

Environmental Development

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109-113 St Aldate's

Oxford OX1 1DS

Central Number: 01865 249811

www.oxford.gov.uk4th April 2012

Dear,

Designation of Streets for Street Trading - Fee Proposal

I am writing to inform you that Oxford City Council has made amendments to the Street Trading Scheme in Oxford. As of 1st February 2012 all streets in Oxford became Consent Streets for the purposes of Street Trading.

The Council is seeking views on its proposed Street Trading Consent fees for consent streets **outside** of the City centre. The City centre area is defined as the area within Folly Bridge, Magdalen Bridge, Osney Bridge and Bevington Road. The proposed fees for all other traders **outside** of the City Centre are as follows:

- Annual consent – £2600
- Six months - £1300
- Three months - £650
- One month - £220
- One week - £60

If you wish to make a representation relating to this proposal you must do so in writing within 21 days. Representations should be sent to the Head of Environmental Development at the above address or email: street_trading@oxford.gov.uk.

Any representations received within the 21 day period will be taken into account by the Council before it considers the final fee.

Yours sincerely,

Dawn Cox
Miscellaneous Licensing Team Leader



INVESTORS
 IN PEOPLE



HOWELL Samantha J.

From: paul [paulrowcliffe@yahoo.co.uk]
Posted At: 12 April 2012 15:42
Conversation: fee proposal
Posted To: street_trading@oxford.gov.uk
Subject: fee proposal

Dear Madam

Many thanks for your letter dated 04th April 12 with respect to the proposal to charge a fee to Street Traders

i am the proprietor of the fillin station snack bar which operates in watlington road Cowley and on a piece of Private ground off the main highway. I must admit that your letter has left me slightly confused in as much that, when i started this business almost three years ago, i telephoned Oxford City Council and enquired as to whether i needed a licence to operate on this site and if there was a fee , i was informed that i would not need a licence but that i would need to register with the enviromental health department .This i did and i have been inspected by that department since as well as by the E.H.O. in Swndon where i reside

Am i now to believe that you have changed the rules regarding trading on private land if so this is going to affect my business dramatically especially with a quite small profit margin which as i am sure you are aware has already been depleted by the cost of raw ingredients rising over the past few months. i realise that i am not the only one in this position but with respect i do object strongly to be asked to hand over another £2600 of my annual profit which appears to me to be just another way for the local authority to raise funds

If however this letter has been sent out to all those on a database of premises which are covered by the enviromental health department for food hygiene inspections and that the rules regarding private lands have not changed i would ask that you clarify this in a letter or e mail

I do not wish to be obstructive in this matter i am merely safeguarding my business concerns

Yours Sincerely

Paul Rowcliffe

Flat 10 Whitworth Place

Canal Street

OX2 6BZ

Head of Environmental Development

Oxford City Council

St Aldates Chambers

109 – 113 St Aldates

OX1 1DS

19/04/12

Reference – Representations on the Designation of Street Fee Proposal

Dear Mr Copley,

Introduction

Thank you for your letter dated 04 April 2012 concerning the above. As a sole trader, single father, and recipient of Housing Benefit from Oxford City Council the above proposal and fee structure if introduced in its current form will severely affect my net income. In turn this will affect my ability to support my child, my business, my future, and possibly my employment status. There are some elements of your proposal that I fully support but feel that there are others that could be modified, making the scheme fairer and easier to administer.

My Current Trading Details

I have a small food business in Oxford which I set up a couple of years ago following redundancy and a period of unemployment. The business has a couple elements to it, one of which is seasonal and relies on a number of locations at different times of the day and days of the week in and around Oxford. None of the four locations that I use are covered by the original Consent and Prohibitive Street scheme and could therefore attract up to four lots of fees.

My current trading locations	Estimated Fee
1. Hot food – Organic Bacon and Hot Drinks	
From a “Stop me and Buy One” type tricycle dimensions	
1M X 2M (no generator)	
(a) Oxford Train Station most mornings up to 1pm term times and 2pm out of term	£2600
(b) Far end of Mill Street Mon – Fri term time 1pm – 2pm	£2600
2. Organic Ice Cream, Salad Rolls, Hot and Cold Drinks	
From a “Stop me and Buy one” type tricycle dimensions	
@2M X 2M, Ice Cream refrigeration powered by Solar Panels	
(c) Parks Road north of Museum Road outside Natural History from April - October, Mon – Fri on sunny afternoons	£1300
(d) Port Meadow at the end of Walton Well Road from April- October, Sat + Sun on sunny afternoons	£1300
Total	£7800

