casino Licence | | | |
| Fee in respect of new premises | 15000 | 15000 | 0 |
| Annual Fee | 15000 | 15000 | 0 |
| Fee for application to vary licence | 7500 | 7500 | 0 |
| Fee for application to transfer a licence | 6500 | 6500 | 0 |
| Fee for application to reinstate a licence | 6500 | 6500 | 0 |
| Fee for application for provisional statement | 15000 | 15000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 8000 | 8000 | 0 |
| Large Casino Licence | | | |
| Fee in respect of new premises | 10000 | 10000 | 0 |
| Annual Fee | 10000 | 10000 | 0 |
| Fee for application to vary licence | 5000 | 5000 | 0 |
| Fee for application to transfer a licence | 2150 | 2150 | 0 |
| Fee for application to reinstate a licence | 2150 | 2150 | 0 |
| Fee for application for provisional statement | 10000 | 10000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 5000 | 5000 | 0 |
| Small Casino Licence | | | |
| Fee in respect of new premises | 8000 | 8000 | 0 |
| Annual Fee | 5000 | 5000 | 0 |
| Fee for application to vary licence | 4000 | 4000 | 0 |
| Fee for application to transfer a licence | 1800 | 1800 | 0 |
| Fee for application to reinstate a licence | 1800 | 1800 | 0 |
| Fee for application for provisional statement | 8000 | 8000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 3000 | 3000 | 0 |
| Bingo Premises Licence | | | |
| Fee in respect of new premises | 3500 | 3500 | 0 |
| Annual Fee | 1000 | 1000 | 0 |
| Fee for application to vary licence | 1750 | 1750 | 0 |
| Fee for application to transfer a licence | 1200 | 1200 | 0 |
| Fee for application to reinstate a licence | 1200 | 1200 | 0 |

| | | | |
|---|------|------|---|
| Fee for application for provisional statement | 3500 | 3500 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 1200 | 1200 | 0 |
| Adult Gaming Licence | | | |
| Fee in respect of new premises | 2000 | 2000 | 0 |
| Annual Fee | 1000 | 1000 | 0 |
| Fee for application to vary licence | 1000 | 1000 | 0 |
| Fee for application to transfer a licence | 1200 | 1200 | 0 |
| Fee for application to reinstate a licence | 1200 | 1200 | 0 |
| Fee for application for provisional statement | 2000 | 2000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 1200 | 1200 | 0 |
| Betting Premises (track) Licence | | | |
| Fee in respect of new premises | 2500 | 2500 | 0 |
| Annual Fee | 1000 | 1000 | 0 |
| Fee for application to vary licence | 1250 | 1250 | 0 |
| Fee for application to transfer a licence | 950 | 950 | 0 |
| Fee for application to reinstate a licence | 950 | 950 | 0 |
| Fee for application for provisional statement | 2500 | 2500 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 950 | 950 | 0 |
| Family Entertainment Centre Licence | | | |
| Fee in respect of new premises | 2000 | 2000 | 0 |
| Annual Fee | 750 | 750 | 0 |
| Fee for application to vary licence | 1000 | 1000 | 0 |
| Fee for application to transfer a licence | 950 | 950 | 0 |
| Fee for application to reinstate a licence | 950 | 950 | 0 |
| Fee for application for provisional statement | 2000 | 2000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 950 | 950 | 0 |
| Betting Premises (other) Licence | | | |
| Fee in respect of new premises | 3000 | 3000 | 0 |
| Annual Fee | 600 | 600 | 0 |
| Fee for application to vary licence | 1500 | 1500 | 0 |
| Fee for application to transfer a licence | 1200 | 1200 | 0 |
| Fee for application to reinstate a licence | 1200 | 1200 | 0 |
| Fee for application for provisional statement | 3000 | 3000 | 0 |

| | | | |
|---|------|------|---|
| Maximum non-conversion application fee in respect of provisional statement premises | 1200 | 1200 | 0 |
| Temporary Use Notices | | | |
| Temporary Use Notice fee | 500 | 500 | 0 |
| Replacement of an endorsed copy | 25 | 25 | 0 |
| Applicable to all Premises Licences | | | |
| Change of circumstances fee - for all Premises Licences | 50 | 50 | 0 |
| Fee for copy licence - for all Premises Licences | 25 | 25 | 0 |

Appendix 4 Discretionary fees for general licences

| Licence type | 2021/2022 fees | 2022/2023 proposed fees | Difference (£) |
|--|----------------|-------------------------|----------------|
| Dangerous Wild Animals (2yr licence) | | | |
| New application | 648 (v) | 648 (v) | 0 |
| Renewal application | 648 (v) | 648 (v) | 0 |
| Zoo | | | |
| New application (4 years) | 2415 (v) | 2415 (v) | 0 |
| Renewal application (6 years) | 2070 (v) | 2070 (v) | 0 |
| Applicable to all animal welfare licences | | | |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |
| Change of name on licence | 10.50 | 10.50 | 0 |
| Change of licence details | 10.50 | 10.50 | 0 |

(v) – A Council instructed veterinary inspection is required. This fee is payable in addition to the application fee. The fee will depend upon the amount of time taken to inspect the premises.

| Licence type | 2021/2022 fees | 2022/2023 proposed fees | Difference (£) |
|------------------------------|----------------|-------------------------|----------------|
| Sex Establishments | | | |
| New application | 3761 | 3761 | 0 |
| Renewal application | 1880.50 | 1880.50 | 0 |
| Variation application | 1880.50 | 1880.50 | 0 |
| Transfer application | 1880.50 | 1880.50 | 0 |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |

| Scrap Metal – Site Licence (3yr licence) | | | |
|---|-------|-------|---|
| New application | 732 | 732 | 0 |
| Renewal application | 600 | 600 | 0 |
| Variation application | 120 | 120 | 0 |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |

| Scrap Metal – Collector Licence (3yr licence) | | | |
|--|-------|-------|---|
| New application | 560 | 560 | 0 |
| Renewal application | 450 | 450 | 0 |
| Variation application | 120 | 120 | 0 |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |

| Pavement Licence | | | |
|-------------------------|-----|-----|---|
| All applications | 100 | 100 | 0 |

| Hypnotism | | | |
|------------------|----|----|---|
| Daily permit | 93 | 93 | 0 |

Street Trading *

As per the table below.

Individual stall fees

| Type of goods | Ely (central zone) daily consent fees | | Annual | All other areas (daily consent fees) | | Annual | Transfer |
|--------------------------|---------------------------------------|--------------|--------|--------------------------------------|--------------|--------|----------|
| | Sun to Wed | Thurs to Sat | | Sun to Wed | Thurs to Sat | | |
| Clothing | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Electrical spares | | | | | | | |
| DIY products | | | | | | | |
| Hot food and drink | | | | | | | |
| Furniture | | | | | | | |
| Records, CD's and DVD | £20 | £30 | £780 | £15 | £20 | £480 | £48 |
| Household cleaning goods | | | | | | | |
| Books | | | | | | | |
| Fresh fish | £20 | £20 | £520 | £15 | £15 | £320 | £48 |
| Fresh meat | | | | | | | |
| Fruit and Veg | | | | | | | |
| Delicatessen | | | | | | | |
| Flowers and Plants | | | | | | | |
| Ice-cream vendors | | | | | | | |
| Cakes/ Bakery | | | | | | | |
| Arts and crafts | | | | | | | |
| All other traders | | | | | | | |

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates cost is £10.50.

Special Events/ Markets/Commercial Events fees

| Number of stalls | Fee per day of the event |
|------------------|--------------------------|
| 10 – 20 | £100 |
| 21 – 40 | £200 |
| 41 or more | £500 |

Charity/non-commercial events (see paragraph 6.3 in the street trading policy)

| Fee per day of the event |
|--------------------------|
| £20 |

Appendix 5 Discretionary fees for Animal Welfare Licences

| Licensable Activity | | Application fee | Initial rating or re-rating inspection fee | Maintenance fee | | | Variation of a licence requiring a re-inspection | Copy of licence, change of details not requiring an inspection |
|---------------------------|--|-----------------|--|-----------------|------|-------|--|--|
| | | | | 1 yr | 2 yr | 3 yrs | | |
| Boarding of animals | Up to 10 animals | £48.00 | £72 | £218 | £440 | £666 | £72 | £10.50 |
| | 11 to 30 animals | | £96 | | | | £96 | |
| | 31 to 60 animals | | £120 | | | | £120 | |
| | 61 to 99 animals | | £144 | | | | £144 | |
| | 100+ animals | | £168 | | | | £168 | |
| Arranging boarding | N/A | | £96 + £24 per host ¹ | | | | £96 + £24 per host ¹ | |
| Dog Breeding – Domestic | One litter per year maximum ² | | £72 + VET fee ³ | | | | £72 | |
| Dog Breeding - Commercial | More than one litter per year | | £120 + VET fee ³ | | | | £120 | |
| Hiring of Horses | N/A | | £96 + VET fee | | | | £96 | |
| Selling Animals as Pets | N/A | | £120 | | | | £120 | |
| Exhibiting Animals | N/A | £72 | N/A | N/A | £666 | £72 | | |

¹ Out of scope hosts only. In scope hosts will be required to apply for their own licence and pay the relevant fees.

² Breeding and whelping must occur wholly within the domestic house. Outbuildings or garages are not included in this definition.

³ VET fees are paid directly to the VET pre-inspection. No VET inspection is required upon subsequent renewals of a dog breeding licence.

Where more than one licensable activity occurs on the same site, only one application fee will be payable, however, the total fee will be calculated by adding the combined charges of the activity with the highest fee to 50% of the applicable inspection and maintenance fee for the additional activities.

Appendix 6

Discretionary fees for taxi and private hire licences

| Licence type | 2021/2022 fees | 2022/2023 fees | Difference (£) | |
|--|-----------------|----------------|----------------|---|
| Joint Driver Licence | | | | |
| New application – 1 year (excl. DVLA, and DBS check) | 217 | 217 | 0 | |
| Renewal application – 1 year (excl. DVLA check) | 175 | 175 | 0 | |
| New application – 3 year (excl. DVLA, and DBS check) | 567 | 567 | 0 | |
| Renewal application – 3 year (excl. DVLA check) | 525 | 525 | 0 | |
| Knowledge test re-sit | 20 | 20 | 0 | |
| DBS (3 yearly) | 49 | 49 | 0 | |
| DVLA check | 5 | 5 | 0 | |
| Private Hire Vehicle Licence | | | | |
| New and renewal 1yr for all | 250 | 250 | 0 | |
| Variation application | 35 | 35 | 0 | |
| Transfer application | 25 | 25 | 0 | |
| Hackney Carriage Vehicle Licence | | | | |
| New and renewal 1yr for all | 250 | 250 | 0 | |
| Variation application | 35 | 35 | 0 | |
| Transfer application | 25 | 25 | 0 | |
| Private Hire Operator Licence | | | | |
| New application – 1 year | 150 – 1 vehicle | 126 | 126 | 0 |
| | 200 – 2 to 5 | 156 | 156 | 0 |
| | 250 – 6 to 10 | 186 | 186 | 0 |
| | 300 – 11+ | 216 | 216 | 0 |
| Renewal application – 1 year | 150 – 1 vehicle | 126 | 126 | 0 |
| | 200 – 2 to 5 | 156 | 156 | 0 |
| | 250 – 6 to 10 | 186 | 186 | 0 |
| | 300 – 11+ | 216 | 216 | 0 |
| New application – 5 year | 646 – 1 vehicle | 627 | 627 | 0 |
| | 896 – 2 to 5 | 737 | 737 | 0 |
| | 1146 – 6 to 10 | 847 | 847 | 0 |
| | 1396 – 11+ | 957 | 957 | 0 |
| Renewal application – 5 year | 646 – 1 vehicle | 627 | 627 | 0 |
| | 896 – 2 to 5 | 737 | 737 | 0 |
| | 1146 – 6 to 10 | 847 | 847 | 0 |
| | 1396 – 11+ | 957 | 957 | 0 |
| Miscellaneous taxi and private hire fees | | | | |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 | |
| Theft, loss etc of a vehicle plate | 20 | 20 | 0 | |
| Change of address | 10.50 | 10.50 | 0 | |
| Replacement door sticker | 6.00 | 6.00 | 0 | |

Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

Local Government (Miscellaneous Provisions) Act 1982

Controls sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

Sex establishments - Schedule 3 paragraph 19

An application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

Street Trading – Schedule 4 paragraph 9

(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

(a) to the duration of the licence or consent;

(b) to the street in which it authorises trading; and

(c) to the descriptions of articles in which the holder is authorised to trade.

(3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

(a) is surrendered or revoked; or

(b) ceases to be valid by virtue of paragraph 4(7) above,

the council may remit or refund, as they consider appropriate, the whole or a part—

(i) of any fee paid for the grant or renewal of the licence; or

(ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

(a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or

(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders; and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

Acupuncture - Section 14 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis – Section 15 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

Local Government (Miscellaneous Provisions) Act 1976

Controls hackney carriages and private hire vehicles

Section 53 - Drivers' licences for hackney carriages and private hire vehicles

(2) Notwithstanding the provisions of the Act of 1847*, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

*Town Police Clauses Act 1847

Section 70 - Fees for vehicle and operators' licences

(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the

purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

Zoo Licensing Act 1981

Controls zoos – Section 15

(1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—

- (a) applications for the grant, renewal or transfer of licences;
- (b) the grant, renewal, alteration or transfer of licences;

(2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.

(2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—

- (a) in connection with inspections in accordance with section 9A and under sections 10 to 12;
- (b) in connection with the exercise of their powers to make directions under this Act;
- (c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and
- (d) in connection with the exercise of their function under section 16E(7) or (8).

(2B) The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.

(3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.

(4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.

(5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

Dangerous Wild Animals Act 1976

Controls dangerous wild animals as listed in the Act – Section 1

(2) A local authority shall not grant a licence under this Act unless an application for it—
.... and

(e) is accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).

Public Health Acts Amendment Act 1907

Controls pleasure boats/vessels - Section 94

(1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the persons in charge of or navigating such boats and vessels, and may charge for each type of licence such annual fee as appears to them to be appropriate.

Environmental Protection Act 1990

Controls free printed matter – Schedule 3A paragraphs 3 & 4

3 (1) A principal litter authority may on the application of any person consent to that person or any other person (identified specifically or by description) distributing free printed matter on any land designated by the authority under this Schedule.

4 (1) A principal litter authority may require the payment of a fee before giving consent under paragraph 3 above.

(2) The amount of a fee under this paragraph is to be such as the authority may determine, but may not be more than, when taken together with all other fees charged by the authority under this paragraph, is reasonable to cover the costs of operating and enforcing this Schedule.

Gambling Act 2005

Statutory fees are prescribed for:-

- small society lotteries (Schedule 11 – Part 5)
- club gaming permits and club machine permits (Schedule 12)
- notification of gaming machines in alcohol licensed premises (Section 282)
- family entertainment centre gaming machine permits (Schedule 10)
- licensed premises gaming machine permits (Schedule 13)
- prize gaming permits (Schedule 14)

And, therefore, the licensing authority has no control over these fees. The following statutory instruments are relevant:-

- Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007
- Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007
- Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007

- Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007
- Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007
- Gambling Act 2005 (Prize Gaming) (Permits) Regulations 2007

The licensing authority must determine the fees, up to certain statutory maximums, that are applicable to premises licences, e.g. adult gaming centres, betting at race tracks, betting shops, bingo premises, casinos and for temporary use notices. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices) Regulations 2007 set the relevant statutory maximums. In addition, Section 212 of the Act states:-

(2) ... the authority—

(a) shall determine the amount of the fee,

(b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),

(c) shall publish the amount of the fee as determined from time to time, and

(d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

(3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, think appropriate.

In addition, where the licensing authority is required to maintain licensing registers, the authority may determine fees for providing access to, making copies of and/or providing information to members of the public from those registers.

Premises licences (Section 156)

(1) A licensing authority shall—

(a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Small society lotteries (Schedule 11 Part 5 paragraph 55)

(1) Where a statement is sent to a local authority under paragraph 39 the authority shall—

(a) retain it for at least 18 months,

(b) make it available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.

