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**CARDIFF COUNTY COUNCIL**  
**CYNGOR SIR CAERDYDD**



**Title:**

Drawn by: Gethin Shields  
 Date: 11/09/13  
 Scale: 1:2000  
 Centre Coords: 318192 / 176355  
 Drawing No.:

## CITY AND COUNTY OF CARDIFF

### ST MARY STREET/HIGH STREET EVENT & ACTIVITY-BASED STREET TRADING CONSENT - STANDARD CONDITIONS LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHEDULE 4

- General**
1. The grant of a Street Trading Consent shall not be deemed to give any approval or consent which may be needed under any By-law, enactment or regulation other than Part 3, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- For the avoidance of doubt, this includes the requirement to seek and obtain planning permission and/or advertisement consent.
- Commodities**
2. Only those goods specified in the Consent may be sold. All commodities must comply with current Consumer Protection legislation. (For advice and information contact Trading Standards on 029 20872059).
- All merchandise sold from the receptacle/stall shall be of a good merchantable quality and sold at reasonable prices. The prices of all merchandise and services shall be either clearly marked or included on a price list to be displayed in a prominent position within the receptacle/stall visible to customers.
- The Consent holder shall immediately cease selling and remove from display at the receptacle/stall, any merchandise to which the Council shall object whether because of the nature of the merchandise, its quality or for any other reason.
- Day and Times**
3. Trading may only take place on the days and during the times specified on the Consent.
- Position**
4. The trader shall trade only from the position indicated on the Consent.
- Use of Site**
5. Where permission has been granted by the Council for a Consent Holder to use a receptacle/stall for the sale of goods, the receptacle/stall used for trading must be erected so as not to protrude or project outside the limits of the permitted area in any way.
- A trader or his assistant shall not cause or permit goods, or containers (except refuse containers used solely for the purpose) to be placed alongside or around a receptacle/stall or area approved under the Consent.
- The receptacle/stall shall not be left unattended on the site.
- The receptacle/stall shall not be used for any other purpose other than trading from the site.
- Nature and type**
6. Where permission has been granted by the Council for a Consent Holder to use a receptacle or stall for the sale of goods, such receptacle/stall must be

<b>and size of receptacle/stall</b>		of a type and style approved in writing by the Council and positioned entirely within the permitted area and should not prevent access to emergency vehicles.
<b>Removal</b>	7.	<p>Receptacles and stalls shall be easily and immediately removable.</p> <p>Traders or their assistants shall remove the receptacle/stall and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's powers and duties, if reasonably required to do so by a police officer or a duly authorised officer of the Council.</p> <p>Traders or their assistants shall remove the receptacle/stall and goods within a reasonable time after the expiry of the time for trading specified in the Consent, if reasonably required to do so by a duly authorised officer of the council.</p>
<b>Traders's Vehicle</b>	8.	A Consent Holder shall not leave his vehicle in the street in which he trades, apart from in approved parking spaces, except for the purpose of loading and unloading goods. Such loading and unloading shall be carried out as quickly as possible and the vehicle removed immediately on completion. This condition shall not apply when waiting restrictions are in force.
<b>Consent holder</b>	9.	<p><u>Fixed Unit</u></p> <p>Where permission has been granted to trade from a receptacle or stall, the Consent Holder may employ any other person to assist in the conduct of the business, but may not let, assign or part with his interest or possession under this Consent or any part thereof but he may surrender it at any time. The rights granted by the Consent cannot be sublet, transferred or shared with any other person or party and is personal to the Consent Holder.</p> <p><u>Mobile Traders</u></p> <p>Where permission has been granted to trade whilst carrying goods, at a specific site, the Consent Holder may <b>not</b> employ any other person to assist in the conduct of the business. The Consent Holder may not let, assign or part with his interest or possession under this Consent or any part thereof but he may surrender it at any time. The rights granted by the Consent cannot be sublet, transferred or shared with any other person or party and is personal to the Consent Holder.</p>
<b>Personal attendance</b>	10.	The Consent Holder shall be in attendance at the site and shall not appoint any other person to run the business on his behalf.
<b>Offensive material</b>	11.	The Consent Holder or his employees are forbidden to sell, display or wear any article which is or is intended to be offensive either in writing or pictures. <i>(If any doubt exists on whether an article/material could be considered offensive please contact the Licensing Section on Cardiff 029 20871651).</i>
<b>Conduct</b>	12.	<p>Traders and any assistants employed by them shall ensure the public and Council officers are treated fairly and with courtesy.</p> <p>Traders shall ensure that their staff are competent, courteous and helpful.</p>

