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SCHEDULE L9

LONDON LOCAL AUTHORITIES ACT 1990 PART III AS HAVING EFFECT IN ACCORDANCE WITH SECTION 6 (STREET TRADING) OF THIS ACT

PART III

STREET TRADING

Fees and charges

- 32 (1) A borough council may charge such fees for the grant or renewal of a street trading licence under this Part of this Act, the grant of a temporary licence or for the variation at the request of the licence holder of the conditions of a street trading licence as they may determine and as may be sufficient in the aggregate to cover in whole or in part the reasonable administrative or other costs in connection with their functions under this Part of this Act, not otherwise recovered.
- (2) A borough council may recover from licence holders such charges as may be sufficient in the aggregate taking one year with another to cover the reasonable costs, not otherwise recovered, of—
- (a) the collection, removal and disposal of refuse or other services rendered by them to such holders; and
 - (b) the cleansing of streets in which street trading takes place in so far as that cleansing is attributable to such trading; and
 - (c) any reasonable administrative or other costs incurred in connection with the administration of this Part of this Act; and
 - (d) the cost of enforcing the provisions of this Part of this Act.
- (3) A borough council may determine—
- (a) that charges under subsection (2) above shall be included in a fee payable under subsection (1) above; or
 - (b) that they shall be separately recoverable.
- (4) A borough council may—
- (a) require that every application for a licence under this Part of this Act be accompanied by the whole or part of the fee determined under subsection (1) above; and
 - (b) determine that the fee may be paid by instalments.
- (5) Where a borough council refuse to * * renew a licence they shall repay to the person who made the application therefor the amount of any such fee paid by him * *.
- (6) A borough council may determine the fees to be charged on the grant of a temporary licence under section 31 (Temporary licences) of this Act, and in doing so they shall have regard to the matters specified in subsection (2) above and such fees shall be included in the computation for the purposes of determining the fees and charges under subsections (1) and (2) above.
- (7) Before determining charges to be made under subsection (2) above (whether originally or by way of variation of charges previously determined) a borough council—

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- (a) shall give notice of the proposed charges to licence holders or to a body or bodies representative of them; and
 - (b) shall publish notice of the proposed charges in a newspaper circulating in the area in which the licence street or streets in respect of which the charges will be applied is situated.
- (7A) A notice under subsection (7) (a) above shall be accompanied by a statement showing how the proposed charges have been computed; and any body representative of licence holders may request the borough council to supply such further information or explanation with regard to the proposed charges as the body may reasonably require in order to ascertain whether the proposed charges are reasonable and have been computed in accordance with the provisions of this section.
- (8) A notice under subsection (7) (a) above shall specify a reasonable period being not less than 28 days from the date of publication of the newspaper referred to in subsection (7) (b) above within which written representations concerning the proposed charges may be made to the borough council.
- (9) It shall be the duty of a borough council to—
- (a) consider any such representations which are made to them within the period specified in the notice; and
 - (b) comply with any request made under subsection (7A) above;
- and where any such request is made the period so specified, if still current, shall be treated as extended by the number of days in the period beginning with the day on which the request is made and ending with that on which it is complied with.
- (10) When a borough council have determined fees under subsection (1) above or charges under subsection (2) above (whether originally or by way of variation of fees or charges previously determined) they shall give notice of the fees or charges so determined and of the date on which those fees or charges are to be brought into effect, in the manner prescribed in subsection (7) above.
- (11) Where a licence is revoked under subsection (1) (a) or (b) of section 28 (Revocation or variation of licences under Part III) of this Act, the borough council shall refund the appropriate part of any fee paid for the grant or renewal of the licence.
- (12) Where a licence is revoked otherwise than under subsection (1) (a) or (b) of section 28 (Revocation or variation of licences under Part III) or is surrendered, the borough council may remit or refund, as they consider appropriate, the whole or a part—
- (a) of any fee paid for the grant or renewal of the licence; or
 - (b) of any charges recoverable under subsection (2) above.