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AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	Tuesday, 4 November 2014, 10.30 am
Venue	Committee Room 1 - County Hall
Membership	Councillor Parry (Chair) Councillors Ahmed, Dilwar Ali, Bridges, Howells, Hudson, McGarry, Morgan, Murphy, Phillips and Simmons

1 **Declarations of Interest**

To receive declarations of interest (such declarations to be made in accordance with the Members Code of Conduct).

2 **Minutes**

(Pages 1 - 2)

To approve as a correct record the minutes of the Public Protection Sub Committee meeting held on 7 October 2014.

3 **Control of Street Trading - City Centre Street Designations**

(Pages 3 - 6)

(Report of the Head of Regulatory and Supporting Services attached)

4 **Review of Street Trading Conditions**

(Pages 7 - 10)

(Report of the Head of Regulatory and Supporting Services attached)

5 **General Reports**

(Pages 11 - 14)

To note the actions taken by the Head of Regulatory and Supporting Services in accordance with delegated authority.

6 **Animal Licence Applications**

(Pages 15 - 16)

(Report of the Head of Regulatory and Supporting Services).

Date of next meeting - Tuesday, 2 December 2014

Marie Rosenthal

County Clerk & Monitoring Officer

Date: 29 October 2014

Contact: Graham Porter, 029 2087 3401, g.porter@cardiff.gov.uk

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PUBLIC PROTECTION SUB COMMITTEE

7 OCTOBER 2014

Present: County Councillor Jacqui Parry (Chairperson);
County Councillors Bridges and Morgan

PPSC18 : EXCLUSION OF THE PUBLIC

RESOLVED – That the public be excluded for the following items of business on the grounds that if members of the public were present during the discussions, because of the nature of the business to be transacted, there would be a disclosure to them of exempt information as defined in Section 100(1) of the Local Government Act 1972 and Categories 1 and 3 of the Local Authorities (Access to Information) (Variation) (Wales) Order 2007 as described below:

“Information relating to the business affairs of any particular person (other than the Authority)”.

PPSC19 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

(1) Application 1

Licence revoked as the Sub Committee did not consider the driver to be a fit and proper person to hold a licence.

(2) Application 2

The driver to receive a written warning for unacceptable conduct.

(3) Application 3

The driver to receive a written warning and attend further training.

(4) Application 4

No Further Action.

(5) Application 5

The application be refused as the applicant is not 3 years free of theft and dishonesty charges.

(6) Application 6

Application for the grant of a Hackney Carriage/Private Hire Drivers licence approved.

(7) Application 7

The application be refused as the applicant falls within Committee's guidelines for 10 years repeat offending.

(8) Application 8

Application for the grant of a Hackney Carriage/Private Hire Drivers licence approved.

(9) Application 9

The application be refused as the applicant is not 5 years free of conviction.

(10) Application 10

The application be refused as the applicant is not 3 years free of conviction.

(11) Application 11

Application for the grant of a Hackney Carriage/Private Hire Drivers licence approved.

PPSC20 : LEGAL PROCEEDINGS AND ENFORCEMENT ACTIONS

The Committee noted the legal proceedings and enforcement actions that had taken place during the period.

.....
Chairperson

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 4th November 2014

Report of the Head of Regulatory and Supporting Services

CONTROL OF STREET TRADING - CITY CENTRE STREET DESIGNATIONS

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 local authority may by resolution designate any street in their area as:
 - i) a “prohibited street” where street trading is prohibited;
 - ii) a “consent street” where street trading is prohibited without the consent of the local authority; and
 - iii) a “licence street” where street trading is prohibited without a licence granted by the local authority.
- 1.3 The Hayes, Trinity Street, Working Street, Hills Street, St John Street, Queen Street, Park Place, Frederick Street, and Womanby Street in the city centre and Lloyd George Avenue in Cardiff Bay are currently designated as “prohibited” streets in terms of street trading. It is proposed that these are changed to “consent” streets to allow trading during events/activities organised by or in partnership with the City of Cardiff Council.

