

REGULATORY AND GENERAL PURPOSES COMMITTEE**16 NOVEMBER 2022**

REPORT TITLE:	MARKET RIGHTS LICENCE APPLICATION FEE
REPORT OF:	HEAD OF LEGAL SERVICES AND DEPUTY MONITORING OFFICER

REPORT SUMMARY

The purpose of this report is for the committee to approve a proposed fee for the administration and processing of applications for a Market Rights Licence.

The Wirral Plan sets out a number of priorities for the Council to consider and the contents of this report supports the priority of working for a prosperous, inclusive economy – helping businesses to thrive and creating jobs and opportunities for all.

This matter affects all Wards within the Borough.

RECOMMENDATION

The Regulatory and General Purposes Committee is recommended to approve the proposed fee for the administration and processing of applications for a Market Rights Licence as set out within this report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION

- 1.1 The Local Government Association guidance on setting licence fees states that 'it is an accepted principle that licensed activities should be funded on a cost-recovery basis, paid for by those benefiting from the licensed activity, rather than drawing on the public purse.'

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Committee may determine that there should be no fee applied to applicants seeking a Market Rights Licence. However, this is not considered an appropriate option as the cost of this licensing process would then become a burden on the public purse.

3.0 BACKGROUND INFORMATION

- 3.1 On 27 September 2022, Members of the Regulatory and General Purposes Committee approved the Market Rights Policy.
- 3.2 The Market Rights Policy states that the costs of processing an application for a Market Rights Licence will be recovered from an application fee which must be submitted with the application. Applications which are not submitted with the relevant fee shall not be considered until the fee has been paid.
- 3.3 The Policy recognises that community groups have long run market events to support their aims and ambitions and states that it is not intended that one-off fundraising events such as table-top and book fairs, summer fairs and cake sales will be subject to a Markets Rights Licence. It is further recognised within the Policy that there are many different settings where 5 or more stalls may be set up to operate as a market. The Policy states that where such markets have no impact on Birkenhead Market the council would wish to support and encourage such activity. In accordance with the Policy, market activity which meets **all of** the following criteria will not require a Markets Rights Licence and therefore will not be subject to a licence fee:
- Operates for no more than 2 consecutive days a year at any one time,
 - Occurs no more than 12 times a year at the same location,
 - Has no more than 30 stalls, and
 - Has no significant impact on the trading activities of Birkenhead Market.
- 3.4 It is estimated that the cost of processing an application for a Markets Rights Licence is £55.00. This has been calculated on the basis of officer time required to undertake the work necessary to process an application and issue a licence. This does not take into account the costs of referring an application to a Regulatory Panel as it is not possible at this time to assess the number of applications, if any, which would require such a referral.
- 3.5 The Committee are therefore asked to determine the fee of £55.00 for an application for a Market Rights Licence subject to a review of costs being undertaken in advance of the next financial year.

4.0 FINANCIAL IMPLICATIONS

4.1 There are cost implications to the Council as referred to in paragraph 3.4 of this report. It is proposed that the fee of £55.00 will recover the costs identified in administering and processing a Market Rights Licence.

5.0 LEGAL IMPLICATIONS

5.1 It has been established through case law that licence fees must be proportionate to the cost of administering the licensing process.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 The administration and processing of Market Rights Licences will put an additional burden on Licensing Resources which will be kept under review.

7.0 RELEVANT RISKS

7.1 There is a risk that the proposed fee of £55.00 will not recover the full cost of administering the process. It will therefore be necessary to monitor the cost implications of administering and issuing a Market Rights Licence and if necessary review the fee.

8.0 ENGAGEMENT/CONSULTATION

8.1 Consultation was undertaken in respect of the Market Rights Policy. The feedback from this consultation included concerns regarding the cost implications of having to apply for a Market Rights Licence. The full response to this consultation was reported to a meeting of this Committee on 27 September 2022 and was taken into consideration in the approval of the Market Rights Policy.

9.0 EQUALITY IMPLICATIONS

9.1 The potential impact has been reviewed and it is considered that there will be no direct impact of the Market Rights Licence application fee on any of the protected groups.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Relevant scrutiny of applications will take place to minimise the impact on the environment.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 Controlled use of markets can encourage economic and social benefits within communities whilst preventing abuse or over saturation.

REPORT AUTHOR: **Name**
Margaret O'Donnell
telephone: 0151 691 8606
email: licensing@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

Local Government Association Guidance – Open for Business: LGA Guidance on Locally Set Licence Fees

TERMS OF REFERENCE

This report is being considered by the Regulatory and General Purposes Committee in accordance with paragraph 8.2 (a) of its Terms of Reference, which states the following in respect of the functions of this Committee:

(a) functions relating to licensing, registration and ancillary matters other than those falling within the remit of the Licensing Act Committee, including but not limited to: - acupuncture, tattooing, ear-piercing and electrolysis; - caravan sites; - charity collections and street collections; - hackney carriage and private hire vehicle licences, drivers and operators; - entertainments; - **market and street trading**, - pleasure boats and pleasure vessels; - scrap yards; - sex shops and sex establishments; - solemnisation of marriages; - theatres and cinemas; - zoos, animal trainers and exhibitors and dangerous wild animals.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Regulatory and General Purposes Committee	27 September 2022