(2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.

(3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

Club gaming permits and club machine permits (Schedule 12 paragraph 26)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Temporary Use Notice (Section 234)

1) A licensing authority shall—

(a) maintain a register of temporary use notices given to them together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Family entertainment centre gaming machine permits (Schedule 10 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Licensed premises gaming machine permits (Schedule 13 paragraph 22)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Prize gaming permits (Schedule 14 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Scrap Metal Dealers Act 2013

Controls buyers/sellers of scrap metal and motor salvage operators (Section 5 Schedule 1 paragraph 6)

(1) An application must be accompanied by a fee set by the authority.

(2) In setting a fee under this paragraph, the authority must have regard to any guidance* issued from time to time by the Secretary of State with the approval of the Treasury.

*Scrap Metal Dealers Act 2013: guidance on licence fee charges – issued by Home Office 12 August 2013

Licensing Act 2003

Statutory fees for premises licences, club premises certificates, temporary event notices and personal licences are currently prescribed by the Licensing Act 2003 (Fees) Regulations 2005. The licensing authority has no control over these fees. In addition, there is a requirement to maintain a register and make it available for inspection without payment but if requested to provide a copy of information contained in the register a fee may be charged under Section 8 of the Act.

(4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.

(5) A licensing authority may charge such reasonable fee as it may determine in respect of any copy supplied under subsection (4).

Caravan Sites and Control of Development Act 1960

Under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, licensing authorities are permitted to charge fees for the licensing of residential caravan sites with effect from 1 April 2014. Transitional arrangements will be in place and the licensing authority is required to publish a fees policy. (NB The Council has not yet prepared a fees policy and therefore is currently unable to charge fees in this respect.)

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

13.—(1) A local authority may charge such fees as it considers necessary for—

(a) the consideration of an application for the grant, renewal or variation of a Licence including any inspection relating to that consideration, and for the grant, renewal or variation,

(b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in subparagraph (a) including any inspection relating to that consideration,

(c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and

(d) the reasonable anticipated costs of compliance with regulation 29.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Business and Planning Act 2020

Applications

- (1) An application for a pavement licence made to a local authority must—
- (a) be made in writing and in such form as the authority may specify,
 - (b) be sent to the authority using electronic communications in such manner as the authority may specify, and
 - (c) be accompanied by such fee not exceeding £100 as the local authority may require.

Licences for which the licensing authority is NOT permitted to charge

- House-to-house collections: House to House Collections Act 1939
- Street collections: Police, Factories, etc. (Miscellaneous Provisions) Act 1916

| | East Cambs | Hunts | South Cambs | Kings Lynn | Cambs City | Fenland | West Suffolk |
|-----------------------|---------------------|-----------------------------------|---------------------|---------------------|----------------------|---------------------|---------------|
| Home Boarding | Various £338 - £882 | Various £240 - £320 | Various £351 - £841 | Various £405 - £505 | Various £330 - £752 | Various £307 - £393 | 238.00 |
| Dog Day Care | Various £338 - £882 | Various £240 - £320 | Various £351 - £841 | Various £405 - £505 | Various £330 - £752 | Various £307 - £393 | 264.00 |
| Kennels and Catteries | Various £338 - £882 | Various £240 - £320 | Various £351 - £841 | Various £405 - £505 | Various £330 - £752 | Various £307 - £393 | 264.00 |
| Breeding | Various £338 - £786 | Various £310 - £400 | Various £247 - £600 | Various £535 - £660 | 394.00 | 350.00 | 329.00 |
| Breeding - Dom | Various £386 - £834 | Various £240 - £300 | Not available | N/A | N/A | N/A | N/A |
| DWA | 648.00 | £395 + £50 per additional species | 90.00 | 276.00 | 352.00 | 142.00 | 250.00 |
| Pet Shop | Various £386 - £834 | 250.00 | Various £420 - £773 | Various £510 - £615 | Various £416 - £666 | 250.00 | 329.00 |
| Riding Est | Various £362 - £810 | Various £250 - £450 | Various £247 - £600 | Various £540 - £675 | Various £249 - £504 | 250.00 | 329.00 |
| Zoo | 2,070.00 | £40 per hour | Variable | 741.00 | 592.00 | Not available | 1,000.00 |
| GA05 | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory |
| LA03 | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory |
| Sex Est | 3,761.00 | 2,824.00 | 3,900.00 | 1,694.50 | 3,070.00 | Not available | 3,000.00 |
| Street Trading | Various £20 - £1040 | Various £58 - £1927 | Various £245 - £803 | £13 per day | Various £682 - £2886 | N/A | Not available |

| | | | | | | | |
|-------------------------|------------------------|--------|-------------------------|------------------------|--------|------------------------|--------|
| Scrap Metal - Site | 600.00 | 423.50 | 241.00 | 232.00 | 450.00 | 384.60 | 422.00 |
| Scrap Metal - Collector | 450.00 | 255.00 | 194.00 | 162.00 | 192.00 | 119.40 | 283.00 |
| | | | | | | | |
| Taxi - Driver - 1yr | 175.00 | 46.00 | N/A | 74.00 | 84.00 | 228.00 | N/A |
| Taxi - Driver - 3yr | 525.00 | 120.00 | 126.00 | 125.00 | 230.00 | 468.00 | 206.00 |
| Taxi - Hackney Carriage | 250.00 | 195.00 | 105.00 | 109.00 | 240* | 150.00 | 163.00 |
| Taxi - Private Hire | 250.00 | 195.00 | 105.00 | 104.00 | 230* | 132.00 | 154.00 |
| Taxi - Operator - 1yr | Various £126 - £216 | 125.00 | Various £100 - £510 | Various £97 - £159 | 218.00 | Various £84 - £306 | 200.00 |
| Taxi - Operator - 5yr | Various £627 - £957 | 400.00 | Various £439 - £2318 | Various £180 - £772 | 894.50 | Various £252 - £734 | 301.00 |

* Exempt for 5 years for ULEZ compliant vehicles - subject to funding limits.A7

Appendix 1 Licensing Act 2003 – Statutory Fees

Premises Licence and Club Premises Certificates:

| Type of application: | Non-domestic rateable band | | | | |
|---|----------------------------|------|------|------|------|
| | A | B | C | D | E |
| New, provisional statements, and full variation application fee | £100 | £190 | £315 | £450 | £635 |
| Annual maintenance fee | £70 | £180 | £295 | £320 | £350 |
| Minor variation | £89 | | | | |
| Provisional Statement (where premises is under construction) | £315 | | | | |

| NDR Value | Band | Fee multiplier for Premises Licences | D (x2) | E (x3) |
|---------------------|------|---|--------|--------|
| £0 to £4,300 | A | Premises Licences in bands D & E (whose primary business is the sale of alcohol) | £900 | £1905 |
| £4,301 to £33,000 | B | | | |
| £33,001 to £87,000 | C | | | |
| £87,001 to £125,000 | D | Premises Licences in bands D & E (whose primary business is the sale of alcohol) annual maintenance fee | £640 | £1050 |
| £125,001 and above | E | | | |

Premises Licence - Large event fees (payable in addition to the standard fee):

| Number in attendance at any one time: | Additional application fee: | Additional annual fee: |
|---------------------------------------|-----------------------------|------------------------|
| 5000 to 9999 | £1000 | £500 |
| 10000 to 14999 | £2000 | £1000 |
| 15000 to 19999 | £4000 | £2000 |
| 20000 to 29999 | £8000 | £4000 |
| 30000 to 39999 | £16000 | £8000 |
| 40000 to 49999 | £24000 | £12000 |
| 50000 to 59999 | £32000 | £16000 |
| 60000 to 69999 | £40000 | £20000 |
| 70000 to 79999 | £48000 | £24000 |
| 80000 to 89999 | £56000 | £28000 |
| 90000 and over | £64000 | £32000 |

Personal Licence, Temporary Events and other miscellaneous fees:

| Type of application: | Fee: |
|--|--------|
| Grant of Personal Licence | £37 |
| Temporary or Late Temporary Event Notice | £21 |
| Theft, loss etc of Premises Licence or Summary | £10.50 |
| Change of name or address on Premises Licence | £10.50 |
| Vary Premises Licence to specify a new DPS | £23 |
| Transfer a Premises Licence | £23 |
| Interim Authority Notice | £23 |
| Change of club name or address or change of rules | £10.50 |
| Change of correspondence address for club | £10.50 |
| Theft, loss etc of a Temporary Event Notice or Late Temporary Event Notice | £10.50 |
| Theft, loss etc of a Personal Licence | £10.50 |
| Right of freeholder etc to be notified of licensing matters | £21 |
| Community Premises - removal of DPS fee | £23 |
| Theft, loss etc of a Club Certificate or Summary | £10.50 |
| Change of name or address on Personal Licence | £10.50 |

Appendix 2 Gambling Act 2005 Statutory Fees

| Permission Type | Fee: |
|---|------|
| Lotteries | |
| Small Society Lotteries - new registration | £40 |
| Small Society Lotteries - renewal of existing registration | £20 |
| Licensed Premises Permits | |
| Licensed Premises Gaming Machines - notice of intention for up to 2 machines | £50 |
| Licensed Premises Gaming Machine Permits - new | £150 |
| Licensed Premises Gaming Machine Permits - variation | £100 |
| Licensed Premises Gaming Machine Permits – transfer | £25 |
| Licensed Premises Gaming Machine Permits - annual Fee | £50 |
| Licensed Premises Gaming Machine Permits - change of Name | £25 |
| Licensed Premises Gaming Machine Permits - copy (lost, stolen, damaged) | £15 |
| Club Gaming/Club Machine Permits | |
| Club Gaming/Club Machine Permits - new or renew | £200 |
| Club Gaming/Club Machine Permits for holders of club premises certificates - new or renew | £100 |
| Club Gaming/Club Machine Permits – annual fee | £50 |
| Club Gaming/Club Machine Permits - variation | £100 |
| Club Gaming/Club Machine Permits - copy (lost, stolen, damaged) | £15 |
| Prize Gaming Permits | |
| Prize Gaming Permits - new or renewal | £300 |
| Prize Gaming Permits - change of name | £25 |
| Prize Gaming Permits - copy (lost, stolen, damaged) | £15 |
| Family Entertainment Gaming Centre Gaming Machine Permits | |
| Family Entertainment Gaming Centre Gaming Machine Permits - new or renewal | £300 |
| Family Entertainment Gaming Centre Gaming Machine Permits - change of name | £25 |
| Family Entertainment Gaming Centre Gaming Machine Permits - copy (lost, stolen, damaged) | £15 |

Appendix 3

Discretionary Fees with Statutory Maximum - Gambling Act 2005 Licences

| Licence type | 2021/2022 fees | 2022/2023 proposed fees | Difference (£) |
|---|----------------|-------------------------|----------------|
| Regional Casino Licence | | | |
| Fee in respect of new premises | 15000 | 15000 | 0 |
| Annual Fee | 15000 | 15000 | 0 |
| Fee for application to vary licence | 7500 | 7500 | 0 |
| Fee for application to transfer a licence | 6500 | 6500 | 0 |
| Fee for application to reinstate a licence | 6500 | 6500 | 0 |
| Fee for application for provisional statement | 15000 | 15000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 8000 | 8000 | 0 |
| Large Casino Licence | | | |
| Fee in respect of new premises | 10000 | 10000 | 0 |
| Annual Fee | 10000 | 10000 | 0 |
| Fee for application to vary licence | 5000 | 5000 | 0 |
| Fee for application to transfer a licence | 2150 | 2150 | 0 |
| Fee for application to reinstate a licence | 2150 | 2150 | 0 |
| Fee for application for provisional statement | 10000 | 10000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 5000 | 5000 | 0 |
| Small Casino Licence | | | |
| Fee in respect of new premises | 8000 | 8000 | 0 |
| Annual Fee | 5000 | 5000 | 0 |
| Fee for application to vary licence | 4000 | 4000 | 0 |
| Fee for application to transfer a licence | 1800 | 1800 | 0 |
| Fee for application to reinstate a licence | 1800 | 1800 | 0 |
| Fee for application for provisional statement | 8000 | 8000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 3000 | 3000 | 0 |
| Bingo Premises Licence | | | |
| Fee in respect of new premises | 3500 | 3500 | 0 |
| Annual Fee | 1000 | 1000 | 0 |
| Fee for application to vary licence | 1750 | 1750 | 0 |
| Fee for application to transfer a licence | 1200 | 1200 | 0 |
| Fee for application to reinstate a licence | 1200 | 1200 | 0 |

| | | | |
|---|------|------|---|
| Fee for application for provisional statement | 3500 | 3500 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 1200 | 1200 | 0 |
| Adult Gaming Licence | | | |
| Fee in respect of new premises | 2000 | 2000 | 0 |
| Annual Fee | 1000 | 1000 | 0 |
| Fee for application to vary licence | 1000 | 1000 | 0 |
| Fee for application to transfer a licence | 1200 | 1200 | 0 |
| Fee for application to reinstate a licence | 1200 | 1200 | 0 |
| Fee for application for provisional statement | 2000 | 2000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 1200 | 1200 | 0 |
| Betting Premises (track) Licence | | | |
| Fee in respect of new premises | 2500 | 2500 | 0 |
| Annual Fee | 1000 | 1000 | 0 |
| Fee for application to vary licence | 1250 | 1250 | 0 |
| Fee for application to transfer a licence | 950 | 950 | 0 |
| Fee for application to reinstate a licence | 950 | 950 | 0 |
| Fee for application for provisional statement | 2500 | 2500 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 950 | 950 | 0 |
| Family Entertainment Centre Licence | | | |
| Fee in respect of new premises | 2000 | 2000 | 0 |
| Annual Fee | 750 | 750 | 0 |
| Fee for application to vary licence | 1000 | 1000 | 0 |
| Fee for application to transfer a licence | 950 | 950 | 0 |
| Fee for application to reinstate a licence | 950 | 950 | 0 |
| Fee for application for provisional statement | 2000 | 2000 | 0 |
| Maximum non-conversion application fee in respect of provisional statement premises | 950 | 950 | 0 |
| Betting Premises (other) Licence | | | |
| Fee in respect of new premises | 3000 | 3000 | 0 |
| Annual Fee | 600 | 600 | 0 |
| Fee for application to vary licence | 1500 | 1500 | 0 |
| Fee for application to transfer a licence | 1200 | 1200 | 0 |
| Fee for application to reinstate a licence | 1200 | 1200 | 0 |
| Fee for application for provisional statement | 3000 | 3000 | 0 |

| | | | |
|---|------|------|---|
| Maximum non-conversion application fee in respect of provisional statement premises | 1200 | 1200 | 0 |
| Temporary Use Notices | | | |
| Temporary Use Notice fee | 500 | 500 | 0 |
| Replacement of an endorsed copy | 25 | 25 | 0 |
| Applicable to all Premises Licences | | | |
| Change of circumstances fee - for all Premises Licences | 50 | 50 | 0 |
| Fee for copy licence - for all Premises Licences | 25 | 25 | 0 |

Appendix 4 Discretionary fees for general licences

| Licence type | 2021/2022 fees | 2022/2023 proposed fees | Difference (£) |
|--|----------------|-------------------------|----------------|
| Dangerous Wild Animals (2yr licence) | | | |
| New application | 648 (v) | 648 (v) | 0 |
| Renewal application | 648 (v) | 648 (v) | 0 |
| Zoo | | | |
| New application (4 years) | 2415 (v) | 2415 (v) | 0 |
| Renewal application (6 years) | 2070 (v) | 2070 (v) | 0 |
| Applicable to all animal welfare licences | | | |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |
| Change of name on licence | 10.50 | 10.50 | 0 |
| Change of licence details | 10.50 | 10.50 | 0 |

(v) – A Council instructed veterinary inspection is required. This fee is payable in addition to the application fee. The fee will depend upon the amount of time taken to inspect the premises.

| Licence type | 2021/2022 fees | 2022/2023 proposed fees | Difference (£) |
|------------------------------|----------------|-------------------------|----------------|
| Sex Establishments | | | |
| New application | 3761 | 3761 | 0 |
| Renewal application | 1880.50 | 1880.50 | 0 |
| Variation application | 1880.50 | 1880.50 | 0 |
| Transfer application | 1880.50 | 1880.50 | 0 |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |

| Scrap Metal – Site Licence (3yr licence) | | | |
|---|-------|-------|---|
| New application | 732 | 732 | 0 |
| Renewal application | 600 | 600 | 0 |
| Variation application | 120 | 120 | 0 |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |

| Scrap Metal – Collector Licence (3yr licence) | | | |
|--|-------|-------|---|
| New application | 560 | 560 | 0 |
| Renewal application | 450 | 450 | 0 |
| Variation application | 120 | 120 | 0 |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 |

| Pavement Licence | | | |
|-------------------------|-----|-----|---|
| All applications | 100 | 100 | 0 |

| Hypnotism | | | |
|------------------|----|----|---|
| Daily permit | 93 | 93 | 0 |

Street Trading *

As per the table below.