2. City Centre Consents

- 2.1 Consent streets allow trading to take place on a flexible basis. Trading on a consent street can only take place when the authority has issued a “consent” to a trader on a particular date to cover a short period of time; normally around 8 hours. Examples of street trading consents are to allow trading for the home matches in the 6 Nations rugby tournament.
- 2.2 In October 2012, the street designations of St Mary Street & High Street in the City Centre were changed from “prohibited” streets to “consent” streets to allow ‘market’ style trading to take place on weekends. A subsequent report recommending a policy change was approved by the Public Protection Committee in February 2014 to allow event/activity based trading to take place on St Mary Street/High Street

- 2.3 As part of the current review of the Statement of Street Trading Policy, a number of other streets in Cardiff City Centre have been identified that could benefit from a change in street designation; such a change would allow event based trading and promote economic activity in the City. Consultation with Officers from the Council's City Centre Management Team and Events Team have identified that the current designations of a number of City Centre streets restricts the type of events that can take place in certain areas. Changing the streets from "prohibited" streets to "consent" streets would allow the Council greater flexibility with regards to locations of events/activities, but would also retain restrictions over unauthorised street trading as it is an offence to trade in a "consent" street without a street trading consent.
- 2.4 It is therefore recommended that the streets listed mentioned in paragraph 1.3 above are changed from "prohibited" streets to "consent" streets, so that street trading consents can be issued as part of events/activities organised by or in partnership with the City of Cardiff Council.
- 2.5 As with the current position with St Mary Street/High Street it envisaged that the Licensing Section will only accept applications from traders that have received permission to trade at the events from the Council's Event's Team or City Centre Management.
- 2.6 The Street Trading Conditions in relation to St Mary Street/High Street were amended as the previous trading area restrictions of 3m x 2m for merchandise and 4m x 2m for food traders may have been too restrictive for promotional trailers. The conditions were amended to state:
- 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.'*
- 2.7 The Council's City Centre Management/Events team will ensure that any approved trading receptacle will not be of a size or style to cause obstruction of the highway. It is therefore suggested that the St Mary Street/High Street Consent Conditions also apply to the consents issued on streets listed in paragraph 1.3 above.

3. Womanby Street Market

- 3.1 As a result of the successful introduction of the St Mary Street/High Street 'market' consents, a number of local businesses have approached the council with regards to starting a Sunday morning market on Womanby Street. A market has already been established in the street but is restricted to taking place inside the premises as it is currently a "prohibited" street in terms of street trading.

3.2 There have been problems with illegal street traders on Womanby Street, so careful consideration would need to be taken with regards to any changes in street designation to ensure that illegitimate traders could not apply for a street trading consent. It is therefore proposed that Womanby Street is changed to a “consent” street, but restricted to ‘market’ style trading only and this is reflected in the Council’s Statement of Street Trading Policy. Trading should take place in line with the conditions of the current St Mary Street/High Street market.

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

5.1 If the Committee were minded to change the street designations, it would be necessary to follow the statutory public notice procedure set out in the Local Government (Miscellaneous Provisions) Act 1982. That requires the Committee to give notice of its intention to designate the streets and invite objections. Any objections received in response would have to be considered by the Committee before proceeding any further.

5.2 Any trader wishing to trade on an event day/activity site would need to obtain a street trading consent from the Licensing Section.

6. Financial Implications.

6.1 The cost of advertising the designation as required by statute and the cost of enforcing the designation will be met from the current budget. Expenditure is considered as part of the review of licence fees.

7. Recommendation

7.1 It is recommended that the Committee indicates its intent to designate the following street as Consent Streets for the purpose of street trading:

- The Hayes
- Trinity Street
- Working Street
- Hills Street
- St John Street
- Queens Street
- Frederick Street
- Park Place
- Womanby Street
- Lloyd George Avenue (from its junction at Hemmingway Road South to Roald Dahl Plas)

7.2 That the County Solicitor, be authorised to publish a legal notice of the Committee's intention and report to the Committee in due course so that it may consider passing the necessary resolution.

