



FEES TOOLKIT – LEGISLATION OVERVIEW

Subject heading	STREET TRADING LICENCE & CONSENT FEES
<p>Legislation</p>	<p>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982</p> <p>Schedule 4</p> <p>9(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or consent.</p> <p>9(2) A council may determine different fees for differing types of licence or consent and, in particular, but without prejudice to the generality of this subparagraph, may determine fees differing according –</p> <ul style="list-style-type: none"> 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 <p>9(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 to the applicant if the application is refused.</p> <p>9(4) A council may determine that fees may be paid by instalments</p> <p>9(5) Where a consent is surrendered or revoked the council shall remit or refund, as they consider appropriate, the whole or part of any fee paid for the grant or renewal of the consent.</p> <p>9(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.</p> <p>9(7) Where a licence is-</p> <ul style="list-style-type: none"> 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- <ul style="list-style-type: none"> I. Of any fee paid for the grant or renewal of the licence; or

	<p>II. Of any charges recoverable under sub-paragraph (6) above</p> <p>9(8) The council may determine-</p> <p>A. That charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or</p> <p>B. That they shall be separately recoverable</p> <p>9(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council-</p> <p>A. Shall give notice of the proposed charges to licence-holders; and</p> <p>B. Shall publish notice of the proposed charges in a local newspaper circulating in their area.</p> <p>9(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</p> <p>9(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.</p> <p>Case Law – R. V. Manchester City Council 1991 – Cannot set fees to raise funds generally.</p> <p>EU SERVICES DIRECTIVE – Street trading is in Scope.</p>
<p>Checklist of possible charges to be included (at discretion of each Authority)</p> <p>These will be entered into the 'Central Recharges (excluding direct costs)' field in the cost summary worksheet.</p>	<p><u>Central Recharges</u></p> <ul style="list-style-type: none"> • Accommodation • Internal Recharges (contact centre, finance, I.T, Legal, Democratic, etc) • Welsh Translation costs
<p>Checklist of possible charges to be included (at discretion of each Authority)</p> <p>These will be entered into the 'Direct Costs' field in the cost summary worksheet.</p>	<p><u>Direct Costs</u></p> <ul style="list-style-type: none"> • IT Provisions • Supplies (excluding 'materials' as they are included in the process maps) • Services • Subscriptions/Membership • Stationary/Printing

	<ul style="list-style-type: none"> • Training cost • Mileage / Subsistence • Advertising fees
<p>Overview of what activities the legislation allows for cost recovery e.g. admin, processing, monitoring compliance, enforcement etc.</p> <p>These will be entered into the 'Other Charges' worksheet.</p>	<p><u>Other Charges – within normal working hours</u></p> <p>General administration</p> <ul style="list-style-type: none"> • General Photocopying e.g. application packs • Ordering goods or services in relation to subject area • Web development • Budget work • Audit/reconciliation • Management functions relevant to the licence <p>Service Requests/Enquiries</p> <ul style="list-style-type: none"> • Pre application enquiries • Business expansions • Clarifications of licences <p>Compliance and enforcement (licensed or consent holders)</p> <ul style="list-style-type: none"> • Inspections (licensed or consent holders) • Surveillance • Travel time <p>Projects/policies/strategies</p> <ul style="list-style-type: none"> • Casework • Meetings including travel time • Reports <p>Meetings/Team Meetings/Regional Meetings</p> <ul style="list-style-type: none"> • Administration time • Meeting time • Venue cost • Travelling <p>Training Time (excluding cost of training as this is a 'direct' cost)</p>

<p>Checklist of what charges/activities the legislation allows for cost recovery. These charges will be split between relevant applications only. (see guidance)</p> <p>These will be entered into Table 2 – Specific charges table in the ‘other charges’ worksheet.</p>	<p><u>Specific Charges</u></p> <ul style="list-style-type: none"> • ‘out of hours’ travel, surveillance, compliance and enforcement (licensed or consent holders) time • Advertising fees (for street cleansing etc...)
<p>Checklist of possible charges to be excluded</p> <p>These will be entered into the ‘non chargeable’ worksheet.</p>	<p><u>Non Chargeable</u></p> <ul style="list-style-type: none"> • Freedom of Information requests • Data Protection Act requests <p>Enforcement (unlicensed only)</p> <ul style="list-style-type: none"> • Enforcement Action • Travel and surveillance time • Actions relating to the Enforcement eg updating, letters, up to the point of start of prosecution file
<p>Process map</p>	<p>Application Process (more detail in process map)</p>