Individual stall fees

| Type of goods | Ely (central zone) daily consent fees | | Annual | All other areas (daily consent fees) | | Annual | Transfer |
|--------------------------|---------------------------------------|--------------|--------|--------------------------------------|--------------|--------|----------|
| | Sun to Wed | Thurs to Sat | | Sun to Wed | Thurs to Sat | | |
| Clothing | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Electrical spares | | | | | | | |
| DIY products | | | | | | | |
| Hot food and drink | | | | | | | |
| Furniture | | | | | | | |
| Records, CD's and DVD | £20 | £30 | £780 | £15 | £20 | £480 | £48 |
| Household cleaning goods | | | | | | | |
| Books | | | | | | | |
| Fresh fish | £20 | £20 | £520 | £15 | £15 | £320 | £48 |
| Fresh meat | | | | | | | |
| Fruit and Veg | | | | | | | |
| Delicatessen | | | | | | | |
| Flowers and Plants | | | | | | | |
| Ice-cream vendors | | | | | | | |
| Cakes/ Bakery | | | | | | | |
| Arts and crafts | | | | | | | |
| All other traders | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates cost is £10.50.

Special Events/ Markets/Commercial Events fees

| Number of stalls | Fee per day of the event |
|------------------|--------------------------|
| 10 – 20 | £100 |
| 21 – 40 | £200 |
| 41 or more | £500 |

Charity/non-commercial events (see paragraph 6.3 in the street trading policy)

| Fee per day of the event |
|--------------------------|
| £20 |

Appendix 5 Discretionary fees for Animal Welfare Licences

| Licensable Activity | | Application fee | Initial rating or re-rating inspection fee | Maintenance fee | | | Variation of a licence requiring a re-inspection | Copy of licence, change of details not requiring an inspection | | | |
|---------------------------|--|-----------------|--|-----------------|------|-------|--|--|--|--|---------------------------------|
| | | | | 1 yr | 2 yr | 3 yrs | | | | | |
| Boarding of animals | Up to 10 animals | £48.00 | £72 | £218 | £440 | £666 | £72 | £10.50 | | | |
| | 11 to 30 animals | | £96 | | | | £96 | | | | |
| | 31 to 60 animals | | £120 | | | | £120 | | | | |
| | 61 to 99 animals | | £144 | | | | £144 | | | | |
| | 100+ animals | | £168 | | | | £168 | | | | |
| Arranging boarding | N/A | | £96 + £24 per host ¹ | | | | | | | | £96 + £24 per host ¹ |
| Dog Breeding – Domestic | One litter per year maximum ² | | £72 + VET fee ³ | | | | | | | | £72 |
| Dog Breeding - Commercial | More than one litter per year | | £120 + VET fee ³ | | | | | | | | £120 |
| Hiring of Horses | N/A | | £96 + VET fee | | | | | | | | £96 |
| Selling Animals as Pets | N/A | | £120 | | | | | | | | £120 |
| Exhibiting Animals | N/A | £72 | N/A | N/A | £666 | £72 | | | | | |

¹ Out of scope hosts only. In scope hosts will be required to apply for their own licence and pay the relevant fees.

² Breeding and whelping must occur wholly within the domestic house. Outbuildings or garages are not included in this definition.

³ VET fees are paid directly to the VET pre-inspection. No VET inspection is required upon subsequent renewals of a dog breeding licence.

Where more than one licensable activity occurs on the same site, only one application fee will be payable, however, the total fee will be calculated by adding the combined charges of the activity with the highest fee to 50% of the applicable inspection and maintenance fee for the additional activities.

Appendix 6

Discretionary fees for taxi and private hire licences

| Licence type | 2021/2022 fees | 2022/2023 fees | Difference (£) | |
|---|-------------------|-------------------|----------------|---|
| Joint Driver Licence | | | | |
| New application – 1 year (excl. DVLA, and DBS check) | 217 | 217 | 0 | |
| Renewal application – 1 year (excl. DVLA check) | 175 | 175 | 0 | |
| New application – 3 year (excl. DVLA, and DBS check) | 567 | 567 | 0 | |
| Renewal application – 3 year (excl. DVLA check) | 525 | 525 | 0 | |
| Knowledge test re-sit | 20 | 20 | 0 | |
| DBS (3 yearly) | 49 | 49 | 0 | |
| DVLA check | 5 | 5 | 0 | |
| Private Hire Vehicle Licence | | | | |
| New and renewal 1yr for all | 250 | 250 | 0 | |
| Variation application | 35 | 35 | 0 | |
| Transfer application | 25 | 25 | 0 | |
| Hackney Carriage Vehicle Licence | | | | |
| New and renewal 1yr for all | 250 | 250 | 0 | |
| Variation application | 35 | 35 | 0 | |
| Transfer application | 25 | 25 | 0 | |
| Private Hire Operator Licence | | | | |
| New application – 1 year | 150 – 1 vehicle | 126 | 126 | 0 |
| | 200 – 2 to 5 | 156 | 156 | 0 |
| | 250 – 6 to 10 | 186 | 186 | 0 |
| | 300 – 11+ | 216 | 216 | 0 |
| Renewal application – 1 year | 150 – 1 vehicle | 126 | 126 | 0 |
| | 200 – 2 to 5 | 156 | 156 | 0 |
| | 250 – 6 to 10 | 186 | 186 | 0 |
| | 300 – 11+ | 216 | 216 | 0 |
| New application – 5 year | 646 – 1 vehicle | 627 | 627 | 0 |
| | 896 – 2 to 5 | 737 | 737 | 0 |
| | 1146 – 6 to 10 | 847 | 847 | 0 |
| | 1396 – 11+ | 957 | 957 | 0 |
| Renewal application – 5 year | 646 – 1 vehicle | 627 | 627 | 0 |
| | 896 – 2 to 5 | 737 | 737 | 0 |
| | 1146 – 6 to 10 | 847 | 847 | 0 |
| | 1396 – 11+ | 957 | 957 | 0 |
| Miscellaneous taxi and private hire fees | | | | |
| Theft, loss etc of a licence | 10.50 | 10.50 | 0 | |
| Theft, loss etc of a vehicle plate | 20 | 20 | 0 | |
| Change of address | 10.50 | 10.50 | 0 | |
| Replacement door sticker | 6.00 | 6.00 | 0 | |

Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

Local Government (Miscellaneous Provisions) Act 1982

Controls sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

Sex establishments - Schedule 3 paragraph 19

An application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

Street Trading – Schedule 4 paragraph 9

(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

(a) to the duration of the licence or consent;

(b) to the street in which it authorises trading; and

(c) to the descriptions of articles in which the holder is authorised to trade.

(3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

(a) is surrendered or revoked; or

(b) ceases to be valid by virtue of paragraph 4(7) above,

the council may remit or refund, as they consider appropriate, the whole or a part—

(i) of any fee paid for the grant or renewal of the licence; or

(ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

(a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or

(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders; and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

Acupuncture - Section 14 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis – Section 15 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

Local Government (Miscellaneous Provisions) Act 1976

Controls hackney carriages and private hire vehicles

Section 53 - Drivers' licences for hackney carriages and private hire vehicles

(2) Notwithstanding the provisions of the Act of 1847*, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

*Town Police Clauses Act 1847

Section 70 - Fees for vehicle and operators' licences

(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the

purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

Zoo Licensing Act 1981

Controls zoos – Section 15

(1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—

- (a) applications for the grant, renewal or transfer of licences;
- (b) the grant, renewal, alteration or transfer of licences;

(2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.

(2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—

- (a) in connection with inspections in accordance with section 9A and under sections 10 to 12;
- (b) in connection with the exercise of their powers to make directions under this Act;
- (c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and
- (d) in connection with the exercise of their function under section 16E(7) or (8).

(2B) The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.

(3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.

(4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.

(5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

Dangerous Wild Animals Act 1976

Controls dangerous wild animals as listed in the Act – Section 1

(2) A local authority shall not grant a licence under this Act unless an application for it—
.... and

(e) is accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).

Public Health Acts Amendment Act 1907

Controls pleasure boats/vessels - Section 94

(1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the persons in charge of or navigating such boats and vessels, and may charge for each type of licence such annual fee as appears to them to be appropriate.

Environmental Protection Act 1990

Controls free printed matter – Schedule 3A paragraphs 3 & 4

3 (1) A principal litter authority may on the application of any person consent to that person or any other person (identified specifically or by description) distributing free printed matter on any land designated by the authority under this Schedule.

4 (1) A principal litter authority may require the payment of a fee before giving consent under paragraph 3 above.

(2) The amount of a fee under this paragraph is to be such as the authority may determine, but may not be more than, when taken together with all other fees charged by the authority under this paragraph, is reasonable to cover the costs of operating and enforcing this Schedule.

Gambling Act 2005

Statutory fees are prescribed for:-

- small society lotteries (Schedule 11 – Part 5)
- club gaming permits and club machine permits (Schedule 12)
- notification of gaming machines in alcohol licensed premises (Section 282)
- family entertainment centre gaming machine permits (Schedule 10)
- licensed premises gaming machine permits (Schedule 13)
- prize gaming permits (Schedule 14)

And, therefore, the licensing authority has no control over these fees. The following statutory instruments are relevant:-

- Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007
- Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007
- Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007

- Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007
- Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007
- Gambling Act 2005 (Prize Gaming) (Permits) Regulations 2007

The licensing authority must determine the fees, up to certain statutory maximums, that are applicable to premises licences, e.g. adult gaming centres, betting at race tracks, betting shops, bingo premises, casinos and for temporary use notices. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices) Regulations 2007 set the relevant statutory maximums. In addition, Section 212 of the Act states:-

(2) ... the authority—

(a) shall determine the amount of the fee,

(b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),

(c) shall publish the amount of the fee as determined from time to time, and

(d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

(3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, think appropriate.

In addition, where the licensing authority is required to maintain licensing registers, the authority may determine fees for providing access to, making copies of and/or providing information to members of the public from those registers.

Premises licences (Section 156)

(1) A licensing authority shall—

(a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Small society lotteries (Schedule 11 Part 5 paragraph 55)

(1) Where a statement is sent to a local authority under paragraph 39 the authority shall—

(a) retain it for at least 18 months,

(b) make it available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.

(2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.

(3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

Club gaming permits and club machine permits (Schedule 12 paragraph 26)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Temporary Use Notice (Section 234)

1) A licensing authority shall—

(a) maintain a register of temporary use notices given to them together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Family entertainment centre gaming machine permits (Schedule 10 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Licensed premises gaming machine permits (Schedule 13 paragraph 22)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Prize gaming permits (Schedule 14 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

Scrap Metal Dealers Act 2013

Controls buyers/sellers of scrap metal and motor salvage operators (Section 5 Schedule 1 paragraph 6)

(1) An application must be accompanied by a fee set by the authority.

(2) In setting a fee under this paragraph, the authority must have regard to any guidance* issued from time to time by the Secretary of State with the approval of the Treasury.

*Scrap Metal Dealers Act 2013: guidance on licence fee charges – issued by Home Office 12 August 2013

Licensing Act 2003

Statutory fees for premises licences, club premises certificates, temporary event notices and personal licences are currently prescribed by the Licensing Act 2003 (Fees) Regulations 2005. The licensing authority has no control over these fees. In addition, there is a requirement to maintain a register and make it available for inspection without payment but if requested to provide a copy of information contained in the register a fee may be charged under Section 8 of the Act.

(4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.

(5) A licensing authority may charge such reasonable fee as it may determine in respect of any copy supplied under subsection (4).

Caravan Sites and Control of Development Act 1960

Under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, licensing authorities are permitted to charge fees for the licensing of residential caravan sites with effect from 1 April 2014. Transitional arrangements will be in place and the licensing authority is required to publish a fees policy. (NB The Council has not yet prepared a fees policy and therefore is currently unable to charge fees in this respect.)

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

13.—(1) A local authority may charge such fees as it considers necessary for—

(a) the consideration of an application for the grant, renewal or variation of a Licence including any inspection relating to that consideration, and for the grant, renewal or variation,

(b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in subparagraph (a) including any inspection relating to that consideration,

(c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and

(d) the reasonable anticipated costs of compliance with regulation 29.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Business and Planning Act 2020

Applications

- (1) An application for a pavement licence made to a local authority must—
- (a) be made in writing and in such form as the authority may specify,
 - (b) be sent to the authority using electronic communications in such manner as the authority may specify, and
 - (c) be accompanied by such fee not exceeding £100 as the local authority may require.

Licences for which the licensing authority is NOT permitted to charge

- House-to-house collections: House to House Collections Act 1939
- Street collections: Police, Factories, etc. (Miscellaneous Provisions) Act 1916

| | East Cambs | Hunts | South Cambs | Kings Lynn | Cambs City | Fenland | West Suffolk |
|-----------------------|---------------------|-----------------------------------|---------------------|---------------------|----------------------|---------------------|---------------|
| Home Boarding | Various £338 - £882 | Various £240 - £320 | Various £351 - £841 | Various £405 - £505 | Various £330 - £752 | Various £307 - £393 | 238.00 |
| Dog Day Care | Various £338 - £882 | Various £240 - £320 | Various £351 - £841 | Various £405 - £505 | Various £330 - £752 | Various £307 - £393 | 264.00 |
| Kennels and Catteries | Various £338 - £882 | Various £240 - £320 | Various £351 - £841 | Various £405 - £505 | Various £330 - £752 | Various £307 - £393 | 264.00 |
| Breeding | Various £338 - £786 | Various £310 - £400 | Various £247 - £600 | Various £535 - £660 | 394.00 | 350.00 | 329.00 |
| Breeding - Dom | Various £386 - £834 | Various £240 - £300 | Not available | N/A | N/A | N/A | N/A |
| DWA | 648.00 | £395 + £50 per additional species | 90.00 | 276.00 | 352.00 | 142.00 | 250.00 |
| Pet Shop | Various £386 - £834 | 250.00 | Various £420 - £773 | Various £510 - £615 | Various £416 - £666 | 250.00 | 329.00 |
| Riding Est | Various £362 - £810 | Various £250 - £450 | Various £247 - £600 | Various £540 - £675 | Various £249 - £504 | 250.00 | 329.00 |
| Zoo | 2,070.00 | £40 per hour | Variable | 741.00 | 592.00 | Not available | 1,000.00 |
| GA05 | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory |
| LA03 | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory | Statutory |
| Sex Est | 3,761.00 | 2,824.00 | 3,900.00 | 1,694.50 | 3,070.00 | Not available | 3,000.00 |
| Street Trading | Various £20 - £1040 | Various £58 - £1927 | Various £245 - £803 | £13 per day | Various £682 - £2886 | N/A | Not available |

| | | | | | | | |
|-------------------------|------------------------|--------|-------------------------|------------------------|--------|------------------------|--------|
| Scrap Metal - Site | 600.00 | 423.50 | 241.00 | 232.00 | 450.00 | 384.60 | 422.00 |
| Scrap Metal - Collector | 450.00 | 255.00 | 194.00 | 162.00 | 192.00 | 119.40 | 283.00 |
| | | | | | | | |
| Taxi - Driver - 1yr | 175.00 | 46.00 | N/A | 74.00 | 84.00 | 228.00 | N/A |
| Taxi - Driver - 3yr | 525.00 | 120.00 | 126.00 | 125.00 | 230.00 | 468.00 | 206.00 |
| Taxi - Hackney Carriage | 250.00 | 195.00 | 105.00 | 109.00 | 240* | 150.00 | 163.00 |
| Taxi - Private Hire | 250.00 | 195.00 | 105.00 | 104.00 | 230* | 132.00 | 154.00 |
| Taxi - Operator - 1yr | Various £126 - £216 | 125.00 | Various £100 - £510 | Various £97 - £159 | 218.00 | Various £84 - £306 | 200.00 |
| Taxi - Operator - 5yr | Various £627 - £957 | 400.00 | Various £439 - £2318 | Various £180 - £772 | 894.50 | Various £252 - £734 | 301.00 |

* Exempt for 5 years for ULEZ compliant vehicles - subject to funding limits.A7

**TITLE: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1982 – POST IMPLEMENTATION REVIEW OF STREET
TRADING POLICY 2016**

COMMITTEE: LICENSING COMMITTEE

DATE: 10 NOVEMBER 2021

AUTHOR: SENIOR LICENSING OFFICER

[W94]

1.0 ISSUE

1.1 To approve the draft revised version of the Council’s Street Trading Policy.

2.0 RECOMMENDATION(S)

2.1 That Members:

- i. take note of the report, and approve the revised policy to come into effect immediately.
- ii. approve the amended fee table in appendix 2, to come into effect immediately, and instruct Officers to include the agreed fees in the 2022/2023 annual fees and charges report that is presented to full Council.

