

REPORT

To: GENERAL PURPOSES COMMITTEE		Subject: RATIONALISATION OF FORMER LICENSING SYSTEMS - STREET TRADER'S LICENCES
From: HEAD OF LEGAL SERVICES		
Date: 23 July, 1996	Ref: WBK/MRP/EH	

1 Introduction

All the merged authorities resolved that a Street Trader's Licence would be required for selling goods or services on the street. Whilst the practices and policies which evolved were similar there are a number of differences and the purpose of this report is to highlight the differences, outline areas for consideration and make recommendations.

2 Areas of Operation

Street trading is essentially peripatetic in nature and generally traders are allowed to trade in the areas which they have indicated on their application forms. There are some exceptions to this in that some traders only wish to trade from a static pitch but these are generally in the minority.

Mobile traders will over the years establish their own "patch" and usually (although not always) that patch will be respected by other traders trading in the same or similar goods. Sometimes however problems can arise as happened in Moodiesburn some years ago when there was conflict between the ice cream traders. Now only four ice cream vans are permitted to trade in Moodiesburn.

In order to ease potential conflict each authority imposed as a condition of a Street Trader's Licence a provision whereby the trader could not trade within 50 metres (Cumbernauld, Motherwell and Monklands) or 100 metres (Strathkelvin) of an establishment or premise which sold similar goods or articles. No authority however imposed any condition restricting waiting time when not serving.

Members are asked to give consideration to the foregoing particularly with reference to a minimum distance to which a trader can trade from an establishment offering the same or similar services and a maximum waiting time for mobile traders when not serving.

3 Hours of Operation

The maximum trading hours of operation generally allowed by the former authorities were as follows:-

Motherwell - 5 am until 12 midnight 7 days a week

Monklands	-	ice cream vans	-	10 am until 10 pm	7 days a week
		others	-	7 am until 11 pm	7 days a week
Cumbernauld	-	mobile traders	-	12 noon until 10.30 pm	7 days a week
		(ice cream and fish and chip vans)			
		static traders	-	7 am until 12 midnight	Sunday until Wednesday
		(snack bars)	-	7 am until 1 am	Thursday until Saturday
Strathkelvin	-			10 am until 11 pm	7 days a week

Whilst it would be an option to continue to operate these policy hours for each of the former local authority areas it is suggested that some rationalisation throughout the whole of the North Lanarkshire area would be appropriate. If so minded to rationalise then consideration will require to be given as to whether ice cream vans and other types of trading should have more restricted hours as in the case of Monklands and Cumbernauld and Kilsyth. It is recommended that trading hours in respect of food and refreshments should not exceed the hours decided upon in connection with late hours catering licences.

4 Licence Fees and Durations

The actual fees and durations for licences issued by the former authorities is as per the Appendix Table 1. Monklands District Council had separate fees for employers and employees whilst the other authorities didn't but licenced both. Table 2 of the Appendix shows what the fees would be based on a three year licence and also the fee which would be required to maintain existing income.

It is now desirable to rationalise the different fees if only on an arithmetic basis. If minded to rationalise members may also wish to consider whether separate fees should be payable for employers and employees licences. It is usually the employer who owns the van or stall and the business whilst the employee(s) are often younger and work temporarily from the van or stall.

It is recommended that the same fee be adopted for both new applications and renewals and if it is considered appropriate to charge less for employees licences, then a fee of £80 for those licences and £130 for employers licences would maintain present levels of income.

5 Recommendations

In respect of new grants and renewals:-

- 5.1 To decide upon a minimum distance that traders can trade from an establishment selling or providing a similar service. The present distances range from 50 to 100 metres. It is recommended that 100 metres be adopted.
- 5.2 To impose a maximum waiting time on mobile traders if not serving. It is suggested that 20 minutes would be considered appropriate.

- 5.3 To adopt, if considered necessary, uniform hours of operation throughout North Lanarkshire. Members may consider the following appropriate:-
- (a) 10.00 am to 11.00 pm, 7 days a week for mobile traders.
 - (b) For static hot food traders the same terminal hour as for late hour catering licence.
- 5.4 To adopt, if considered appropriate, a unified fee and duration for licences. It is suggested that 3 years be adopted for duration, and fees of £130 for employers and £80 for employees' licences.

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Head of Legal Services

APPENDIX

TABLE 1

	Application Fee £	Renewal Fee £	Duration Years
Motherwell	100	100	2
Monklands	125 (employers) 30 (employee)	75 (employers) 20 (employee)	3 1
Cumbernauld and Kilsyth	132	132	3
Strathkelvin	40	40	3

TABLE 2

FEE BASED ON 3 YEAR LICENCE

	Application	Renewal
Motherwell	150	150
Monklands	125 (employers) 90 (employee)	75 (employers) 60 (employee)
Cumbernauld and Kilsyth	132	132
Strathkelvin	40	40

Fee Required to Maintain Present Income

Application £100	or	Application
Renewal £100		(employer) 130 (employee) 80
		Renewal
		(employer) 130 (employee) 80