Financial Effects

I originally wrote to you on 09/09/11 and have since completed my first full year HMRC trading tax return for 2010 – 2011. My net profit before tax was £8670. Since then my daughter has had to move in with me and with no financial support from her Mother things have become increasingly difficult. The result is that I have been forced to move into a flat to house my daughter and to assist me with these costs I am claiming Housing Benefit, Working Tax Credit and Child Tax Credit. If the Council were to adopt the proposed fees and apply them to my business my net profit would be reduced to £870 PA. I would then need to apply for additional Housing Benefit and Council Tax Benefit. This increase would be about £5000 PA but the net effect would reduce my overall income by @£2800 PA.

i.e.

Net Profit 2010-2011	£8670
Est. Profit 2012 -2013	£870 (£8670 - £7800 proposed fees)
Plus Additional Housing Benefit	£5000
Total income 2012 -2013	£5870 (£870 + £5000)
Difference between 2010/2011 and 2012/2013	-£2800 (£8670 - £5870)

The direct impact would be that I could no longer afford to house my daughter. It may also force me completely out of business and into unemployment (again). Somehow this seems unfair given that I am actually trying very hard to look after my own affairs. I have invested a huge amount of effort into my business and have tried to keep it low impact, organic, good value, tourist friendly, minimum waste in food, packaging and carbon footprint. I also have a 5-star food hygiene quality rating, providing vegetarian and Halal options. On Port Meadow I also run rubbish pickup schemes for children (accompanied by adults) in return for free ice creams.

What I accept and object to

1. I accept that I should be paying street trading fees for activities located on "Streets" and request that I can be issued with one six month licence to cover two Cold Food activities at the locations given above i.e. Natural History Museum Mon – Fri and Port Meadow Sat + Sun.
2. I also accept that I should pay some sort of fee to trade for one hour per day during term time on Mill Street but do not believe that a charge of £2600 PA is fair.
3. I object to paying £2600 PA for trading on private land at the Train Station as I already have a commercial agreement with First Great Western. FGW is already paying you Business Rates for its site, which effectively covers my activities.

Other Scenarios

If the Council were to fully adopt the scheme as it is presented then I believe it will affect absolutely anyone selling anything on the street. My concern is that all those affected or those who are likely to be affected may not have fully understood the implications of this proposal. I detail some examples that have hopefully already been considered.

1. Big Issue Sellers
2. Home garage sales
3. Market type stalls in the Castle complex
4. Stalls in the Westgate and other shopping centres such as Temple Cowley etc
5. Sightseeing tour booths in Broad Street
6. Tourist walking tours sold on the street
7. Traders within University Parks and Christchurch Meadow
8. Mobile fresh fish vans and mobile shops including speciality Greek, Polish and Italian to name a few that go street to street
9. Traders outside G&Ds in St Aldates and other retail add-on type activities
10. Fetes, jumble sales

11. Lemonade stands run by Children

12. Roadside car sales

Suggested recommendations/ideas

Given the potential scope of your proposal I would like to make the following recommendations and provide a few ideas.

1. That fees are only chargeable on Council owned or managed land such as parks, roads and roadsides
2. That a fee is only charged when a minimum income is exceeded, eliminating the following
 - Lemonade stands
 - Big Issue Sellers
 - Garage sales
3. That a fee structure be created for part-time Street trading to cover sites such as the example given in Mill Street.
4. That a one off fee is introduced for the sale of any one high value car/item e.g. £50 per car valued at more than £3000.
5. That you allow traders to combine locations for one fee as given in my ice cream example.
6. That fees could be increased where traders are exceeding an upper limit and this fee could be linked to a % of their tax return as issued by HMRC.

Finally I ask that you attach this submission to any Council Meeting notes on this subject.

Yours sincerely



Alan Joyce

Copies Head of Housing Benefit Oxford City Council
 Councillor Jean Fooks
 Councillor Colin Cook
 Samantha Howell



L. M. BAYLISS
21. CROSSLANDS DRIVE
ABINGDON.
OX 14 1JY.

23/4/12.

DEAR DAWN,

HAVING RECENTLY RECEIVED YOUR LETTER WITH REGARDS TO THE PROPOSED STREET TRADING FEE. MY MOBILE CATERING VAN IS LOCATED IN THE CAR PARK OF WICKES D.I.Y STORE. BOTLEY ROAD OXFORD. AS I PAY WICKES A WEEKLY RENT TO BE IN THEIR CAR PARK. AM I STILL EXPECTED TO PAY THE PROPOSED STREET TRADING FEE AS WELL?