3.0 BACKGROUND

3.1 The Local Government (Miscellaneous Provisions) Act 1982 (“1982 Act”) allows local authorities to control street trading activities within their areas by designating streets as either consent streets, licence streets or prohibited streets. Where streets have been designated as consent or licence streets, a person wishing to trade in those streets can apply to the local authority for the necessary consent or licence (as appropriate). The local authority can place conditions on the grant of a licence or consent. Where a street has been designated as a prohibited street, then no street trading is permitted at any time.

3.2 In 2015 Members approved a resolution to re-designate all streets in the district as Consent Streets with the exception of the high speed A10, A11 and A14 trunk roads which were designated as Prohibited Streets. At the same time Members also approved a Street Trading policy to guide all parties on how to apply, manage and enforce the new scheme. These changes all came into effect on 1 April 2016.

3.3 A further review of the policy was undertaken in 2018.

4.0 SUMMARY

4.1 It has now been just over five years since the new designations and policy came into effect. The purpose of this report is to feedback to Members on how the new scheme has been working, and to ask Members to approve a few minor amendments to the policy to reflect the changing street trading scene.

- 4.2 Since 2016, the Council has seen a steady increase in the numbers of applications and general enquires. In the 2020/2021 period, the Council issued 14 annual Street Trading Consents, and officers also issued numerous daily trading Consents, and occasional event Consents. As a result of this, the income generated now covers the cost of the service.
- 4.3 In late 2020, officers started to see more enquiries from individuals running food trucks who wished to “pop-up” trade from multiple privately-owned locations such as pub and social club car parks, and village hall/ community centre car parks. However, the pop-up nature of the trading did not sit within the existing framework, as they were not static traders using one location, nor were they mobile traders on a route like ice-cream vans, and due to notice periods, and other restrictions on numbers, daily permits were not really an option either.
- 4.4 Earlier this year, Officers were approached by NCASS (The Nationwide Caterers Association), an association representing the independent food & drink industry, and “Off the Beaten Truck” (OTBT) an independent business representing a number of high-quality pop-up food businesses, who both wished to work with officers to promote this emerging business model.
- 4.5 As a result of the conversations held with NCASS and OTBT, a potential solution has been proposed that will enable pop-up trading to occur from privately owned land falling within the scope of street trading, whilst also ensuring the locations where the trading may occur are suitably vetted to ensure that the core considerations for any street trading activity are not undermined. The draft policy in **Appendix 1** contains this proposal in section 8, which for Member’s ease is shown below:

“Pop-up” Street Food Trading on Private Land

8.1 Pop-up street food trading on private land is a relatively new concept, which is growing in popularity. The pop-up nature of this type of trading requires a different approach to be taken to provide the flexibility necessary, whilst ensuring that such trading from private locations including, pub and social club car parks, and village hall and community centre car parks is suitably controlled to promote the objectives of the street trading policy within the district. Due to this a specific scheme has been set up with the kind assistance of the National Caterers Association. Details of this scheme can be found in the following paragraphs.

Host Premises

8.2 Any business wishing to permit a food van to trade from their private land in a way that is controlled by the 1982 Act must apply for a Premises Consent using the specific application form for this purpose. A consultation period will take place in accordance with paragraphs 4.11 and 4.12 of this policy, and the application will be determined in accordance with the same parameters as those for all other applications, as detailed in this policy. Once issued, the premises will be permitted to host any pop-up street food trader holding a street trading consent with the Council.

Pop-up food traders

8.3 Any trader wishing to trade freely from any registered host premises in the district, who does not wish to apply for a daily permit, and wait the

requisite 10 working days for determination, must apply for an annual “Pop-up trader Consent” using the specific application form for this purpose. No consultation period will be required, and if you are registered with the National Caterers Association, a reduced number of supporting documents will be required to be submitted with your application. The application will be determined in accordance with the same relevant parameters as those for all other applications, as detailed in this policy. Once issued, the trader will be permitted to trade from any location holding a Host Premises Consent within the times permitted on the Host Premises Consent, subject only to requiring the host premises permission to use their land.

- 4.6 It is proposed that the fee for host premises are set at the same level as an annual static or mobile Consent application, as the process for obtaining “Host” status is identical to these existing Consent types.
- 4.7 It is proposed that the fee for the pop-up traders should be initially set at £240 per annum, and reviewed in November 2022.
- 4.8 It is also proposed that the holder of any existing annual static Consent capable of obtaining “Host” status, be given the option to convert their existing singular Consent to a Host Consent, for the same trading days and times, without the need for further consultation.
- 4.9 There are two other minor amendments to note in this revision
- (i) the inclusion of “associate” and its definition. This has been inserted to resolve a potential issue in the existing policy where the maximum number of daily permits at a location per trader of 16 could be exceeded by the use of other persons connected to the original trader, and
 - (ii) the inclusion of paragraph 3.3 to the report allowing minor amendments to be made the policy by the Environmental Services Manager following consultation with the Chair and/or Vice Chair of the Licensing Committee and the Legal Services Manager. This is to allow suitable flexibility to the policy, and align this policy to other Council policies that contain this wording.

5.0 CONCLUSION

- 5.1 The decision to re-designate the streets in the district, and create a new policy has been very successful. It has enabled officers to control street trading whilst at the same time enabling more legitimate traders to commence trading. The budget deficit for this area of licensing has been resolved and when called upon Members have been able to use the policy to guide their decision making process.
- 5.2 The proposed amendments tabled at this time will not reduce the protections afforded to those affected by street trading, but they will provide a comprehensive package of trading options to cover the many varied business models that street trading covers.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications other than Member and Officer time which is already budgeted for.

6.2 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.

7.0 APPENDICES

7.1 Appendix 1 Draft amended Street Trading Policy 2021

7.2 Appendix 2 Fees table.

7.3 Appendix 3 Equality Impact Assessment (EIA)

Background Documents

Location

Contact Officer

Local Government
(Miscellaneous Provisions)
Act 1982

Room SF208
The Grange,
Ely

Stewart Broome
Senior Licensing Officer
(01353) 616477



**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982**

STREET TRADING POLICY

[Appendix 1](#)

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1.0 Introduction

- 1.1 The aim of this policy is to set out East Cambridgeshire District Council's framework for the management of street trading with the aims to prevent obstruction of the streets, ensure the safety of persons using them and prevent nuisance to neighbouring residents and businesses. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- 1.2 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will also be observed: -
- a) the right of any individual or body to apply for a permission is not undermined and that each application will be determined on its merits;
 - b) the statutory right of any person to make appropriate representations;
 - c) that the statutory function of licensing is primarily concerned with the regulation of activities within the legislation and that any terms and conditions will focus on:
 - i) matters within the control of individual consent holders who are granted any relevant permissions;
 - ii) the premises and places being used for licensable activities;
 - iii) the direct impact of the activities taking place at the relevant premises on the public living, working or engaged in normal activity in the area concerned;
 - iv) the direct impact of the activities taking place at the relevant premises on the public living, working or engaged in normal activity in the area concerned;
- 1.3 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.4 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and the commitment to work in partnership with other enforcement agencies.

Consultation

- 1.5 In determining this policy, the Council has consulted the following people and bodies:
- Cambridgeshire Police;
 - Cambridgeshire Fire and Rescue;
 - Cambridge County Council highways department;
 - Existing licence holders;
 - Representatives of businesses and residents in the East Cambridgeshire district;
 - City, town and parish councils;
 - District Councillors
 - [Nationwide Caterers Association](#)
 - Ely Chamber of Commerce
- 1.6 The views of all the appropriate bodies and organisations have been taken into account in the drafting of this policy.

Review of the Policy

- 1.7 This policy will be reviewed every five years at which time, further consultation will be undertaken. Additionally, the policy may be reviewed from time to time to take account of changes in legislation or government guidance.

Definitions of terms used in this policy

- 1.8 Within the terms of the East Cambridgeshire District Council's Street Trading Consent Scheme the following definitions apply:

| | |
|----------------------|---|
| 1982 Act | The Local Government (Miscellaneous Provisions) Act 1982 |
| The Council | East Cambridgeshire District Council |
| Street Trading | Selling or exposing or offering for sale of any article (including a living thing) in any street. |
| Street | i) Any road, footway, beach or other area to which the public have access without payment. ii) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street. |
| Consent Street | A street in which street trading is prohibited without the consent of East Cambridgeshire District Council. |
| Consent | Consent to trade on a street issued by East Cambridgeshire District Council |
| Consent Holder | The person or company to whom the consent to trade has been granted to by East Cambridgeshire District Council. |
| <u>Associate</u> | An "associate" is: <u>(a) the spouse or civil partner of that person;</u> <u>(b) a child, parent, grandchild, grandparent, brother or sister of that person;</u> <u>(c) an agent or employee of that person; or</u> <u>(d) the spouse or civil partner of a person within (b) or (c).</u> <u>A person living with another as that person's husband or wife is to be treated as that person's spouse.</u> |
| Licensed Street | A street in which street trading is prohibited without obtaining a street trading licence from East Cambridgeshire District Council. |
| Prohibited Street | A street in which street trading is prohibited at all times. |
| Static Street Trader | A trader granted permission by East Cambridgeshire District Council to trade from a specified position |
| Mobile Trader | A trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours. |
| <u>Host Premises</u> | <u>A privately-owned piece of land, forming part of another business, but not falling within the definition of a highway under section 7A of the Highways Act 1980.</u> |
| <u>Pop-up Trader</u> | <u>A food trader who trades only upon Host Premises in an ad-hoc manner with the Hosts permission.</u> |
| Authorised Officer | An officer employed by East Cambridgeshire District Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982. |

2.0 Legislation and current provision

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- 2.1 Street trading is governed by the 1982 Act. The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:
- Prohibited streets: those which are not open to street traders
 - Consent streets: where street trading is prohibited without local authority consent
 - Licence streets: where trading is prohibited without a local authority licence.
- 2.2 At a meeting of Council held on 17 January 1984, it was resolved that Schedule 4 of the 1982 Act should apply to the East Cambridgeshire District Council area. Subsequent resolutions have been passed designating streets within the district as Consent and Prohibited streets in accordance with Schedule 4 of the 1982 Act. The Council does not have any streets designated as licensed streets.
- 2.3 Any person who wishes to trade on a Consent Street must obtain permission from the Council before they commence trading. Street Trading is not permitted on streets designated as Prohibited Streets at any time.
- 2.4 Annex 1 lists the streets in the district that are currently designated as Consent, and Prohibited streets. The Council may designate or re-designate streets from time to time, but must follow a strict process when doing so. This process includes a requirement to advertise the proposed change.
- 2.5 Street traders who serve hot or cold drink at any time between 11.00pm and 05:00am the following day, or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 2.6 Local Authorities can place conditions on any Consent they issue. The Act also creates offences associated with trading in Consent streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000 per offence.
- 2.7 Traders may also be required to obtain planning permission or food registration if applicable to their application.
- 2.8 Street trading consent applicants must have a right to work in the UK. Applications will be refused where any of the applicants listed on the application form do not have this right.
- 2.9 The granting of consent to trade does not provide a right to occupy any land where consent to trade is obtained. The landowner retains the right to control the use of any land in their ownership.
- Exempted activities
- 2.10 The Act makes certain activities exempt from the requirement to hold a Consent. These are:
- a) Pedlars acting under the authority of a pedlar's certificate granted under the Pedlars Act 1871
 - b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
 - c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
 - d) News vendors selling only newspapers or periodicals
 - e) Petrol filling stations
 - f) Shops forecourts
 - g) Rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order).

- h) Objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
- i) Operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- j) Street Collections (covered by the Police, Factories, Etc (Miscellaneous Provisions) Act 1916)

3.0 The licensing process and delegation of functions

3.1 This part of the document sets out how applications for street trading permissions in the East Cambridgeshire District will be dealt with. The Council aims to provide a clear, consistent licensing service for service users whilst at the same time aiming to protect the safety of highway users and to prevent nuisance or annoyance.

3.2 Delegation is laid out in the Council's Constitution. In certain circumstances, e.g. when a representation has been made to a licence application, applications will be referred to the relevant Committee for determination.

3.3 Minor amendments to this policy may be made by the Environmental Services Manager following consultation with the Chair and/or Vice Chair of the Licensing Committee and the Legal Services Manager.

4.0 Applications for a street trading consent

Advice for new applicants

- 4.1 New applicants must be at least 17 years of age, and are advised to contact the Council, Cambridgeshire Constabulary and Cambridgeshire County Transport at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.
- 4.2 Street Traders wishing to trade from a static location in the East Cambridgeshire district area must obtain written permission from the landowner of where they are proposing to trade prior to submitting a street trading application.
- 4.3 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission, or food registration approval.
- 4.4 Applications will be considered from organisers of Markets, Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block Consent for the market or event in question. The market or event organiser in receipt of a Block Consent will become responsible for all the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.
- 4.5 An applicant for the grant of a first time Consent should give a minimum of 90 days notice of application to allow time for a determination. It may be possible to obtain a Consent having given less than 90 days notice, but this cannot be guaranteed.

New Applications

- 4.6 Applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambbs.gov.uk.
- 4.7 Each application must be accompanied by the published application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the Consent is refused.

Supporting Documentation

- 4.8 Depending upon the type of street trading application being submitted, certain supporting documentation will be required. For ease of purpose these are specifically listed in the checklist of the individual application forms, but the types of documentation which may be

required are listed below.~~The following will also be required to be submitted with the application:~~

- Where the proposed street trading is from a fixed position, a copy of a map clearly identifying the proposed site position by marking the site boundary with a red line.
- Details of the proposed activity, including the nature of goods being sold, times and days of operations.
- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
- Written permission from the land owner of the proposed trading location (not applicable to mobile traders)
- Proof of right to work in the UK
- A Passport style photo of the applicant(s)
- A photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.
- Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.
- Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.
- Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
- Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
- It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

Processing of an Application

- 4.9 On receipt of an application an acknowledgment will be sent to the applicant.
- 4.10 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises/site which the applicant intends to trade from.
- 4.11 Before a Street Trading Consent is granted the Council will carry out a consultation process with various persons and groups. The scale of the consultation will be dependent upon the nature of the application, but may include the following organisations or persons:
- Cambridgeshire Constabulary,
 - Cambridgeshire Fire and Rescue Service,
 - Cambridge County Council highways department,
 - Environmental Health
 - Planning
 - Ward, City, town and parish councils
 - Property owners within 100metres who directly overlook the proposed location (static pitches only)
 - Town centre manager

4.12 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the Consent. If representations are received, then the relevant Committee will be required to determine the application.

