

ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL

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AMENDMENT RECORD SHEET

Remove and destroy old pages. Insert new pages as indicated.

Revision Number	Page Number	Date Revised	Description of Revision
V2.0	Cover Sheet	10.3.23	Updated to new cover sheet

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1. Introduction

This policy relates to the setting of discretionary level of fees under the Street Trading Act (NI) 2011 by Council considering the factors which will provide the Council with a means of covering its costs in relation to the administration of the legislation.

2. Aim / Purpose

The aim of this document is to ensure that the setting of discretionary fees for street trading licences under The Street Trading Act (NI) 2001 is carried out in a consistent manner and includes all relevant factors.

The purpose of this policy is to provide guidance on matters that should be considered when deciding fees for street trading licences.

3. Background / Scope

The Street Trading Act (NI) 2001 came into operation on 1 October 2001. Guidance on the Act is provided by the April 2001 Department for Social Development publication 'Guide to the Street Trading Act (NI) 2001.

Subject to the provisions of the Act, no person shall engage in street trading in any street, unless that person is authorised to do so by a Stationary Street Trading Licence or Mobile Street Trading Licence, or a Temporary Licence granted by the Council.

A street includes a road, foot path or public place. A public place is defined as all land (subject to several exceptions) within 10 metres of a road and may include what might normally be regarded as private land. There are three types of licence which may be issued by the Council namely, stationary, mobile and temporary.

Stationary	The Council may pass a resolution designating a street or part of a street within the Council District for which it may allocate street trading pitches to holders of street trading licences.
Mobile	The Council may issue a licence to a trader who from a vehicle moves from place to place stopping for a time for the purposes of trading, for example, an ice cream van. The Council will agree the areas in which the applicant may trade.
Temporary	The Council may issue a temporary licence where a full-term licence may not be appropriate, for example, for special events such as festivals, fairs etc. A temporary licence can last up to seven days and only five such licences can be issued to the same person in a 12-month period.

A key theme of the legislation is consultation and openness and therefore, public notice must be given of the Council's intention and subsequent decision to designate streets for the purposes of trading and the level of fees set for an application and licence.

The policy will therefore apply to Council in making decisions on fee setting for street trading licences and also inform applicants/service users of the principles applied in the decision making process.

4 General Principles

4.1 Fee Setting

Under Section 15 of the Street Trading (Northern Ireland) Act 2001, the Council may determine fees for the grant or renewal of a street trading licence; for the grant of a temporary licence; or for varying the conditions specified in a street trading Licence. In determining such fees, the Council may recover from the holders of licences such amounts as may be sufficient in the aggregate, taking one year with another, to recover any reasonable administrative or other costs in connection with its functions under the Act. This allows the Council to estimate costs for a particular year until actual costs are known and it may then adjust the licence fee for the next year as appropriate.

The Act restricts the maximum level of fee, to that required to cover the Council's costs in administering the scheme. Case Law (1) has emphasised that Councils cannot charge for the cost of enforcing the requirements of the Act incurred against unlicensed activities. (1) (R Hemming & others v Westminster Council 103)

4.2 Fee Structure

The following four elements have been included in the calculation of the proposed fee structure:

4.2.1 Designation/Rescinding of Streets

Section 3 of the Street Trading Act allows a district council to designate specific streets in its area as being suitable for stationary street trading.

The Council will review all designated areas for stationary street trading every 3 years. If at any time during a calendar year, a request is received for an area to be considered for Designation as a stationary street trading location, the applicant will be advised that this will be considered at the beginning of the next calendar year.

The duty of the Council is to make sure that each location is fairly, independently and objectively assessed and that all relevant factors are considered with each case considered on its own merits.

The Council will carry out a consultation in relation to the designation process. The Council will publish in at least two newspapers circulating in the district a Notice regarding its intention to pass a resolution which would permit stationary street trading at a specific location(s) or to rescind or vary such existing designating resolution.

The cost for designation process, including advertising, will be spread over 3 years and any additional costs accrued from intervening designations will be considered in the next 3 year review.

The operational procedure for street trading provides further detail on these matters.

4.2.2 Review of Fees

The Application and Licence Fees will be reviewed as necessary or within a period of three years. In reviewing the scale of fees, the Council will determine a fee which provides for cost recovery where possible.

The legislation sets out the administrative procedure for the review of fees which includes the publication of notices in newspapers.

4.2.3 Administration Costs

This factor includes costs for staff time for the administration and processing of a licence application.

4.2.4 Compliance Monitoring

Compliance monitoring costs consist of the cost of inspecting licensed traders throughout the term of their licence to ensure adherence to licence conditions. This cost does not include enforcement action taken against unlicensed activity.

4.3 Application and Licence Fee Refunds

In the event of an application for a street trading licence being refused or revoked, the applicant or licence holder will receive a partial refund (excluding all administration costs). Refunds will be in accordance with the requirements of the Street Trading Act.

4.4 Review

This document, including the Application and Licence Fees, will be reviewed as necessary or within a period of three years

5 Related Policies

Environmental Health Fees Policy

Appendix 1 Equality Screening Form

Policy Scoping

Policy Title:

Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.

This policy relates to the setting of discretionary level of fees under the Street Trading Act (NI) 2011 by Council considering the factors which will provide the Council with a means of covering its costs in relation to the administration of the legislation.

Intended aims/outcomes. What is the policy trying to achieve?

The aim of this document is to ensure that the setting of discretionary fees for street trading licences under The Street Trading Act (NI) 2001 is carried out in a consistent manner and includes all relevant factors within the charge.

