

**PUBLIC PROTECTION COMMITTEE: 4<sup>th</sup> February 2013**

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

**APPLICATION TO AMEND STREET TRADING LICENCE**

**1. Background**

- 1.1 The Licensing Section has received an application from Mrs Paula Yeates to vary her Street Trading Licence. Mrs Yeates is currently licensed under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to sell fruit, vegetables and flowers from a stall on Great Western Lane. Mrs Yeates is applying to also sell hot food in the form of a hog roast on days designated by South Wales Police as 'Major Event' days in the City Centre between the hours of 10:00 and 23:00.
- 1.2 The part of Great Western Lane in which Mrs Yeates trades is designated as a 'Licence Street' for the purpose of street trading. There are currently 7 Licence Streets in Cardiff that accommodate historic formalised Street Trading Licence sites.

**2. Details.**

- 2.1 Mrs Yeates states that when there are events in the Millennium Stadium they do not open the stall as they do little business on those days. In order to not lose trading days, Mrs Yeates hopes to sell hog roast from the stall on event days.
- 2.2 Mrs Yeates has stated that hog roast will not be cooked on the stall (other than keeping the food hot). The Council's Food Safety Team have been informed of all details.
- 2.3 The licence holder has applied for hours that would cover a range of events. It is not the applicant's intention to trade for all of these hours, but this gives flexibility depending on the time of the event.
- 2.4 Full details of proposals are detailed in Appendix A

**3. Street Trading Legislation**

- 3.1 Street trading is controlled by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Under this legislation, the Council may only refuse an application on any of the following grounds:

- (a) that there is not enough space in the street for the applicant to engage in the trading in which she desires to engage without causing undue interference or inconvenience to persons using the street;
- (b) that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;
- (c) that the applicant desires to trade on fewer days than the minimum number specified in a resolution passed by the Council [in Cardiff there is no such resolution];
- (d) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (e) that the applicant has at any time been granted a street trading licence by the Council and has persistently refused or neglected to pay fees due to them for it or charges due to them for the collection of refuse, the cleansing of streets, and other services rendered by them to her in her capacity as licence-holder;
- (f) that the applicant has at any time been granted a street trading consent by the Council and has persistently refused or neglected to pay fees due to them for it;
- (g) that the applicant has without reasonable excuse failed to avail herself to a reasonable extent of a previous street trading licence

3.2 Mrs Yeates has a long established street trading licence at this site and none of these grounds apply There are no other traders in Great Western Lane.

3.3 Mrs Yeates' current licence and conditions are detailed in Appendix B.

#### **4. Achievability**

This report contains no equality personnel or property implications.

#### **5. Legal Implications**

5.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that a street trading licence shall specify:

(a) The street in which, days on which, and times between which the licence holder is permitted to trade; and

(b) The description of articles in which she is permitted to trade.

5.2 As indicated in Section 3 of this Report, an application for a street trading licence in a Licence Street can only be refused on the grounds specified at paragraph 3.1.

5.3 If the Council was minded to refuse the application it would have to inform Mrs Yeates of the ground on which it would refuse and give her the opportunity to make representations.

**6. Financial Implications.**

6.1 This report contains no direct financial implications

**7. Recommendation**

7.1 It is recommended that the Committee determine the application made by Mrs Paula Yeates to vary her street trading licence.

**Dave Holland**

**18 December 2013**

**HEAD OF REGULATORY AND SUPPORTING SERVICES**

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

Background Papers: None

## **APPENDIX A**

# 'Yeates Fruit and Veg' MAJOR EVENT DAYS! HOG ROAST CARVERY

**F**amily owned Yeates Fruit & Veg Company have been licence holders in Cardiff for over forty years. We have stalls in Cardiff Market and also in the main city centre shopping areas.

Our pitch on Great Western Lane began as a burger and hot dog stand but progressed to fruit and vegetables due to seasonal and footfall demand.

When there are major events taking place in Cardiff such as the Six Nations Rugby, the autumn Internationals, National football matches, concerts, speedway and all the major events in the Millenium Stadium, our fruit and veg stall on Great Western Lane is closed due to the type of footfall on those days not lending itself to the sale of fruit and vegetables. Also, the roads are closed, the bus service re-directed and our usual or passing customers are unable to shop in the area.

## PROPOSAL

The events fans/attendees who are in this particular area, are only looking to purchase food and beverages and so our proposal lends itself perfectly to this demographic.

- 1) The site at Great Western Lane will benefit from having a modern unit, serving quality food, rather than a closed fruit stall on event days.
- 2) The unit, similar to the ones pictured here, is modern, hygienic and attractive and will carry the new 'YEATES' livery.



Top and bottom pic : Example of new unit for event days which will display new 'YEATES' livery.



Above and below : Match day footfall with existing fruit stall in background on Great Western Lane.



- 3) The carvery will offer a range of quality Welsh pork with a selection of fresh bread.
- 4) The Welsh pork joints are cooked locally in Cardiff Central Market by J.D.Morgans, who is a well known and established Cardiff butcher.

The new Carvery Unit will be purpose built to the size and requirements of Cardiff City Council and we will remove the Fruit and Vegetable stall at close of trading on the evening prior to an event. The Carvery Unit will be fully equipped with sinks and all hygiene standard facilities.