4.13 A reduced consultation period will be applicable to event and daily permit requests.

4.134.14 More information on Member determinations can be found in the "Determination of application by relevant Committee" section on page 9.

Key Considerations

4.144.15 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.

4.154.16 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

a) **Public Safety**

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

b) **Public Order**

Whether the street trading activity represents, or is likely to represent a substantial risk to public order.

c) **The Avoidance of Public Nuisance**

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

d) **Highway**

The location and operating times will be such that the highway can be maintained in accordance with the Cambridgeshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

e) **Compliance with legal requirements**

Trading should only be conducted from a trading unit that complies with relevant legislation. Observations from relevant officers will be considered on this point.

4.164.17 The Council will normally grant a Street Trading Consent unless, in its opinion:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes but note that competition issues will not be a consideration;
- There is a conflict with Traffic Orders such as waiting restrictions;

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- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The trading unit is not considered to be suitable in style or in keeping with the location requested.
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.
- In the case of a renewal application the previous year's fees have not been settled, and/or the consent holder has been the subject of substantiated complaints.

Departure from Policy

4.174.18 In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.

4.184.19 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.

4.194.20 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. Members of the determining Committee, or the Environmental Services Manager may authorise a departure from the policy in accordance with this section if he/she/they consider it necessary in the specific circumstances. In cases where the Environmental Services Manager departs from the policy he/she will advise Councillors of the action taken at the next available Licensing Committee.

Renewal applications

4.204.21 Renewal applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.

4.214.22 Renewal applications will only be accepted where the trading location, trading days, and the nature of the goods being sold is identical to that of the Consent that is due to expire.

4.224.23 ~~A reduced list of The following reduced list of~~ supporting documents will be required to be submitted with a renewal application and the appropriate fee. These are indicated on the renewal application form.:-

- ~~Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.~~
- ~~A recent Passport style photo of the applicant(s)~~
- ~~A recent photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.~~

4.294.24 Upon receiving a renewal application, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.

4.304.25 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues, and all fees have been paid on time, the Consent will be renewed within 28 days of receipt.

4.314.26 Where there have been complaints or enforcement issues, or fees have not been paid on time, a renewal application may be referred to the relevant Committee for determination. For this reason, Consent holders are advised to submit their renewal application two months prior to the expiry date.

Transfer applications

4.324.27 A transfer application will only be accepted where the van, cart, barrow, other vehicle or stall from which trading is intended to take place by the proposed consent holder is the same van, cart, barrow, other vehicle or stall from which trading is currently taking place. No aspects of the Consent can be amended other than the consent holder's details.

4.334.28 Applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.

4.344.29 Each application must be accompanied by the published transfer application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the transfer is refused. A refund of in advance fees will be provided to the previous consent holder. The new consent holder will be liable for in advance fees which must be settled before the transfer can be granted.

4.354.30 No consultation will take place, but the following will also be required to be submitted with the transfer application:

- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
- A transfer consent form completed by the existing consent holder, or confirmation that the consent holder has passed away.
- Proof of right to work in the UK
- A Passport style photo of the applicant(s)
- Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
- Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.

- It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

Determination of application by the relevant Committee

4.364.31 The Council's Licensing Committee and Licensing (Non-Statutory) Sub-Committee have been established to consider applications in relation to licensing matters. Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature. The role of the Committee with regards to Street Trading is to determine applications to which objections have been made.

4.374.32 On receipt of a written objection arrangements will be made to have the appeal or application heard at the next available meeting of the Licensing (Non-Statutory) Sub-Committee or main Licensing Committee.

4.384.33 Once arrangements have been made for the application to be heard by the Committee all parties will be advised in writing of the date, time and place where the application will be heard. The Council will endeavour to have applications heard as quickly as possible.

4.394.34 A report will be produced by the Licensing Officer. Members of the Committee and the applicant will be provided with a copy of the report which will include the letters of objection. Further copies of the report will be made available on the day of the Committee.

4.404.35 The person submitting an application will be expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Committee will follow a set procedure that will be notified to all attending parties in advance of the meeting.

4.414.36 In determining an application, the Committee will consider both the written word, and oral submissions relating to their application or representation, as well as the statement of fact from the Council's Licensing Officer.

4.424.37 Witnesses may be used, and supporting documentation may be submitted to the Committee for consideration providing this information is provided at least two working days prior to the hearing commencing. Witnesses and supporting documentation may only be used without prior notice with the agreement of all parties on the day of the hearing.

4.434.38 The Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and all other parties. After hearing the evidence presented to it, the Committee will retire and come to a decision on the application. A decision will be made on the day, and will be communicated to all parties within 5 working days.

4.444.39 The Committee will always strive to ensure that when it is considering an application, all persons get a proper and fair hearing through:

1. Considering each case on its own merits.
2. Using these guidelines to assess applications where it is felt appropriate.
3. Ensuring that the rules of natural justice are applied in any hearings held.
4. Giving all parties sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their case.

Refusals

4.454.40 Where an application is refused, reasons for refusal will be provided. The decision of the Officer or Committee is final. The 1982 Act does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision of the Licensing Panel, should it be felt necessary. The Council recommends taking legal advice prior to commencing any action following the refusal of a Consent application as legal costs may become payable.

Duration of consents

4.464.41 Consents will be issued for a period of up to one year. Fees will be payable per quarter in advance.

4.474.42 Consents that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new Consent has been granted.

4.484.43 A Consent cannot be transferred or sold to another person unless the Licensing Authority are informed by way of the proposed owner submitting a transfer application. In the event of the death or incapacity of the Consent Holder a member of the Consent holder's immediate family may apply for an interim Consent whilst the normal transfer is processed. For more information refer to the section on transfers.

4.494.44 The sub-letting of a pitch is prohibited.

5.0 Consent Conditions

- 5.1 Standard conditions will be attached to every issued Consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. These are detailed in annex 3.
- 5.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size and location of the pitch.
- 5.3 Failure to comply with conditions may lead to the revocation or non renewal of Consent.
- 5.4 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to specific consent conditions that are requested by Consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to amend or vary a Consent condition.

6.0 Fees

- 6.1 The 1982 Act permits a Council to charge reasonable fees for the grant and renewal of Consents. The level of fees applicable takes into account the duration of the Consent, the trading hours, location and the nature of the articles being sold. Details of the current fees can be found in annex 2 and on www.eastcambs.gov.uk. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance. One month's notice of ceasing to trade must be given. Where trading ceases during the term of a Consent refunds will not be given for any outstanding period of less than 1 month.
- 6.2 Applications for annual Consents should be accompanied by an application fee which is set at 10% of the annual fee. If the application is approved, the balance of the quarterly fee will be due in advance of the Consent being issued. If the application is not successful the application fee will be refunded. Daily and Event consents must be accompanied by the full fee.
- 6.3 Reduced fees will be payable by organisers of:

- Non-commercial fetes, carnivals or similar community based and run events. ¹
- Non-commercial, civic, or charitable events. ¹
- Farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
- Sales of articles by householders on land contiguous with their homes. ²

¹ In order to be considered eligible for reduced fees, an event must be promoted with the intention that all money raised (proceeds) from the event will go entirely to purposes that are not for private gain. Money raised by third parties i.e. traders at the event will not be considered as proceeds from the event, and so may be appropriated for private gain, and will not be taken into account when determining eligibility under this paragraph.

² For the purposes of this paragraph "land contiguous" will be construed to be land owned by the householder not including the house itself, i.e. the articles must be placed within any garden or hard-standing area, not on the public highway. Consent may be obtainable to trade on the public highway in such circumstances, but no reduced fee will be available.

7.0 Markets, special events, commercial events, and individual trader one off daily permits.

- 7.1 The authorised weekly markets held throughout the week in Ely, the Christmas Food Flower and Craft held on or around the last Sunday of November, and the Christmas special market held on or around the 23 December are outside the scope of the street trading scheme. Trading at these events/markets is dealt with by the Markets' Team. More information is available on the Council's website.
- 7.2 For special events, and commercial events such as continental street markets, street fairs, craft shows, and events such as those mentioned in paragraph 6.3 above, the Council will issue one Consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them. Applicants wishing to use this provision must provide at least twenty-eight days notice, and availability is strictly on a first come, first served basis.
- 7.3 The Council will require that the ~~applicant~~ company produces a list of the individual traders before the trading day, and a signed declaration that the organiser is satisfied that all the traders hold the necessary insurances and certificates for the stall they are running.
- 7.4 Applications for markets, special events, and commercial events will be subject to a reduced consultation process than that required of normal annual consent applicants, however, determination may take up to the full 28 day limit.
- 7.5 Daily permits for individual traders wishing to trade on a consent street are available. The ~~applicable documents stated on the application form from the~~ list of items ~~detailed~~ in paragraph 4.87 must accompany an application, but when determining the application, the consultation stage shall be omitted. No more than sixteen days of trading per Consent Street, per trader ~~or their associate/stall~~, will be permitted under this provision per annum. All other considerations will be taken into account when determining an application. Applicants wishing to use this provision must provide at least ten clear working days notice, and availability is strictly on a first come, first served basis.

8.0 "Pop-up" Street Food Trading on Private Land

- 8.1 Pop-up street food trading on private land is a relatively new concept, which is growing in popularity. The pop-up nature of this type of trading requires a different approach to be taken to provide the flexibility necessary, whilst ensuring that such trading from private locations including, pub and social club car parks, and village hall and community centre car

Appendix 1

parks is suitably controlled to promote the objectives of the street trading policy within the district. Due to this a specific scheme has been set up with the kind assistance of the National Caterers Association. Details of this scheme can be found in the following paragraphs.

Host Premises

7.5 8.2 Any business wishing to permit a food van to trade from their private land in a way that is controlled by the 1982 Act must apply for a Premises Consent using the specific application form for this purpose. A consultation period will take place in accordance with paragraphs 4.11 and 4.12 of this policy, and the application will be determined in accordance with the same parameters as those for all other applications, as detailed in this policy. Once issued, the premises will be permitted to host any pop-up street food trader holding a street trading consent with the Council.

Pop-up food traders

8.3 Any trader wishing to trade freely from any registered host premises in the district who does not wish to apply for a daily permit, and wait the requisite 10 working days for determination, must apply for an annual "Pop-up trader Consent" using the specific application form for this purpose. No consultation period will be required, and if you are registered with the National Caterers Association, a reduced number of supporting documents will be required to be submitted with your application. The application will be determined in accordance with the same relevant parameters as those for all other applications, as detailed in this policy. Once issued, the trader will be permitted to trade from any location holding a Host Premises Consent within the times permitted on the Host Premises Consent, subject only to requiring the host premises permission to use their land.

98.0 Enforcement

- 9.1 The Council is committed to enforcing the provisions contained within the relevant legislation, and will work in partnership with all enforcement agencies to provide consistent enforcement on licensing issues.
- 9.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 9.3 In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Enforcement Policy.
- 9.4 The responsibility for the overall supervision of street trading lies with the Environmental Services Manager.

109.0 Further Information

Further information on the Authority's licensing policy and application process can be obtained from:

Licensing Team
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

T: 01353 665555
E: licensing@eastcambs.gov.uk
Website: www.eastcambs.gov.uk

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Annex 1 – Designated Streets

| Consent Streets |
|--|
| All streets as defined by the 1982 Act with the exception of the prohibited streets listed below. |
| Prohibited Streets |
| Trunk Road A10 within the District Trunk Road A11 within the District Trunk Road A14 within the District |

Annex 2**Current fees applicable to Street Trading Consents**

| Type of goods | Ely (central zone) daily consent fees | | Annual | All other areas (daily consent fees) | | Annual | Transfer | | | | | | | |
|--------------------------|---------------------------------------|--------------|--------|--------------------------------------|--------------|--------|----------|-----|-----|-------|-----|-----|------|-----|
| | Sun to Wed | Thurs to Sat | | Sun to Wed | Thurs to Sat | | | | | | | | | |
| Clothing | £20 | £30 | £1040 | £15 | £20 | £740 | £48 | | | | | | | |
| Electrical spares | | | | | | | | | | | | | | |
| DIY products | | | | | | | | | | | | | | |
| Hot food and drink | | | | | | | | | | | | | | |
| Furniture | | | | | | | | | | | | | | |
| Records, CD's and DVD | £20 | £30 | £780 | £15 | £20 | £480 | £48 | | | | | | | |
| Household cleaning goods | | | | | | | | | | | | | | |
| Books | | | | | | | | | | | | | | |
| Fresh fish | £20 | £20 | £520 | £15 | £15 | £320 | £48 | | | | | | | |
| Fresh meat | | | | | | | | | | | | | | |
| Fruit and Veg | | | | | | | | | | | | | | |
| Delicatessen | | | | | | | | | | | | | | |
| Flowers and Plants | | | | | | | | | | | | | | |
| Ice-cream vendors | | | | | | | | | | | | | | |
| Cakes/ Bakery | | | | | | | | | | | | | | |
| Arts and crafts | | | | | | | | | | | | | | |
| All other traders | | | | | | | | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Host Premises | | | | | | | | N/A | N/A | £1040 | N/A | N/A | £740 | £48 |
| Pop-up food trader | N/A | N/A | £240 | N/A | N/A | £240 | £48 | | | | | | | |

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The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates can be provided. The cost is £10.50.

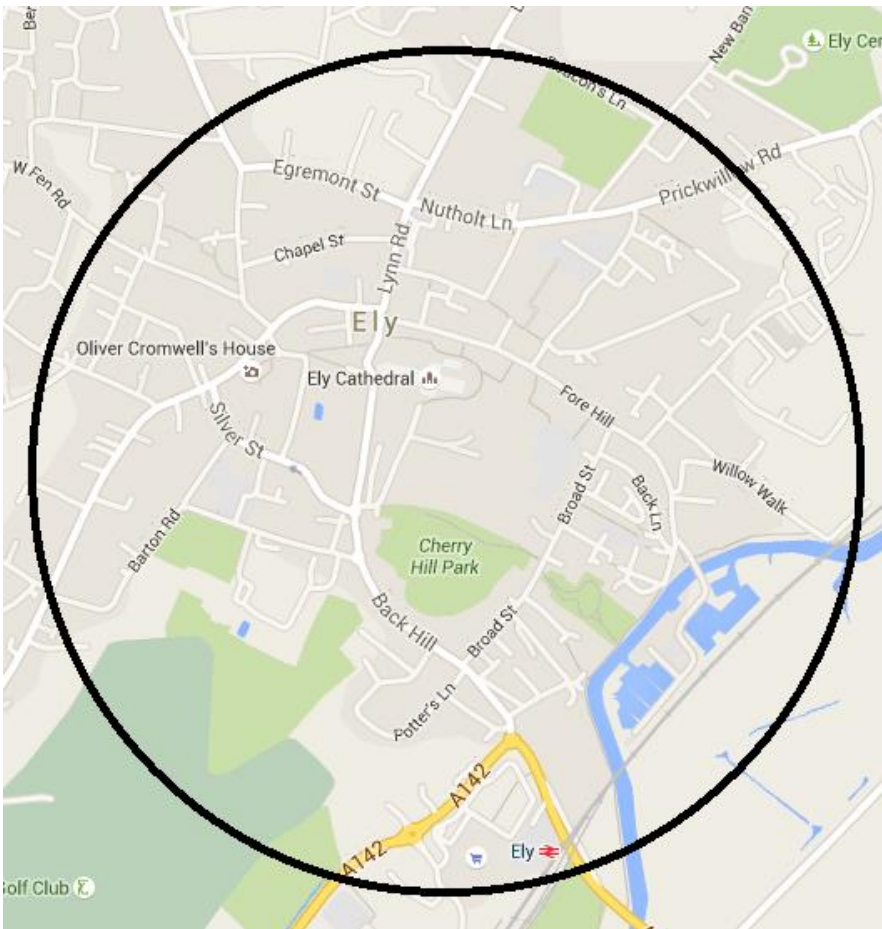
Special Events/Markets/Commercial Events

| Number of stalls | Fee per day of the event |
|------------------|--------------------------|
| 10 – 20 | £100 |
| 21 – 40 | £200 |
| 41 or more | £500 |

Events listed in paragraph 6.3

| |
|--------------------------|
| Fee per day of the event |
| £20 |

Ely central charging zone



Annex 3

Standard conditions applicable to Street Trading Consents

General

These Standard Conditions will apply to all licences unless dis-applied or varied by the Environmental Services Manager, or they are over-riden by the special conditions for special events/markets.

