



Report to:	Licensing Committee	Date:	8 March 2016
Report title:	Licence Fees Approval		
Report from:	Mary Morrissey, Strategic Director Environment, Housing and Regeneration		
Ward/Areas affected:	Borough Wide		
Chair of Committee/Lead Member:	Councillor Mary Burstow		
Author(s)/Contact Number(s):	Richard Winch, Licensing Manager, 020 8770 5622		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • An Open Council • A Fair Council • A Smart Council 		
Open/Exempt:	Open		
Signed:			Date: 22 February 2016

1. Summary

- 1.1 This report sets out the proposed fees for Street Trading, Special Treatment and Animal Licence fees for 2015/16.

2. Recommendations

- 2.1 That no increase is applied to the Market Traders fees, set out in appendix A, to ensure service costs are fully recovered on the ring fenced cost centre.
- 2.2 That the proposed Temporary Street Trading, Special Treatment and Animal licence fees, set out in Appendix B, are approved to ensure cost recovery for the service.

3. Background

- 3.1 The London Local Authorities Act 1990 as amended requires the Licensing Authority to set fees for street trading licences every year, irrespective of whether there are proposed increases or not.
- 3.2 The fees must ensure cost recovery for the service provided and must not generate a profit. Street Trading is split between Market Traders cost centre and Temporary Street Trading cost centre.



- 3.3 The act requires that the proposed fees are advertised for a period of 28 days. This consultation ended on 18th February and no responses were received.
- 3.4 Special Treatment Licences are issued under the London Local Authorities Act 1991 which requires the licence fee to be reasonable.
- 3.5 There are 5 separate pieces of legislation in relation to animal licensing. They all also require the Authority to set a 'reasonable' licence fee for the various licence types.
- 3.6 Sutton uses the City of London Animal Health and Welfare Service to conduct inspections in relation to animal welfare for all the licence types. This includes investigating complaints when the specialist services of veterinary surgeons or animal health inspectors are required. The cost of this service plus the administrative costs of the Authority determines the licence fee.

4. Issues

- 4.1 Case law (*Hemming v Westminster & Cummings & Ors v Cardiff CC*) confirms that the fee setting process should take into account any surplus or deficit from the previous year's accounts.
- 4.2 The outturn for the 2013/14 year for Market Traders resulted in a surplus of £20,000. On the 10 March 2015 the Licensing Committee resolved to freeze the fees as the predicted income based on a 0% increase in fees and the full operating costs of the service should balance this cost centre over a 2 year period.
- 4.3 The outturn for the 2014/15 year for Market Traders resulted in a surplus of £13,954 and the estimated income for 2015/16 should result in this surplus reducing to £9,000. Approving a 0% increase on fees this year should balance this surplus based on the predicted income for 2016/17.
- 4.4 The outturn for the 2014/15 year for Temporary Traders resulted in a zero balance. A 0% increase in fees should result in cost recovery for the service based on the cost of the service and estimated income.
- 4.5 Following a review of the Temporary Fees and feedback from interested parties the fee structure for speciality markets has been amended to ensure that markets are not deterred from trading in the borough.
- 4.6 The remaining fees subject to this report are not ring fenced accounts.

5 Options Considered

- 5.1 No increase to the current fees for Market Traders to achieve balancing the cost centre over a 2 year period.
- 5.2 To fully balance the surplus on the Market Traders account a reduction in licence fees would be required this year. This would then probably require an increase the following year to ensure cost recovery.



- 5.3 No increase to the Temporary Traders fees to achieve cost recovery for the service.
- 5.4 If the proposed fees for Temporary Traders are increased it would result in a surplus which would not comply with the legislation.
- 5.5 No increase to the remaining fees subject to this report to ensure cost recovery of the service.
- 5.6 An increase in these fees would result in the service generating a profit which is not compliant with the Hemmings judgement.

6 Impacts and Implications

Financial

- 6.1 The recommended fees should ensure the full recovery of costs for the Market trading Account and the Temporary Traders account. This is in line with legislation that ensures a surplus or deficit is not generated for these trading accounts.
- 6.2 The Market trading Account had a surplus of £13,954 brought forward into the current financial year, the proposed 0% increase in fees should ensure this is balanced over the next year.

Legal

- 6.3 If fees are increased beyond enabling cost recovery of the service it would be contrary to the requirements of the legislation and would make the authority liable to legal challenge.

7 Appendices and Background Documents

Appendix Letter	Title
A	Proposed Street Trading Licence Fees
B	Breakdown of Proposed Street Trading Fees

Background Documents
None

Audit Trail		
Version	Final	22 February 2016
Consultation with other officers		
Officer	Comments Sought	Comments checked by
Finance	Yes	Christine Little
Legal	Yes	Peter Rollins

**Appendix A****ANNUAL STREET TRADING LICENCE**

High Street Sutton (Market Area) (subject to minimum of £31.50 per week per single pitch)	£10.50 per day per single pitch
New Trader High Street Sutton (Market Area) (subject to a minimum of £22.50 per single pitch per week limited to first 3 months)	£7.50 per day per single pitch
The Market Wrythe Lane/Rosehill	£627
Woodmansterne Lane	£183.50
Changes in goods categories – within guidelines	£27
Changes in goods categories – in breach of guidelines	£106



Appendix B

Street Trading Fees

TEMPORARY LICENCES for up to six months

Trading in food not more than 2 days a week	£240
Trading in food more than 2 days a week	£480
Trading in cars more than 2 days a week (per car)	£234
Single day trading	£37
Trading for less than 6 months pro rata subject to a minimum of 50%	£207
Trading from pavement outside shop by the shopkeeper	£123
Pavements Cafes – Sutton High Street up to - 3 square metres	£600
Pavements Cafes – Sutton High Street up to - 4 - 6 square metres	£700
Pavements Cafes – Sutton High Street up to - 6 - 8 square metres	£800
Pavements Cafes – Sutton High Street up to - 8 square metres and above	£900
Speciality Markets – up to 7 days (fee payable by organiser)	
Up to 10 stalls	£350
11 to 20 stalls	£600
21 to 30 stalls	£850
31 to 40 stalls	£1,100
Over 41 stalls	£1,350
Each subsequent week	£350
Buskers selling recordings of their own work (3 month licence)	£66
Casual Traders in Sutton High Street per pitch per day (Mon – Fri)	£23
Casual Traders in Sutton High Street per pitch per day (Sat & Sun)	£33

Animal Fees

Pet Shop Licence	£328
Dangerous Wild Animal licence	£372
Riding Establishments	£496
Dog Breeders Licence	£278
Animal Boarding Establishment	£267
Animal Boarding Establishment (Domestic up to 3 animals)	£127
Performing Animal Registration	£272
Zoo Licence	£603

Special Treatment Fees

Special Treatment Licence - New Application	£440
Special Treatment Licence – Renewal	£330
Special Treatment Licence – Transfer	£50
Special Treatment Licence – Variation	£50

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