We will be advised and certified by the Food Standards Agency and also have a Safety Rating Certificate prior to any trading.

We will provide large refuse bins on the site and ensure everything is clean and no litter being strewn or left.

Our tenancy has always been smooth running and we believe we have a good relationship with Cardiff City Council. Although our customer base is loyal (because we provide excellent produce at competitive prices), our business suffers on days when we have to close due to events. The aim is for our new unit to fill the financial gap we suffer on these days.

With this in mind and wishing to enhance the facilities Cardiff City offers visitors on event days, we hope you will accede to our proposal for a 'Yeates Hog Roast Carvery' on the Great Western Lane site.

**LICENCE NO. 0009**

**STREET TRADING LICENCE**

Local Government (Miscellaneous Provisions) Act 1982  
Part III, Schedule 4

Cardiff County Council as Licensing Authority for the above Act hereby grants  
a Licence to engage in Street Trading in this area to:-

**Mrs Paula Yeates**  
**3 Highfields**  
**Llandaff**  
**Cardiff**  
**CF5 2QA**

This Licence authorises the holder to trade solely in the articles and in the manner and at the places and times specified in this Licence and is granted subject to the provisions of Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Class of Articles:	Fruit, Vegetables & Flowers
No. of receptacles:	One
Street:	Great Western Lane Site
Position or place where holder may trade:	Permit Holders Bay
Dimensions of Receptacle:	3.20 metres in length. 2 metres in width. 2.90 metres in height.
Trading Hours:	Monday to Sunday 8.00 am to 6.00 pm.

This Licence shall continue in force until **31/12/2014** unless sooner revoked or surrendered and shall be surrendered to the Council on expiry or revocation.

This Licence is granted subject to the terms, conditions and restrictions attached hereto.



**Dave Holland**  
**Regulatory & Supporting Services**



**Date: 19 December 2013**

**CITY AND COUNTY OF CARDIFF  
STREET TRADING LICENCE STANDARD CONDITIONS  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHEDULE  
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- General** 1. The grant of a Street Trading Licence 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 on the licence may be sold on the licensed Street Trading area. All commodities must comply with current Consumer Protection legislation. *(For advice and information, contact Trading Standards on 029 208720059)*
- Day and Times** 3. Trading may only take place on the days and during the times specified on the Licence.
- Nature and type of receptacle** 4. Any receptacle used by the licence holder must be of a type and style approved in writing by the Council and positioned entirely within the licensed area.
- Position** 5. The trader shall trade only from the position indicated on the licence.
- Size of trading area** 6. The area occupied by the licensed trader must not exceed 3.20 metres in length x 2 metres in width x 2.90 metres in height.
- The receptacle used for trading must be erected so as not to protrude or project outside the limits of the licensed area in any way.
- All goods, containers (except refuse containers used solely for the purpose) or other articles that may be placed alongside or around a receptacle shall be contained within the licensed area of 3.20 metres in length x 2 metres in width x 2.90 metres in height and shall not project beyond.
- Removal** 7. Stalls shall be easily and immediately removable.
- Traders or their assistants shall remove the 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.
- Traders or their assistants shall remove the stall and goods within a reasonable time after the expiry of the time for trading specified in the Licence, if reasonably required to do so by a duly authorised officer of the council.
- Traders's Vehicle** 8. A licensed trader 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.
- Licence holder** 9. The licensed trader 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 Licence or any part thereof but he may surrender it at any time. The rights granted by the Licence cannot be sublet, transferred or shared with

any other person or party and is personal to the licence holder(s).

- Change of Address** 10. Traders shall notify the Council of any permanent change of address as soon as it occurs.
- Assistant(s)** 11. Traders shall notify the Council of any changes of assistants or employees with their full names and addresses as soon as the changes occur.
- Conduct** 12. Traders and any assistants employed by them shall ensure the public and Council officers are treated fairly and with courtesy.  
Traders shall ensure that their staff are competent, courteous and helpful.
- Refuse and Waste** 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 each 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. *(For advice and information, contact the Environment Agency on 029 20770088). (For advice and information, on commercial waste arrangements contact the Commercial Waste Section on 029 20775444).*
- 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.
- 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.
- Food Hygiene** 14. The trader shall comply with all requirements of the Food Hygiene (Wales) Regulations 1996, General Food Regulations 2004, Regulation (EC) 852/2004 & Regulation 178/2002. All traders (food) shall give details to the appropriate registration authority having regard to Article 6 Regulation (EC) No 852/2004. *(For advice and information, contact Food Hygiene on 029 20871128).*
- Nuisance** 15. The licensed trader 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.
- Highway surface** 16. The licensed 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.
- Display of Sign** 17. The trader shall have legibly and prominently displayed on his receptacle a notice showing his name and the licence number of his/her Street Trading Licence.
- Advertisements** 18. No advertisement shall be displayed on the licensed pitch which relates to any goods, commodities or services other than those offered for sale or provided on that pitch.
- Liquefied Petroleum Gas** 19. 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. *(For advice and information contact Health and Safety on Cardiff 029 20871126)*



**Health & Safety**

20. The receptacle 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.

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.

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**

21. 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 equipment**

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

**Directions by Council**

23. The licensed trader 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.

**Appeals**

24. Any person aggrieved by a refusal, revocation or variation of or any prescription in the Licence may appeal to a Magistrates Court.

**Advice and information**

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