Standard Conditions

1. Definitions
 - i. 'street' includes –
 - a) any road, footway, beach or other area to which the public have access without payment, and
 - b) a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street
 - ii. 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a street
2. The Consent granted by the Council is personal to the holder.
3. The consent holder (or a person nominated by the consent holder) shall attend in person at the Consent position for not less than 75% of the time on any day which trading is carried out.
4. The street trading consent only relates to the vehicle/premises stipulated within the Consent.
5. The consent holder can only trade in the goods stipulated in the consent.
6. Ancillary items can be sold where relevant to the goods being traded.
7. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent, and goods should not migrate outside of the permitted area.
8. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
9. Any stall, vehicle, van, barrow, or cart authorised by the Council must be equipped with safe and adequate lighting for operation during the hours of darkness.
10. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
11. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
12. The Consent may only be transferred to another person with the prior written consent of the Environmental Services Manager.
13. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
14. The 'permitted hours' will be those stipulated within the Consent.

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15. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.
16. The consent holder will vacate the site within 30 minutes of the end of the permitted hours.
17. The consent holder shall not trade in any street designated by the Council as a prohibited street.
18. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
19. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
20. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - b) Cause an obstruction to the vehicles or pedestrians in the street.
 - c) Cause a danger to occupiers of adjoining property or to other users of the street.
21. The consent holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
22. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
23. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.
24. A copy of the Consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
25. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.
26. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
27. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
28. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Items including but not limited to items used for sexual stimulation, and/or weapons likely to cause harm would be considered unsuitable. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.

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29. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Environmental Services Manager.
30. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
31. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which Consent has been granted.
32. Failure to comply with any condition attached to the street trading consent may result in the revocation of such Consent.
33. The holder shall notify the Environmental Services Manager at the Council Offices, The Grange, Nutholt Road, Ely, CB7 4EE in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
34. The holder of a Consent shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
35. The Council may revoke the Consent at any time.
36. The holder will return the Consent to the Council immediately upon revocation or surrender.
37. In the event of the Consent being surrendered or revoked no refunds will be given. Where Consent is withdrawn by the Council for reasons other than an offence or breach being committed, a proportioned refund will be given.
38. The Council may at any time vary these Conditions without notice.
39. If the Consent Holder Street Trades from any Council Land he/she shall indemnify the Council from and against all loss, damage, costs, liabilities and claims whatsoever arising from its use and occupation of the land.22.
40. The Consent Holder and persons manning the stall will ensure their activities do not cause direct and permanent damage the grass and gardens and/or disturb wildlife.

Additional conditions applicable to Special Events/Markets

41. All stalls to be issued with a number that must be displayed on the stall.
42. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
43. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, standard firearms, airguns, swords and crossbows)
44. The consent holder must not allow the sale of materials considered offensive, indecent, or considered adult in nature.
45. If the Public Conveniences are required to open beyond 17:00 a charge will be levied in accordance with the Council's fees and charges.
46. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

Street Trading Consent Fees

Individual stall fees

| Type of goods | Ely (central zone) daily consent fees | | Annual | All other areas (daily consent fees) | | Annual | Transfer |
|--------------------------|---------------------------------------|--------------|--------|--------------------------------------|--------------|--------|----------|
| | Sun to Wed | Thurs to Sat | | Sun to Wed | Thurs to Sat | | |
| Clothing | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Electrical spares | | | | | | | |
| DIY products | | | | | | | |
| Hot food and drink | | | | | | | |
| Furniture | | | | | | | |
| Records, CD's and DVD | £20 | £30 | £780 | £15 | £20 | £480 | £48 |
| Household cleaning goods | | | | | | | |
| Books | | | | | | | |
| Fresh fish | £20 | £20 | £520 | £15 | £15 | £320 | £48 |
| Fresh meat | | | | | | | |
| Fruit and Veg | | | | | | | |
| Delicatessen | | | | | | | |
| Flowers and Plants | | | | | | | |
| Ice-cream vendors | | | | | | | |
| Cakes/ Bakery | | | | | | | |
| Arts and crafts | | | | | | | |
| All other traders | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Host Premises | N/A | N/A | £1040 | N/A | N/A | £740 | £48 |
| Pop-up food trader | N/A | N/A | £240 | N/A | N/A | £740 | £48 |

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates cost is £10.50.

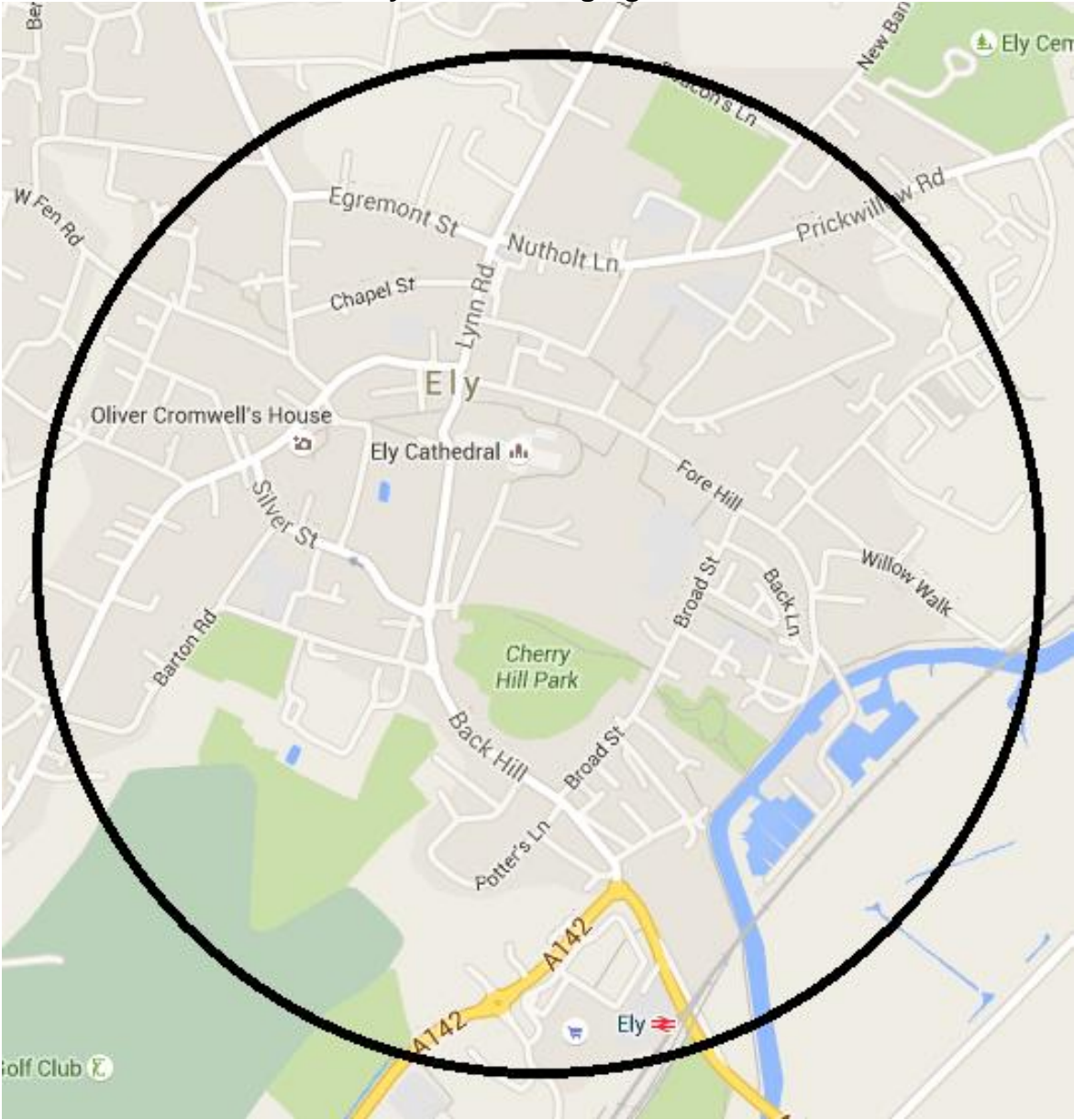
Special Events/ Markets/Commercial Events fees

| Number of stalls | Fee per day of the event |
|------------------|--------------------------|
| 10 – 20 | £100 |
| 21 – 40 | £200 |
| 41 or more | £500 |

Charity/non-commercial events (see paragraph 6.3 in the street trading policy)

| Fee per day of the event |
|--------------------------|
| £20 |

Ely central charging zone



EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING TEMPLATE (IST)

Initial screening needs to take place for all new/revised Council policies. The word ‘policy’, in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an EIA for this activity.

| | |
|--|-----------------------|
| Name of Policy: | Street Trading Policy |
| Lead Officer (responsible for assessment): | Stewart Broome |
| Department: | Licensing |
| Others Involved in the Assessment (i.e. peer review, external challenge): | |
| Date Initial Screening Completed: | 23/3/2018 |

(a) What is the policy trying to achieve? i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

| |
|---|
| A framework to assist members of the public, Officers and Committee Members with regards to controlling street trading in the district. |
|---|

(b) Who are its main beneficiaries? i.e. who will be affected by the policy?

| |
|--|
| Persons who wish to sell goods, or hold events that will sell goods on controlled streets (as defined by the Local Government (Miscellaneous Provisions) Act 1982 within the district. |
|--|

(c) Is this assessment informed by any information or background data? i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

| |
|--|
| Yes, previous consultation in 2015 and working with the policy |
|--|

(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics? (please tick all that apply):

| | | | |
|----------------------------------|--------------------------|---|--------------------------|
| Ethnicity | <input type="checkbox"/> | Age | <input type="checkbox"/> |
| Gender | <input type="checkbox"/> | Religion or Belief | <input type="checkbox"/> |
| Disability | <input type="checkbox"/> | Sexual Orientation | <input type="checkbox"/> |
| Gender Reassignment | <input type="checkbox"/> | Marriage & Civil Partnership | <input type="checkbox"/> |
| Pregnancy & Maternity | <input type="checkbox"/> | Caring Responsibilities | <input type="checkbox"/> |

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

| |
|---|
| This policy affects all applicants and licence holders equally. |
|---|

(e) Does the policy affect service users or the wider community?

| |
|------------|
| YES |
|------------|

- (f) Does the policy have a significant effect on how services are delivered?
- (g) Will it have a significant effect on how other organisations operate?
- (h) Does it involve a significant commitment of resources?
- (i) Does it relate to an area where there are known inequalities, e.g. disabled people's access to public transport etc?

| |
|-----------|
| NO |
| NO |
| NO |
| NO |

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment (EIA). If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council's Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to the Principal HR Officer.

Signatures:

Completing Officer: Stewart Broome **Date:** 23/3/2018

Head of Service: Liz Knox **Date:** 23/3/2018



**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982**

STREET TRADING POLICY

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1.0 Introduction

- 1.1 The aim of this policy is to set out East Cambridgeshire District Council's framework for the management of street trading with the aims to prevent obstruction of the streets, ensure the safety of persons using them and prevent nuisance to neighbouring residents and businesses. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- 1.2 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will also be observed: -
- a) the right of any individual or body to apply for a permission is not undermined and that each application will be determined on its merits;
 - b) the statutory right of any person to make appropriate representations;
 - c) that the statutory function of licensing is primarily concerned with the regulation of activities within the legislation and that any terms and conditions will focus on:
 - i) matters within the control of individual consent holders who are granted any relevant permissions;
 - ii) the premises and places being used for licensable activities;
 - iii) the direct impact of the activities taking place at the relevant premises on the public living, working or engaged in normal activity in the area concerned;
 - iv) the direct impact of the activities taking place at the relevant premises on the public living, working or engaged in normal activity in the area concerned;
- 1.3 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.4 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and the commitment to work in partnership with other enforcement agencies.

Consultation

- 1.5 In determining this policy, the Council has consulted the following people and bodies:
- Cambridgeshire Police;
 - Cambridgeshire Fire and Rescue;
 - Cambridge County Council highways department;
 - Existing licence holders;
 - Representatives of businesses and residents in the East Cambridgeshire district;
 - City, town and parish councils;
 - District Councillors
 - [Nationwide Caterers Association](#)
 - Ely Chamber of Commerce
- 1.6 The views of all the appropriate bodies and organisations have been taken into account in the drafting of this policy.

Review of the Policy

- 1.7 This policy will be reviewed every five years at which time, further consultation will be undertaken. Additionally, the policy may be reviewed from time to time to take account of changes in legislation or government guidance.

Definitions of terms used in this policy

- 1.8 Within the terms of the East Cambridgeshire District Council's Street Trading Consent Scheme the following definitions apply:

| | |
|----------------------|---|
| 1982 Act | The Local Government (Miscellaneous Provisions) Act 1982 |
| The Council | East Cambridgeshire District Council |
| Street Trading | Selling or exposing or offering for sale of any article (including a living thing) in any street. |
| Street | i) Any road, footway, beach or other area to which the public have access without payment. ii) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street. |
| Consent Street | A street in which street trading is prohibited without the consent of East Cambridgeshire District Council. |
| Consent | Consent to trade on a street issued by East Cambridgeshire District Council |
| Consent Holder | The person or company to whom the consent to trade has been granted to by East Cambridgeshire District Council. |
| <u>Associate</u> | An "associate" is: <u>(a) the spouse or civil partner of that person;</u> <u>(b) a child, parent, grandchild, grandparent, brother or sister of that person;</u> <u>(c) an agent or employee of that person; or</u> <u>(d) the spouse or civil partner of a person within (b) or (c).</u> <u>A person living with another as that person's husband or wife is to be treated as that person's spouse.</u> |
| Licensed Street | A street in which street trading is prohibited without obtaining a street trading licence from East Cambridgeshire District Council. |
| Prohibited Street | A street in which street trading is prohibited at all times. |
| Static Street Trader | A trader granted permission by East Cambridgeshire District Council to trade from a specified position |
| Mobile Trader | A trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours. |
| <u>Host Premises</u> | <u>A privately-owned piece of land, forming part of another business, but not falling within the definition of a highway under section 7A of the Highways Act 1980.</u> |
| <u>Pop-up Trader</u> | <u>A food trader who trades only upon Host Premises in an ad-hoc manner with the Hosts permission.</u> |
| Authorised Officer | An officer employed by East Cambridgeshire District Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982. |

2.0 Legislation and current provision

Appendix 1

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- 2.1 Street trading is governed by the 1982 Act. The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:
- Prohibited streets: those which are not open to street traders
 - Consent streets: where street trading is prohibited without local authority consent
 - Licence streets: where trading is prohibited without a local authority licence.
- 2.2 At a meeting of Council held on 17 January 1984, it was resolved that Schedule 4 of the 1982 Act should apply to the East Cambridgeshire District Council area. Subsequent resolutions have been passed designating streets within the district as Consent and Prohibited streets in accordance with Schedule 4 of the 1982 Act. The Council does not have any streets designated as licensed streets.
- 2.3 Any person who wishes to trade on a Consent Street must obtain permission from the Council before they commence trading. Street Trading is not permitted on streets designated as Prohibited Streets at any time.
- 2.4 Annex 1 lists the streets in the district that are currently designated as Consent, and Prohibited streets. The Council may designate or re-designate streets from time to time, but must follow a strict process when doing so. This process includes a requirement to advertise the proposed change.
- 2.5 Street traders who serve hot or cold drink at any time between 11.00pm and 05:00am the following day, or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 2.6 Local Authorities can place conditions on any Consent they issue. The Act also creates offences associated with trading in Consent streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000 per offence.
- 2.7 Traders may also be required to obtain planning permission or food registration if applicable to their application.
- 2.8 Street trading consent applicants must have a right to work in the UK. Applications will be refused where any of the applicants listed on the application form do not have this right.
- 2.9 The granting of consent to trade does not provide a right to occupy any land where consent to trade is obtained. The landowner retains the right to control the use of any land in their ownership.
- Exempted activities
- 2.10 The Act makes certain activities exempt from the requirement to hold a Consent. These are:
- a) Pedlars acting under the authority of a pedlar's certificate granted under the Pedlars Act 1871
 - b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
 - c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
 - d) News vendors selling only newspapers or periodicals
 - e) Petrol filling stations
 - f) Shops forecourts
 - g) Rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order).