AS I AM SURE YOU ARE AWARE. ALL IS NOT ROSEY IN THIS PRESENT CLIMATE, AND SHOULD I HAVE TO PAY THIS ADDITIONAL CHARGE. I WOULD HAVE TO LOOK AT WHETHER I COULD STILL AFFORD TO DO WHAT I DO.

I LOOK FORWARD TO HEARING FROM YOU ON THIS MATTER.

YOURS SINCERELY.

Handwritten signature of L. M. Bayliss.

L. M. BAYLISS

Agenda Item 4

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To: General Purposes Licensing Committee
Date: 22 February 2012 **Item No:**
Report of: Head of Environmental Development
Title of Report: Licence Fees 2012/13

Summary and Recommendations

Purpose of report: To seek agreement of the licence fees for 2012/13 where the Council has discretion over the level of fee charged.

Report Approved by:

Finance: Paul Swaffied
Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

Committee is recommended to:

- (a) note the licence fees set by statute,
- (b) request the Head of Environmental Development to consult on the proposed fees, as set out in paragraph 19, for new Street Trading Consents that are required as a consequence of the extension the scheme,
- (c) agree the other licence fees for 2012/13 as set out in Appendix One, and
- (d) receive a further report reviewing the Street Trading Policy to incorporate the extension of the scheme to the whole of the Oxford City Council area.

Introduction

1. The purpose of this report is to establish the licence fees that should apply for 2012/13, for those activities where the Council has discretion. This report does not cover the fees for Licensing and Gambling Act

activities, which are reported separately to the Licensing and Gambling Acts Committee.

2. The fees recommended are appended. The Committee is recommended to agree to the introduction of fees for some elements of taxi licensing administration that are currently carried out free of charge. A new fee structure is proposed for Street Trading activities following the regulation of street trading across the whole of the city. The Committee is recommended to increase the current Street Trading licence fees in line with inflation, and to consult on the fee levels that should apply for the new Consents that are required because of the extension of the scheme. The report also recommends that a review of the Street Trading Policy is carried out with the intention of incorporating the new provisions relating to the scheme extension into it.
3. The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings, regulation, enforcement and appeals.

Licence fees set by the Council

Acupuncture, tattooing, electrolysis and ear piercing
Animal Boarding Establishments
Commercial Events
Dangerous Wild Animals
Hackney Carriage and Private Hire Licenses
Motor Salvage Operators
Pavement Café Licences
Pet Shop
Riding Establishments
Sex Establishments
Street Trading Consents

Licence fees set by statute

Integrated Pollution Prevention and Control Permits

Sex Establishments

4. On the 3rd October 2010, the General Purposes Licensing Committee approved the report of the Head of Environmental Development detailing the costs applicable to the licensing of Sex Establishments (Sex Shops), following a request to determine the "reasonable fee" charged for this purpose. It is recommended that an increase in line with inflation is applied to the fees for Sex Establishment Licences.

Sexual Entertainment Venues

4. On 9th June 2010, the General Purposes Licensing Committee approved the report of the Head of Environmental Development detailing the level of fee to be set for the licensing of such premises. It is recommended that an increase in line with inflation is applied to the fees for Sexual Entertainment Venue licences.

Hackney Carriage and Private Hire Licence Fees and Administrative Charges

5. The procedure for changing Hackney Carriage and Private Hire Licence fees requires consultation and all relevant objections must be considered before making any changes. An extensive review of the costs of providing administrative functions for taxi licensing was carried out in 2011. Following consultation with the taxi companies, a number of charges were approved by the General Purposes Licensing Committee on 1st March 2011. These functions were previously carried out free of charge. The additional income from these charges means that the cost of providing the Taxi Licensing service can be recovered without increasing the base Licence fees this year.
6. The following three additional charges and one increase are now proposed to the Committee for approval.
 - Introduction of a charge for processing the application for a Private Hire Vehicle to be granted an Exemption Notice: £50 (permission not to display a licence plate and door stickers on executive or chauffeur-driven vehicles used for contract work as permitted under Section 75(3) Local Government Miscellaneous Provisions Act 1976)
 - Introduction of a charge for processing amendments to the licence held by a Private Hire Operator: £25
 - Introduction of a charge for recovering the costs of following up an unpaid cheque: £30
 - A small increase in the charge for an Enhanced Criminal Records Bureau Disclosure, to cover the Bureau's own increase in charge to the Council: £50 (from £43).