Dave Holland

9th October 2014

HEAD OF REGULATORY AND SUPPORTING SERVICES

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

Background Papers: None

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 4th November 2014

Report of the Head of Regulatory and Supporting Services

REVIEW OF STREET TRADING CONDITIONS

1. Background

- 1.1 The existing conditions attached to Street Trading licences and consents were last approved by Committee in 2000, and are detailed in Appendix A of this report.
- 1.2 The responsibility of the licensing authority is to ensure that those individuals to whom permission is granted are conducting their business in a proper manner. In doing so, the authority is empowered to specify conditions that must be complied with. These conditions reflect the need to protect the public and the avoidance of nuisance.
- 1.3 As part of the review of Street Trading policy it is proposed that the following additional conditions are attached to the Street Trading licence & consent standard conditions:
 - a) The Street Trading Licence/Consent holder must obtain suitable public liability insurance with a minimum liability of at least two million pounds to cover all liabilities that may arise from the street trading activities. The insurance must be valid for all trading periods.
 - b) Food trading businesses must achieve a rating of at least 3 under the National Food Hygiene Rating Scheme (or equivalent if the business is registered outside England, Wales or N Ireland).

2. Public Liability Insurance.

- 2.1 Public liability insurance provides third party cover against accidental death or personal injury to persons that may be caused by the street trading activities. It protects street traders for any compensation that may have to be paid including legal costs.
- 2.2 Public liability insurance is not a legal requirement, however in the interests of public protection and due to the benefits to the trader it is considered necessary to be added to the current licence/consent conditions.

- 2.3 Public liability Insurance is valid for 12 months. It would be advisable that in the case of Street Trading Licences the insurance is sought just before the renewal application is submitted. Failure to obtain insurance would be a breach of licence conditions and may result in suspension/revocation of the licence.
- 2.4 City Centre Management already insist on proof of Public liability insurance for use of the activity sites

3. **Food Safety**

- 3.1 All street traders that sell food must comply with all requirements of the Food Hygiene (Wales) Regulations 2006, General Food Regulations 2004, Regulation (EC) 852/2004 & Regulation 178/2002, as amended. Additionally, all traders (food) shall give details to the appropriate registration authority (the Council) having regard to Article 6 Regulation (EC) No 852/2004.
- 3.2 In the interests of reducing the risk of foodborne illnesses it is recommended that traders should obtain a minimum food hygiene rating of 3 on the National Food Hygiene Rating Scheme. The food hygiene rating assessment is based upon a consideration of the following three elements:
- How hygienically the food is handled - safe food preparation, cooking, re-heating, cooling and storage
 - The condition of the structure of the premises - cleanliness, repair, layout, lighting, ventilation and other facilities
 - How the business manages what it does to make sure food is safe and so that the officer can be confident standards will be maintained in the future.

A rating score of 3 indicates that business is generally satisfactory with regards to these elements. Street traders that trade at Council run events are already required to meet this rating.

- 3.3 Currently there are 6 traders with fixed street trading licences that are licensed to sell food, the majority of which sell fruit and vegetables. Those licensed Traders that are not currently rated 3 or above, would be given 12 months to comply with the condition.
- 3.4 Food businesses that trade under consents are transient and usually sell hot food such as hot dogs and burgers. The Licensing Section maintains a list of traders and invitations to apply for consents are sent to traders in advance of events; consents are then issued on a first come first served basis. The list of consent traders is fluid and updated frequently. To aid the administrative process it would be necessary to apply the condition immediately without providing a period to obtain compliance.

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

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.

7. Recommendation

- 7.1 It is recommended that the Committee approve the following conditions are attached to the relevant City of Cardiff Council Street Trading Licence Conditions and Street Trading Consent Conditions with effect from 1st January 2015:
- a) Food trading businesses must achieve a food hygiene rating of at least 3 under the National Food Hygiene Rating System (or equivalent if business registered outside England, Wales or N Ireland).
 - b) The Street Trading Licence holder must obtain suitable public liability insurance with a minimum liability of at least two million pounds to cover all liabilities that may arise from the street trading activities. The insurance must be valid for all trading periods.
 - c) The Street Trading Consent holder must obtain suitable public liability insurance with a minimum liability of at least two million pounds to cover all liabilities that may arise from the street trading activities. The insurance must be valid for all trading periods.

Dave Holland
HEAD OF REGULATORY AND SUPPORTING SERVICES

9th October 2014

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

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Agenda Item 5

AGENDA ITEM

CARDIFF COUNCIL
CYNGOR CAERDYDD

PUBLIC PROTECTION SUB COMMITTEE: 4 NOVEMBER 2014

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

SKIN PIERCING REGISTRATIONS

The Committee is requested to note that the following applications have been agreed in accordance with the Head of Regulatory and Supporting Services Delegated Authority.