- h) Objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
- i) Operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- j) Street Collections (covered by the Police, Factories, Etc (Miscellaneous Provisions) Act 1916)

3.0 The licensing process and delegation of functions

3.1 This part of the document sets out how applications for street trading permissions in the East Cambridgeshire District will be dealt with. The Council aims to provide a clear, consistent licensing service for service users whilst at the same time aiming to protect the safety of highway users and to prevent nuisance or annoyance.

3.2 Delegation is laid out in the Council's Constitution. In certain circumstances, e.g. when a representation has been made to a licence application, applications will be referred to the relevant Committee for determination.

3.3 Minor amendments to this policy may be made by the Environmental Services Manager following consultation with the Chair and/or Vice Chair of the Licensing Committee and the Legal Services Manager.

4.0 Applications for a street trading consent

Advice for new applicants

- 4.1 New applicants must be at least 17 years of age, and are advised to contact the Council, Cambridgeshire Constabulary and Cambridgeshire County Transport at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.
- 4.2 Street Traders wishing to trade from a static location in the East Cambridgeshire district area must obtain written permission from the landowner of where they are proposing to trade prior to submitting a street trading application.
- 4.3 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission, or food registration approval.
- 4.4 Applications will be considered from organisers of Markets, Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block Consent for the market or event in question. The market or event organiser in receipt of a Block Consent will become responsible for all the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.
- 4.5 An applicant for the grant of a first time Consent should give a minimum of 90 days notice of application to allow time for a determination. It may be possible to obtain a Consent having given less than 90 days notice, but this cannot be guaranteed.

New Applications

- 4.6 Applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.
- 4.7 Each application must be accompanied by the published application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the Consent is refused.

Supporting Documentation

- 4.8 Depending upon the type of street trading application being submitted, certain supporting documentation will be required. For ease of purpose these are specifically listed in the checklist of the individual application forms, but the types of documentation which may be

required are listed below:~~The following will also be required to be submitted with the application:~~

- Where the proposed street trading is from a fixed position, a copy of a map clearly identifying the proposed site position by marking the site boundary with a red line.
- Details of the proposed activity, including the nature of goods being sold, times and days of operations.
- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
- Written permission from the land owner of the proposed trading location (not applicable to mobile traders)
- Proof of right to work in the UK
- A Passport style photo of the applicant(s)
- A photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.
- Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.
- Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.
- Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
- Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
- It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

Processing of an Application

- 4.9 On receipt of an application an acknowledgment will be sent to the applicant.
- 4.10 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises/site which the applicant intends to trade from.
- 4.11 Before a Street Trading Consent is granted the Council will carry out a consultation process with various persons and groups. The scale of the consultation will be dependent upon the nature of the application, but may include the following organisations or persons:
- Cambridgeshire Constabulary,
 - Cambridgeshire Fire and Rescue Service,
 - Cambridge County Council highways department,
 - Environmental Health
 - Planning
 - Ward, City, town and parish councils
 - Property owners within 100metres who directly overlook the proposed location (static pitches only)
 - Town centre manager

4.12 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the Consent. If representations are received, then the relevant Committee will be required to determine the application.

4.13 A reduced consultation period will be applicable to event and daily permit requests.

4.134.14 More information on Member determinations can be found in the "Determination of application by relevant Committee" section on page 9.

Key Considerations

4.144.15 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.

4.154.16 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

a) **Public Safety**

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

b) **Public Order**

Whether the street trading activity represents, or is likely to represent a substantial risk to public order.

c) **The Avoidance of Public Nuisance**

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

d) **Highway**

The location and operating times will be such that the highway can be maintained in accordance with the Cambridgeshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

e) **Compliance with legal requirements**

Trading should only be conducted from a trading unit that complies with relevant legislation. Observations from relevant officers will be considered on this point.

4.164.17 The Council will normally grant a Street Trading Consent unless, in its opinion:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes but note that competition issues will not be a consideration;
- There is a conflict with Traffic Orders such as waiting restrictions;

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- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The trading unit is not considered to be suitable in style or in keeping with the location requested.
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.
- In the case of a renewal application the previous year's fees have not been settled, and/or the consent holder has been the subject of substantiated complaints.

Departure from Policy

4.174.18 In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.

4.184.19 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.

4.194.20 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. Members of the determining Committee, or the Environmental Services Manager may authorise a departure from the policy in accordance with this section if he/she/they consider it necessary in the specific circumstances. In cases where the Environmental Services Manager departs from the policy he/she will advise Councillors of the action taken at the next available Licensing Committee.

Renewal applications

4.204.21 Renewal applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.

4.214.22 Renewal applications will only be accepted where the trading location, trading days, and the nature of the goods being sold is identical to that of the Consent that is due to expire.

4.224.23 ~~A reduced list of The following reduced list of~~ supporting documents will be required to be submitted with a renewal application and the appropriate fee. These are indicated on the renewal application form.:-

- ~~Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.~~
- ~~A recent Passport style photo of the applicant(s)~~
- ~~A recent photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.~~

4.294.24 Upon receiving a renewal application, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.

4.304.25 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues, and all fees have been paid on time, the Consent will be renewed within 28 days of receipt.

4.314.26 Where there have been complaints or enforcement issues, or fees have not been paid on time, a renewal application may be referred to the relevant Committee for determination. For this reason, Consent holders are advised to submit their renewal application two months prior to the expiry date.

Transfer applications

4.324.27 A transfer application will only be accepted where the van, cart, barrow, other vehicle or stall from which trading is intended to take place by the proposed consent holder is the same van, cart, barrow, other vehicle or stall from which trading is currently taking place. No aspects of the Consent can be amended other than the consent holder's details.

4.334.28 Applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.

4.344.29 Each application must be accompanied by the published transfer application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the transfer is refused. A refund of in advance fees will be provided to the previous consent holder. The new consent holder will be liable for in advance fees which must be settled before the transfer can be granted.

4.354.30 No consultation will take place, but the following will also be required to be submitted with the transfer application:

- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
- A transfer consent form completed by the existing consent holder, or confirmation that the consent holder has passed away.
- Proof of right to work in the UK
- A Passport style photo of the applicant(s)
- Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
- Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.

- It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

Determination of application by the relevant Committee

4.364.31 The Council's Licensing Committee and Licensing (Non-Statutory) Sub-Committee have been established to consider applications in relation to licensing matters. Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature. The role of the Committee with regards to Street Trading is to determine applications to which objections have been made.

4.374.32 On receipt of a written objection arrangements will be made to have the appeal or application heard at the next available meeting of the Licensing (Non-Statutory) Sub-Committee or main Licensing Committee.

4.384.33 Once arrangements have been made for the application to be heard by the Committee all parties will be advised in writing of the date, time and place where the application will be heard. The Council will endeavour to have applications heard as quickly as possible.

4.394.34 A report will be produced by the Licensing Officer. Members of the Committee and the applicant will be provided with a copy of the report which will include the letters of objection. Further copies of the report will be made available on the day of the Committee.

4.404.35 The person submitting an application will be expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Committee will follow a set procedure that will be notified to all attending parties in advance of the meeting.

4.414.36 In determining an application, the Committee will consider both the written word, and oral submissions relating to their application or representation, as well as the statement of fact from the Council's Licensing Officer.

4.424.37 Witnesses may be used, and supporting documentation may be submitted to the Committee for consideration providing this information is provided at least two working days prior to the hearing commencing. Witnesses and supporting documentation may only be used without prior notice with the agreement of all parties on the day of the hearing.

4.434.38 The Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and all other parties. After hearing the evidence presented to it, the Committee will retire and come to a decision on the application. A decision will be made on the day, and will be communicated to all parties within 5 working days.

4.444.39 The Committee will always strive to ensure that when it is considering an application, all persons get a proper and fair hearing through:

1. Considering each case on its own merits.
2. Using these guidelines to assess applications where it is felt appropriate.
3. Ensuring that the rules of natural justice are applied in any hearings held.
4. Giving all parties sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their case.

Refusals

4.454.40 Where an application is refused, reasons for refusal will be provided. The decision of the Officer or Committee is final. The 1982 Act does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision of the Licensing Panel, should it be felt necessary. The Council recommends taking legal advice prior to commencing any action following the refusal of a Consent application as legal costs may become payable.

Duration of consents

4.464.41 Consents will be issued for a period of up to one year. Fees will be payable per quarter in advance.

4.474.42 Consents that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new Consent has been granted.

4.484.43 A Consent cannot be transferred or sold to another person unless the Licensing Authority are informed by way of the proposed owner submitting a transfer application. In the event of the death or incapacity of the Consent Holder a member of the Consent holder's immediate family may apply for an interim Consent whilst the normal transfer is processed. For more information refer to the section on transfers.

4.494.44 The sub-letting of a pitch is prohibited.

5.0 Consent Conditions

- 5.1 Standard conditions will be attached to every issued Consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. These are detailed in annex 3.
- 5.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size and location of the pitch.
- 5.3 Failure to comply with conditions may lead to the revocation or non renewal of Consent.
- 5.4 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to specific consent conditions that are requested by Consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to amend or vary a Consent condition.

6.0 Fees

- 6.1 The 1982 Act permits a Council to charge reasonable fees for the grant and renewal of Consents. The level of fees applicable takes into account the duration of the Consent, the trading hours, location and the nature of the articles being sold. Details of the current fees can be found in annex 2 and on www.eastcambs.gov.uk. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance. One month's notice of ceasing to trade must be given. Where trading ceases during the term of a Consent refunds will not be given for any outstanding period of less than 1 month.
- 6.2 Applications for annual Consents should be accompanied by an application fee which is set at 10% of the annual fee. If the application is approved, the balance of the quarterly fee will be due in advance of the Consent being issued. If the application is not successful the application fee will be refunded. Daily and Event consents must be accompanied by the full fee.
- 6.3 Reduced fees will be payable by organisers of:

- Non-commercial fetes, carnivals or similar community based and run events. ¹
- Non-commercial, civic, or charitable events. ¹
- Farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
- Sales of articles by householders on land contiguous with their homes. ²

¹ In order to be considered eligible for reduced fees, an event must be promoted with the intention that all money raised (proceeds) from the event will go entirely to purposes that are not for private gain. Money raised by third parties i.e. traders at the event will not be considered as proceeds from the event, and so may be appropriated for private gain, and will not be taken into account when determining eligibility under this paragraph.

² For the purposes of this paragraph "land contiguous" will be construed to be land owned by the householder not including the house itself, i.e. the articles must be placed within any garden or hard-standing area, not on the public highway. Consent may be obtainable to trade on the public highway in such circumstances, but no reduced fee will be available.

7.0 Markets, special events, commercial events, and individual trader one off daily permits.

- 7.1 The authorised weekly markets held throughout the week in Ely, the Christmas Food Flower and Craft held on or around the last Sunday of November, and the Christmas special market held on or around the 23 December are outside the scope of the street trading scheme. Trading at these events/markets is dealt with by the Markets' Team. More information is available on the Council's website.
- 7.2 For special events, and commercial events such as continental street markets, street fairs, craft shows, and events such as those mentioned in paragraph 6.3 above, the Council will issue one Consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them. Applicants wishing to use this provision must provide at least twenty-eight days notice, and availability is strictly on a first come, first served basis.
- 7.3 The Council will require that the ~~applicant~~company produces a list of the individual traders before the trading day, and a signed declaration that the organiser is satisfied that all the traders hold the necessary insurances and certificates for the stall they are running.
- 7.4 Applications for markets, special events, and commercial events will be subject to a reduced consultation process than that required of normal annual consent applicants, however, determination may take up to the full 28 day limit.

7.5 Daily permits for individual traders wishing to trade on a consent street are available. The applicable documents stated on the application form from the list of items detailed in paragraph 4.8~~7~~ must accompany an application, but when determining the application, the consultation stage shall be omitted. No more than sixteen days of trading per Consent Street, per trader or their associate/stall, will be permitted under this provision per annum. All other considerations will be taken into account when determining an application. Applicants wishing to use this provision must provide at least ten clear working days notice, and availability is strictly on a first come, first served basis.

8.0 "Pop-up" Street Food Trading on Private Land

8.1 Pop-up street food trading on private land is a relatively new concept, which is growing in popularity. The pop-up nature of this type of trading requires a different approach to be taken to provide the flexibility necessary, whilst ensuring that such trading from private locations including, pub and social club car parks, and village hall and community centre car

Appendix 1

parks is suitably controlled to promote the objectives of the street trading policy within the district. Due to this a specific scheme has been set up with the kind assistance of the National Caterers Association. Details of this scheme can be found in the following paragraphs.

Host Premises

- 7.5 8.2 Any business wishing to permit a food van to trade from their private land in a way that is controlled by the 1982 Act must apply for a Premises Consent using the specific application form for this purpose. A consultation period will take place in accordance with paragraphs 4.11 and 4.12 of this policy, and the application will be determined in accordance with the same parameters as those for all other applications, as detailed in this policy. Once issued, the premises will be permitted to host any pop-up street food trader holding a street trading consent with the Council.

Pop-up food traders

- 8.3 Any trader wishing to trade freely from any registered host premises in the district who does not wish to apply for a daily permit, and wait the requisite 10 working days for determination, must apply for an annual "Pop-up trader Consent" using the specific application form for this purpose. No consultation period will be required, and if you are registered with the National Caterers Association, a reduced number of supporting documents will be required to be submitted with your application. The application will be determined in accordance with the same relevant parameters as those for all other applications, as detailed in this policy. Once issued, the trader will be permitted to trade from any location holding a Host Premises Consent within the times permitted on the Host Premises Consent, subject only to requiring the host premises permission to use their land.

98.0 Enforcement

- 9.1 The Council is committed to enforcing the provisions contained within the relevant legislation, and will work in partnership with all enforcement agencies to provide consistent enforcement on licensing issues.
- 9.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 9.3 In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Enforcement Policy.
- 9.4 The responsibility for the overall supervision of street trading lies with the Environmental Services Manager.

109.0 Further Information

Further information on the Authority's licensing policy and application process can be obtained from:

Licensing Team
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

T: 01353 665555
E: licensing@eastcambs.gov.uk
Website: www.eastcambs.gov.uk

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Annex 1 – Designated Streets

| Consent Streets |
|--|
| All streets as defined by the 1982 Act with the exception of the prohibited streets listed below. |
| Prohibited Streets |
| Trunk Road A10 within the District Trunk Road A11 within the District Trunk Road A14 within the District |

Annex 2**Current fees applicable to Street Trading Consents**

| Type of goods | Ely (central zone) daily consent fees | | Annual | All other areas (daily consent fees) | | Annual | Transfer | | | | | | | |
|--------------------------|---------------------------------------|--------------|--------|--------------------------------------|--------------|--------|----------|-----|-----|-------|-----|-----|------|-----|
| | Sun to Wed | Thurs to Sat | | Sun to Wed | Thurs to Sat | | | | | | | | | |
| Clothing | £20 | £30 | £1040 | £15 | £20 | £740 | £48 | | | | | | | |
| Electrical spares | | | | | | | | | | | | | | |
| DIY products | | | | | | | | | | | | | | |
| Hot food and drink | | | | | | | | | | | | | | |
| Furniture | | | | | | | | | | | | | | |
| Records, CD's and DVD | £20 | £30 | £780 | £15 | £20 | £480 | £48 | | | | | | | |
| Household cleaning goods | | | | | | | | | | | | | | |
| Books | | | | | | | | | | | | | | |
| Fresh fish | £20 | £20 | £520 | £15 | £15 | £320 | £48 | | | | | | | |
| Fresh meat | | | | | | | | | | | | | | |
| Fruit and Veg | | | | | | | | | | | | | | |
| Delicatessen | | | | | | | | | | | | | | |
| Flowers and Plants | | | | | | | | | | | | | | |
| Ice-cream vendors | | | | | | | | | | | | | | |
| Cakes/ Bakery | | | | | | | | | | | | | | |
| Arts and crafts | | | | | | | | | | | | | | |
| All other traders | | | | | | | | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Host Premises | | | | | | | | N/A | N/A | £1040 | N/A | N/A | £740 | £48 |
| Pop-up food trader | N/A | N/A | £240 | N/A | N/A | £240 | £48 | | | | | | | |

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The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates can be provided. The cost is £10.50.