<b>Refuse and Waste</b>	<p>13. The trader shall keep the site at all times clean and tidy and free from litter; provide adequate facilities for the hygienic storage of refuse, ensure that they do not become overfilled and at the end of each trading day and as often as may be necessary during the trading day properly dispose of all refuse including cooking oils etc. in an authorised manner. The trader shall comply with all requirements of the Environmental Protection Act 1990 with respect to Duty of Care. <i>(For advice and information contact Natural Resources Wales on 0300 065 3000). (For advice and information, on commercial waste arrangements, contact the Commercial Waste Section on 029 20775444)</i></p> <p>The trader shall collect and similarly properly dispose of all wrappings and litter within a 5 metre radius of the site (and beyond where it is the result of the trader's activities from the site) at the end of each trading day and as often as may be necessary during each trading day so as to keep and leave the street in a clean and tidy condition.</p> <p>The trader or his assistant shall comply with any directions given by the Council from time to time regarding the handling, storage and removal of the refuse.</p>
<b>Food Hygiene</b>	<p>14. The trader shall comply with all requirements of the Food Hygiene (Wales) Regulations 1996, General Food Regulations 2004, Regulation (EC) 852/2004 &amp; Regulation 178/2002. All traders (food) shall give details to the appropriate registration authority having regard to Article 6 Regulation (EC) No 852/2004. <i>(For advice and information, contact Food Hygiene on 029 20871128).</i></p>
<b>Nuisance</b>	<p>15. The Consent Holder shall not undertake any action or activity on the street, including trading from the site in a manner which, in the opinion of the Council causes an obstruction in the street or constitutes a danger, nuisance, annoyance or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.</p>
<b>Highway surface</b>	<p>16. The trader or his assistant shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description on or in the said surface.</p>
<b>Display of Sign</b>	<p>17. Where permission has been granted to trade from a receptacle or stall, the Consent Holder shall have legibly and prominently displayed on his receptacle/stall a notice showing his name and Consent number.</p>
<b>Identification</b>	<p>18. A trader must produce his/her Street Trading Consent and identification which includes name and address and date of birth to any authorised officer of the Council or any police officer in the course of their duty.</p>
<b>Advertisements</b>	<p>19. No advertisement shall be displayed on the receptacle or stall which relates to any goods, commodities or services other than those offered for sale or provided on that site.</p>
<b>Liquefied Petroleum Gas</b>	<p>20. Traders shall ensure that they comply with the requirements of the Council's guidance document on the safe use, handling, storage and transportation of Liquefied Petroleum Gas used in mobile catering units or similar units. <i>(For advice and information contact Health and Safety on Cardiff 029 20871126)</i></p>
<b>Health &amp; Safety</b>	<p>21. The receptacle/stall shall be of sound construction and erected and maintained in a condition so as to protect the health and safety of employer, employees and members of the public.</p>
<b>Health &amp; Safety (Contd)</b>	<p>If freestanding canopies, umbrella or any other portable structures are used, they must be erected and maintained in accordance with the manufacturers instructions. Where ground sockets are used to secure such equipment, permission must be obtained from the Head of Highways and Parks, County Hall, Atlantic Wharf, Cardiff.</p>

Any electrical installation used in conjunction with the street trading unit must comply with the Electricity at Work Regulations 1989. Specifically, any appliances used in the installation must be subject to regular portable appliance testing, and the installation shall be protected at source, at the main junction or at the generator by a residual current device or some other equally suitable means of protection.

*(For advice and information contact Health and Safety on Cardiff 029 20871126)*

## **Safety of Equipment**

22. Heat producing equipment (eg. Braziers) shall be so placed within the trading area as to offer maximum safety to the public. The position of such equipment in relation to other goods or materials shall be agreed with the Council's Officers.

Where mobile electrical generators are employed they shall be so positioned that :

- a) they do not present a danger to the passing public;
- b) they do not present a fire or similar hazard risk to the stall or goods displayed thereon;
- c) they do not cause any noise or fume nuisance;
- d) all petroleum spirit or other highly inflammable liquid used in connection with the generator shall be stored in a metal container with a secure leak proof cap not exceeding 23 litres or a plastic container not exceeding 5 litres capacity. The container to be labelled "Petroleum Spirit Highly Inflammable". The container shall be stored securely and remote from sources of ignition.

## **Amplification**

23. No amplification equipment shall be used by the trader.

## **Directions by Council**

24. The Consent Holder shall comply with all reasonable directions given by the Council or by any authorised Officer of the Council regarding any matter to which this Consent relates.

## **Revocation and refusal of Consent**

25. In the event of any breach or non-compliance with the provisions of the Miscellaneous Provisions Act or the terms and conditions of this Consent by the Consent Holder (including any person associated with the Consent Holder), the Council may immediately revoke the Consent without notice and/or refuse to grant further Consents to the individuals concerned.