Personal

Title

First Name Ellie
Surname Carter
Premises Name Claires Accessories

Title

First Name Georgia May
Surname Tucker
Premises Name Claire's Accessories

Title

First Name Karla
Surname Williams
Premises Name SWYD Tattoo

Premises

Premises Name Rino & Company
Premises Street 5 Royal Arcade
Premises Area City Centre
Premises City Cardiff
Title Miss
First Name Anna
Surname Kowalczyk

CARDIFF COUNCIL
CYNGOR CAERDYDD

PUBLIC PROTECTION SUB COMMITTEE: 4 NOVEMBER 2014

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

STREET AND HOUSE TO HOUSE COLLECTION PERMIT APPLICATIONS

The Committee is requested to note that the following applications have been agreed in accordance with the Head of Regulatory and Supporting Services Delegated Authority.

Charity Name	Noah's Ark Appeal
Type of Collection	Street Collection Permit
Collection Date	21/11/2014
End Date	21/11/2014
Charity Name	Cleft Lip And Palate Association (CLAPA)
Type of Collection	Street Collection Permit
Collection Date	21/11/2014
End Date	21/11/2014
Charity Name	Cats Protection
Type of Collection	Street Collection Permit
Collection Date	29/11/2014
End Date	29/11/2014
Charity Name	Breakthrough Breast Cancer Care
Type of Collection	Street Collection Permit
Collection Date	30/10/2014
End Date	30/10/2014
Charity Name	Tredegar Town Band Society
Type of Collection	Street Collection Permit
Collection Date	30/11/2014
End Date	30/11/2014
Charity Name	Anthony Nolan Bone Marrow Trust
Type of Collection	Street Collection Permit
Collection Date	25/11/2014
End Date	25/11/2014

Charity Name	Arthritis Research UK
Type of Collection	Street Collection Permit
Collection Date	13/10/2014
End Date	18/10/2014
Charity Name	Be Child Cancer Aware (BCCA)
Type of Collection	House to House Collection Permit
Collection Date	01/01/2015
End Date	31/12/2015
Charity Name	The Breast Centre
Type of Collection	Street Collection Permit
Collection Date	31/10/2014
End Date	31/10/2014
Charity Name	Troop Aid
Type of Collection	House to House Collection Permit
Collection Date	20/11/2014
End Date	19/11/2015
Charity Name	Civil Aid Voluntary Rescue Association (CAVRA)
Type of Collection	Street Collection Permit
Collection Date	23/11/2014
End Date	23/11/2014
Charity Name	RSPB
Type of Collection	Street Collection Permit
Collection Date	19/11/2014
End Date	19/11/2014
Charity Name	Oxfam
Type of Collection	Street Collection Permit
Collection Date	16/11/2014
End Date	16/11/2014

CARDIFF COUNCIL
CYNGOR CAERDYDD

PUBLIC PROTECTION COMMITTEE: 4 NOVEMBER 2014

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

SEX ESTABLISHMENT LICENCES

The Committee is requested to note that the following applications have been agreed in accordance with the Head of Regulatory and Supporting Services Delegated Authority.

Electoral Division

CATHAYS

1. **The Private Shop, 9 Mill Lane, City Centre, Cathays, Cardiff, CF10 1FL.**

Sex Establishment (Sex Shop) Licence renewed.

CATHAYS

2. **Fantasy Lounge, 1st Floor, 95-97 St Mary Street, Cardiff, CF10 1DX.**

Sex Establishment (Sexual Entertainment Venue) Licence renewed.

CATHAYS

3. **Pulse Nightclub, Basement, 3 Churchill Way, City Centre, Cardiff, CF10 2DZ.**

Sex Establishment (Sexual Entertainment Venue) Licence renewed.

Agenda Item 6

AGENDA ITEM

CARDIFF COUNCIL
CYNGOR CAERDYDD

PUBLIC PROTECTION COMMITTEE: 4 NOVEMBER 2014

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

ANIMAL LICENCE APPLICATIONS

The Committee is requested to determine the following

Premises Name	Ms Belinda Jane Huxtable-Goy
Premises Address	120 Greenfarm Road
Premises Address	Ely
Premises Address	Cardiff
Premises Post	CF5 4RJ
Type of Premises	Animal Home Boarding Establishment (one
Licensee Name	Ms Belinda Jane Huxtable-Goy
Ward	Ely

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