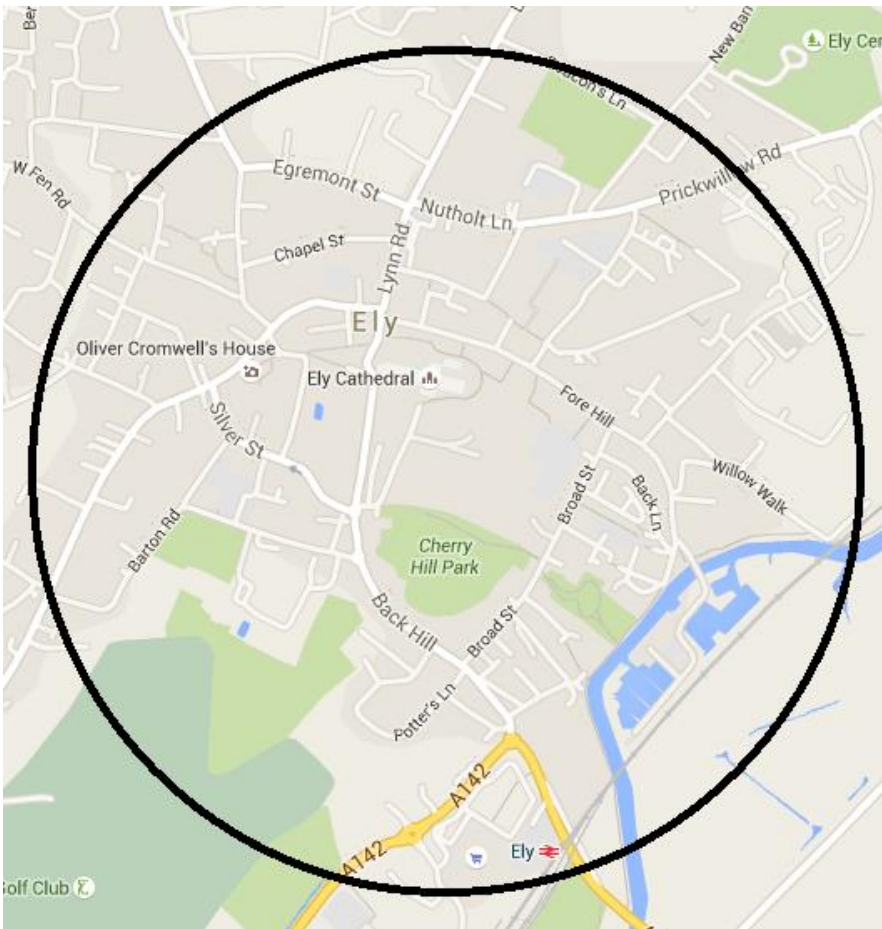
Special Events/Markets/Commercial Events

| Number of stalls | Fee per day of the event |
|------------------|--------------------------|
| 10 – 20 | £100 |
| 21 – 40 | £200 |
| 41 or more | £500 |

Events listed in paragraph 6.3

| |
|--------------------------|
| Fee per day of the event |
| £20 |

Ely central charging zone



Annex 3

Standard conditions applicable to Street Trading Consents

General

These Standard Conditions will apply to all licences unless dis-applied or varied by the Environmental Services Manager, or they are over-ridden by the special conditions for special events/markets.

Standard Conditions

1. Definitions
 - i. 'street' includes –
 - a) any road, footway, beach or other area to which the public have access without payment, and
 - b) a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street
 - ii. 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a street
2. The Consent granted by the Council is personal to the holder.
3. The consent holder (or a person nominated by the consent holder) shall attend in person at the Consent position for not less than 75% of the time on any day which trading is carried out.
4. The street trading consent only relates to the vehicle/premises stipulated within the Consent.
5. The consent holder can only trade in the goods stipulated in the consent.
6. Ancillary items can be sold where relevant to the goods being traded.
7. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent, and goods should not migrate outside of the permitted area.
8. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
9. Any stall, vehicle, van, barrow, or cart authorised by the Council must be equipped with safe and adequate lighting for operation during the hours of darkness.
10. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
11. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
12. The Consent may only be transferred to another person with the prior written consent of the Environmental Services Manager.
13. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
14. The 'permitted hours' will be those stipulated within the Consent.

[Appendix 1](#)

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15. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.
16. The consent holder will vacate the site within 30 minutes of the end of the permitted hours.
17. The consent holder shall not trade in any street designated by the Council as a prohibited street.
18. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
19. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
20. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - b) Cause an obstruction to the vehicles or pedestrians in the street.
 - c) Cause a danger to occupiers of adjoining property or to other users of the street.
21. The consent holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
22. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
23. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.
24. A copy of the Consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
25. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.
26. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
27. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
28. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Items including but not limited to items used for sexual stimulation, and/or weapons likely to cause harm would be considered unsuitable. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.

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29. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Environmental Services Manager.
30. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
31. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which Consent has been granted.
32. Failure to comply with any condition attached to the street trading consent may result in the revocation of such Consent.
33. The holder shall notify the Environmental Services Manager at the Council Offices, The Grange, Nutholt Road, Ely, CB7 4EE in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
34. The holder of a Consent shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
35. The Council may revoke the Consent at any time.
36. The holder will return the Consent to the Council immediately upon revocation or surrender.
37. In the event of the Consent being surrendered or revoked no refunds will be given. Where Consent is withdrawn by the Council for reasons other than an offence or breach being committed, a proportioned refund will be given.
38. The Council may at any time vary these Conditions without notice.
39. If the Consent Holder Street Trades from any Council Land he/she shall indemnify the Council from and against all loss, damage, costs, liabilities and claims whatsoever arising from its use and occupation of the land.22.
40. The Consent Holder and persons manning the stall will ensure their activities do not cause direct and permanent damage the grass and gardens and/or disturb wildlife.

Additional conditions applicable to Special Events/Markets

41. All stalls to be issued with a number that must be displayed on the stall.
42. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
43. The consent holder must not allow the sale of offensive weapons (including imitation firearms, standard firearms, airguns, swords and crossbows)
44. The consent holder must not allow the sale of materials considered offensive, indecent, or considered adult in nature.
45. If the Public Conveniences are required to open beyond 17:00 a charge will be levied in accordance with the Council's fees and charges.
46. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

Street Trading Consent Fees

Individual stall fees

| Type of goods | Ely (central zone) daily consent fees | | Annual | All other areas (daily consent fees) | | Annual | Transfer |
|--------------------------|---------------------------------------|--------------|--------|--------------------------------------|--------------|--------|----------|
| | Sun to Wed | Thurs to Sat | | Sun to Wed | Thurs to Sat | | |
| Clothing | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Electrical spares | | | | | | | |
| DIY products | | | | | | | |
| Hot food and drink | | | | | | | |
| Furniture | | | | | | | |
| Records, CD's and DVD | £20 | £30 | £780 | £15 | £20 | £480 | £48 |
| Household cleaning goods | | | | | | | |
| Books | | | | | | | |
| Fresh fish | £20 | £20 | £520 | £15 | £15 | £320 | £48 |
| Fresh meat | | | | | | | |
| Fruit and Veg | | | | | | | |
| Delicatessen | | | | | | | |
| Flowers and Plants | | | | | | | |
| Ice-cream vendors | | | | | | | |
| Cakes/ Bakery | | | | | | | |
| Arts and crafts | | | | | | | |
| All other traders | £20 | £30 | £1040 | £15 | £20 | £740 | £48 |
| Host Premises | N/A | N/A | £1040 | N/A | N/A | £740 | £48 |
| Pop-up food trader | N/A | N/A | £240 | N/A | N/A | £740 | £48 |

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates cost is £10.50.

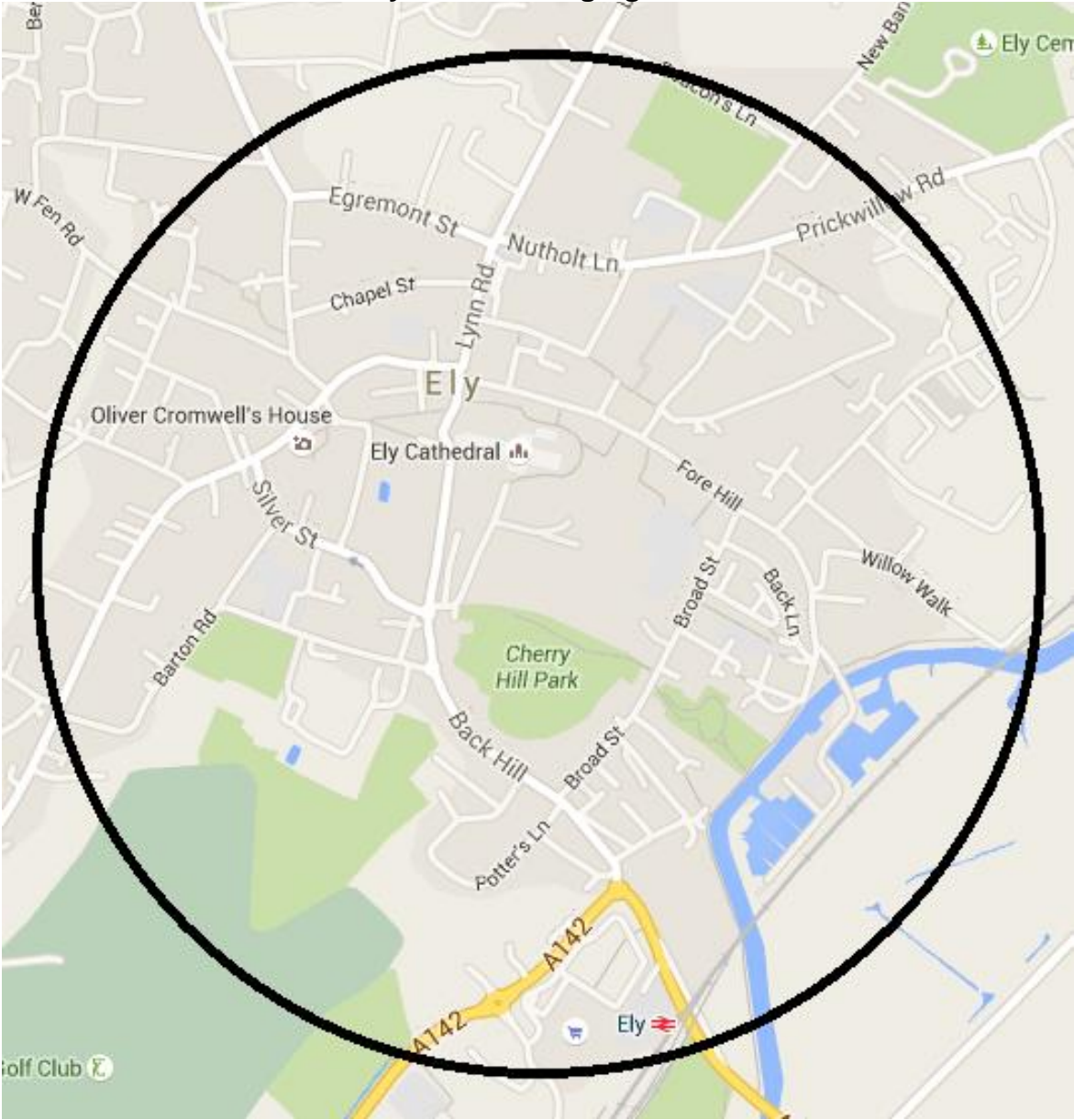
Special Events/ Markets/Commercial Events fees

| Number of stalls | Fee per day of the event |
|------------------|--------------------------|
| 10 – 20 | £100 |
| 21 – 40 | £200 |
| 41 or more | £500 |

Charity/non-commercial events (see paragraph 6.3 in the street trading policy)

| Fee per day of the event |
|--------------------------|
| £20 |

Ely central charging zone



EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING TEMPLATE (IST)

Initial screening needs to take place for all new/revised Council policies. The word ‘policy’, in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an EIA for this activity.

| | |
|--|-----------------------|
| Name of Policy: | Street Trading Policy |
| Lead Officer (responsible for assessment): | Stewart Broome |
| Department: | Licensing |
| Others Involved in the Assessment (i.e. peer review, external challenge): | |
| Date Initial Screening Completed: | 23/3/2018 |

(a) What is the policy trying to achieve? i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

| |
|---|
| A framework to assist members of the public, Officers and Committee Members with regards to controlling street trading in the district. |
|---|

(b) Who are its main beneficiaries? i.e. who will be affected by the policy?

| |
|--|
| Persons who wish to sell goods, or hold events that will sell goods on controlled streets (as defined by the Local Government (Miscellaneous Provisions) Act 1982 within the district. |
|--|

(c) Is this assessment informed by any information or background data? i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

| |
|--|
| Yes, previous consultation in 2015 and working with the policy |
|--|

(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics? (please tick all that apply):

| | | | |
|----------------------------------|--------------------------|---|--------------------------|
| Ethnicity | <input type="checkbox"/> | Age | <input type="checkbox"/> |
| Gender | <input type="checkbox"/> | Religion or Belief | <input type="checkbox"/> |
| Disability | <input type="checkbox"/> | Sexual Orientation | <input type="checkbox"/> |
| Gender Reassignment | <input type="checkbox"/> | Marriage & Civil Partnership | <input type="checkbox"/> |
| Pregnancy & Maternity | <input type="checkbox"/> | Caring Responsibilities | <input type="checkbox"/> |

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

| |
|---|
| This policy affects all applicants and licence holders equally. |
|---|

(e) Does the policy affect service users or the wider community?

| |
|------------|
| YES |
|------------|

- (f) Does the policy have a significant effect on how services are delivered?
- (g) Will it have a significant effect on how other organisations operate?
- (h) Does it involve a significant commitment of resources?
- (i) Does it relate to an area where there are known inequalities, e.g. disabled people's access to public transport etc?

| |
|-----------|
| NO |
| NO |
| NO |
| NO |

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment (EIA). If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council's Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to the Principal HR Officer.

Signatures:

Completing Officer: Stewart Broome **Date:** 23/3/2018

Head of Service: Liz Knox **Date:** 23/3/2018

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

| Meeting on: 8 th December 2021 9:30am | | Meeting on: 9 th February 2022 9:30am | | Meeting on: 9 th March 2022 9:30am | |
|---|---|--|---|---|---|
| Deadline for reports/dispatch: 26 th November 2021 | | Deadline for reports/dispatch: 31 st January 2022 | | Deadline for reports/dispatch: 1 st March 2022 | |
| • Chairman's Announcements | | • Chairman's Announcements | | • Chairman's Announcements | |
| • Forward Agenda Plan | | • Forward Agenda Plan | | • Forward Agenda Plan | |
| • Licensing Officers Update | S Broome Senior Licensing Officer | • Licensing Officers Update | S Broome Senior Licensing Officer | • Licensing Officers Update | S Broome Senior Licensing Officer |
| • CCTV in Taxis | S Broome Senior Licensing Officer | | | | |
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