Commercial Events

7. The making of Temporary Road Closure Orders under the Town Police Clauses Act 1847 is a discretionary service and the Council may make a charge for carrying it out, as long as the charge does not exceed the costs to the authority. A number of Road Closure applications have been made in the last year for events involving a commercial element, such as for a Continental Market. It is proposed that a fee of between

£100 and £300 is set rather than the current fixed fee of £250. The actual fee levied would be calculated to recover the cost of officer time and materials in carrying out this function and would therefore relate to the size of the event.

Street Parties

8. The Council wishes to support the organisers of community based events such as street parties. It is, therefore, proposed to continue with the current practice of making no charge for small street parties or community events.

Motor Salvage Operators

9. It is proposed to increase the current charge to ensure full cost recovery for providing this service, as liaison with Thames Valley Police has led to enforcement operations being undertaken.

Street Trading

10. The General Purposes Licensing Committee on 19th October 2011 agreed a report on the Designation of Streets for Street Trading and requested the Head of Environmental Development to include a fee for daytime trading for sites outside the City centre and for community / charitable events in the review of fees and charges for 2012/13.
11. With regard to setting fees for Street Trading, the Local Government (Miscellaneous) Provisions Act 1982, Schedule 4, Part 9 states:

“(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.”
12. Following Council resolution on the 19th December 2011, the statutory processes have now been completed, and the designation of all streets across the City as Consent Streets came into effect on the 1st February 2012. The extension of the scheme enables the Council to regulate Street Trading that was previously unregulated. Street Trading such as food vans operating outside the City centre will now require the Council's consent. In addition, this extension of the scheme will enable

enforcement action to be taken against the selling of vehicles from the side of the road.

13. The fee levels for the street trading activities that have been drawn into licensing by the extension of the scheme should now be determined. It is recommended that these should be at a lower level than in the City centre to reflect the lower costs of administration and regulation.
14. The current evening food traders at Headington and Summertown are covered by the existing scheme and will continue to pay fees that are in line with City centre traders. They operate into the early hours of the morning and the resources required to regulate them are higher than those who operate outside the City centre during the day.
15. A benchmarking exercise has been undertaken with local authorities in our DEFRA grouping, predominantly drawn from Cheltenham BC, Hastings BC, Crawley BC, Wolverhampton City Council and Telford & Wrekin Council. The specific factors that were compared were fee levels, the period of consent, whether there was a licence or consent scheme, delegated powers, conditions of licence, consultation processes and the number of consents issued.
16. For commercial ventures such as Christmas/Continental markets, the fee for commercial Street Trading events should apply. There will be no fee for Street Trading at non-commercial, community or charitable events where the profits are not used for private gain or are wholly passed to a charity or educational organisation.
17. Committee is requested to consider and approve, or vary, the fee structure proposed in paragraph 19, that would include the City centre area, evening food traders, and all other traders (in areas outside the City centre). It is proposed that the City centre area should be defined as the area within Folly Bridge, Magdalen Bridge, Osney Bridge and Bevington Road.
18. It is recommended that the increases in line with inflation should be approved for the City centre and evening trading and that consultation is carried out on the new fees that are proposed for all other traders at paragraph 19 and in the appendix. It is also recommended that a review of the Street Trading Policy is carried out to incorporate the extension of the scheme to the whole of the Oxford City Council area.

19.

Street Trading Consents	2011/12	2012/13
City Centre & Evening Traders		
Annual consent	£7,000	£7,315
Six months	£3,600	£3,762
Three months	£1,750	£1,829
One month	£585	£611
One week	£155	£162
All Other Traders		
Annual consent	Not listed	£2,600
Six months	Not listed	£1,300
Three months	Not listed	£650
One month	Not listed	£220
One week	Not listed	£60
Commercial Events e.g. Christmas / Continental Markets	Not listed	£20 per stall per day (min £120)
Non-commercial, community or charity events	Not listed	No fee
Consent badge (replacement)	£25	£25

Financial Implications

20. The projected income from this licensing tariff is included in the Council's budget estimates for 2012/13.

Legal Implications

21. The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute. The power to levy fees is contained in the legislation relevant to each function or in the Local Government Act 2003 in relation to discretionary services. Licensing is not a revenue raising function and fees should reasonably represent the costs of carrying out the function, as set out in paragraph 3.

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Background papers: None

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