Policy Framework

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

Policy is based on legislative provisions of the Street Trading (NI) Act 2001 and relevant guidance.

Are there any Section 75 categories which might be expected to benefit from the policy? If so, please outline.

No. This policy will have no impact on equality.

Who initiated or wrote the policy (if Council decision, please state). Who is responsible for implementing the policy?

Who initiated or wrote the policy?	Elizabeth Reaney, Head of Department, Environmental Health
Who is responsible for implementation?	Environmental Health Officers & Department

Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?

None foreseen

Main stakeholders in relation to the policy

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector)

Holders or potential holders of street trading licences

Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.

Environmental Health Fees Policy provides general overarching principles on fee setting

Available Evidence

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories. For up to date [S75 Borough Statistics](#)

Section 75 category	Evidence
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A

Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

Needs, experiences and priorities

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?

Category	Policy Impact	Level of impact (Major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependents	None	None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?

Category	If yes, provide details	If no, provide reasons
Religious belief		None
Political opinion		None
Racial group		None
Age		None
Marital status		None
Sexual orientation		None
Men and women generally		None
Disability		None
Dependents		None

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?

Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Category	If yes, provide details	If no, provide reasons
Religious belief		None
Political opinion		None
Racial group		None

Multiple Identity

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

N/A

Disability Discrimination (NI) Order 2006

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

N/A

Is there an opportunity for the policy to encourage participation by disabled people in public life?

N/A

Screening Decision

A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY

Please identify reasons for this below

This is a technical document which implements legislative requirement.

B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, an EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.

C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

Timetabling and Prioritising

If the policy has been screened in for equality impact assessment, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Policy Criterion

Rating (1-3)

Effect on equality of opportunity and good relations

Social need

Effect on people's daily lives

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

Monitoring

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission's guidance on monitoring (www.equalityni.org).

Identify how the impact of the policy is to be monitored

Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
Paula O'Neill	Environmental Health Manager	23/10/2023
Approved by	Position/Job Title	Date
Elizabeth Reaney	Head of Environmental Health	22/11/2023

Please forward a copy of the completed policy and form to:

equality@armaghbanbridgecraigavon.gov.uk

who will ensure these are made available on the Council's website.

The above officer is also responsible for issuing reports on a quarterly basis on those policies "screened out for EQIA". This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.

Appendix 2 Rural Needs Impact Assessment (RNIA)

SECTION 1

Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

1A. Name of Public Authority: Armagh City, Banbridge & Craigavon Borough Council

1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

Policy for Fee setting of Street Trading licences

1C Please indicate which category the activity specified in Section 1B above relates to:

Developing a

Adopting a

Implementing a

Revising a Policy

Designing a Public Service

Delivering a Public Service

1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above

Policy for Fee setting of Street Trading licences

1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service

The aim of this policy is to ensure that the setting of discretionary fees for street trading licences under The Street Trading Act (NI) 2001 is carried out in a consistent manner and includes all relevant factors within the charge.

1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?

Population Settlements of less than 5,000 (Default definition)

Other Definition (Provide details and the rationale below)

A definition of 'rural' is not applicable

Details of alternative definition of 'rural' used

Rationale for using alternative definition of 'rural'.

Reasons why a definition of 'rural' is not applicable.

This is an internal staff policy. It will not have a differential impact on people living in rural areas.

SECTION 2

Understanding the impact of the Policy, Strategy, Plan or Public Service

2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?

Yes No If response is No go to 2E

2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.

2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas *differently* from people in urban areas, please explain how it is likely to impact on people in rural areas differently.

2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.

- Rural Businesses
- Rural Tourism
- Rural Housing
- Jobs or Employment in Rural Areas
- Education or Training in Rural Areas
- Broadband or Mobile Communications in Rural Areas
- Transport Services or Infrastructure in Rural Areas
- Health or Social Care Services in Rural Areas
- Poverty in Rural Areas
- Deprivation in Rural Areas
- Rural Crime or Community Safety
- Rural Development
- Agri-Environment
- Other (Please state)

If the response to Section 2A was YES GO TO Section 3A.

2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.

This is an internal policy. It will not have a differential impact on people living in rural areas.

SECTION 3

Identifying the Social and Economic Needs of Persons in Rural Areas

3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?

Yes No If response is No go to 3E

3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.

- Consultation with Rural Stakeholders
- Consultation with Other organisations
- Published Statistics
- Research Papers
- Surveys or Questionnaires
- Other Publications
- Other Methods or Information Sources
(include details in Question 3C below)

3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.

3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?

If the response to Section 3A was YES GO TO Section 4A.

3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?

This is a technical policy. It will not have a differential impact on people living in rural areas.

SECTION 4

Considering the Social and Economic Needs of Persons in Rural Areas

4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.

N/A

SECTION 5

Influencing the Policy, Strategy, Plan or Public Service

5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?

Yes No If response is No go to 5C

5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.

If the response to Section 5A was YES go to 6A.

5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.

This is a technical policy. It will not have a differential impact on people living in rural areas.

SECTION 6

Documenting and Recording

6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.

I confirm that the RNIA Template will be retained and relevant information compiled.

Rural Needs Impact Assessment undertaken by:

Position:

Department / Directorate: Environmental Health Department

Signature: Paula O'Neill

Date: 23/10/2023

Rural Needs Impact Assessment approved by:

Position:

Department / Directorate:

Signature: Elizabeth Reaney

Date: 22/11/2023