## **Offences**

26. Any person who contravenes a condition imposed under the Consent shall be guilty of an offence. (Paragraph 7(9) Schedule 4 Local Government (Miscellaneous Provisions) Act 1982.

## **Advice and information**

27. If you require any further advice and information relating to these Conditions, please contact the Licensing Section on Cardiff 029 20871651.

**PUBLIC PROTECTION COMMITTEE: 4 February 2014**

**Report of the Head of Regulatory and Supporting Services**

**AMENDEMENT OF ST MARY ST/HIGH ST STREET TRADING PROVISIONS**

**1. Background**

- 1.1 Street Trading is controlled by Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982.
- 1.2 The Act provides that a district council may by resolution designate any street in their district as:
  - i) a “prohibited street” where street trading is prohibited;
  - ii) a “consent street” where street trading is prohibited without the consent of the district council; and
  - iii) a “licence street” where street trading is prohibited without a licence granted by the district council.
- 1.3 At it’s meeting of 2<sup>nd</sup> October 2012 the Public Protection Committee resolved to change the street designations of St Mary Street and High Street in the City Centre for the purpose of street trading from Prohibited Streets to designated Consent Streets pursuant to Paragraph 2 of Schedule IV of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.4 The purpose of this change was to allow trading from an informal weekly market by way of issuing street trading Consents to each of the traders. The aim of the market was to increase footfall to the area which had seen a decline since pedestrianisation.
- 1.5 The Council’s City Centre Management Section have requested that the street trading provision in St Mary Street and High Street is extended to allow event-based trading in six possible sites shown on the plan in Appendix A.

**2. Details.**

- 2.1 Currently traders wishing to trade from the St Mary Street/High Street market must apply to the Licensing Section for a street trading Consent. No other form of a trading is permitted in the streets other than pedlary which is exempt from street trading restrictions.

- 2.2 Street trading in the City Centre is largely restricted to event based trading on Consent sites in the vicinity of the Millennium Stadium and City Hall e.g. merchandise and food related Consents are issued for trading on 6 Nations match days.
- 2.3 City Centre Management anticipate that events/activities held on St Mary Street and High Street will further increase footfall to the area. They state that as part of events, many organisers are increasingly wishing to sell goods. Designating Consent areas on St Mary Street & High Street would allow flexibility for trading to take place if required.
- 2.4 It is envisaged that the Licensing Section will continue to only invite applications for Consents in the City Centre for events at the Millennium Stadium and City Hall. As the events/activities on St Mary Street/High Street will be arranged by City Centre Management, street trading applications will be invited and vetted by City Centre Management prior to applicants obtaining a street trading Consent from the Licensing Section.
- 2.5 The Council's current Consent Conditions only permit trading within an area of 3m x 2m for merchandise and 4m x 2m for food sales. It is possible that event trailers or promotional vehicles may not comply with these size requirements so it is proposed that the condition is modified to read the following:  
*'Where permission has been granted by the Council for a Consent Holder to use a receptacle or stall for the sale of goods, such receptacle/stall must be of a type and style approved in writing by the Council and positioned entirely within the permitted area.'*
- 2.6 The proposed draft conditions in relation to St Mary Street/High Street event/activity-based trading are attached in Appendix B. The existing Conditions and receptacle size requirements will remain for all other Consents issued the Council.

### **3. Consultation**

- 3.1 Consultation with the Highways Authority, South Wales Fire & Rescue and South Wales Police has taken place to ensure that the sites do not pose any problems with obstructing the highway.

### **4. Achievability**

This report contains no equality personnel or property implications.

### **5. Legal Implications**

- 5.1 The legal implications appear throughout the content of the report.

**6. Financial Implications.**

- 6.1 The Council is empowered to charge such fees as it considers reasonable for the grant or renewal of a street trading licence or consent. The current fee for a merchandise-related street trading consent is £100 and the fee is £200 for food related street trading consents, for up to three days trading.
- 6.2 It is anticipated that the additional income raised will compensate for lost income on consent sites that have been removed due to road layout changes.

**7. Recommendation**

- 7.1 It is recommended that the Committee consider the following:
- (a) The change in Street Trading Policy to allow event/activity based trading on St Mary Street and High Street, Cardiff, and;
  - (b) If recommendation (a) is approved, to consider the approval of the Street Trading Consent Conditions in relation to St Mary Street/High Street as detailed in Appendix B.

**Dave Holland**  
**HEAD OF REGULATORY AND SUPPORTING SERVICES**

**23 December 2013**

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None



## **APPENDIX A**