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AGENDA

Committee	PWYLLGOR DIOGELU'R CYHOEDD
Date and Time of Meeting	DYDD MAWRTH, 7 MAWRTH 2017, 10.30 AM
Venue	YSTAFELL BWYLLGORA 1 - NEUADD Y SIR
Membership	Councillor Parry (Cadeirydd) Councillors Murphy, Boyle, Goddard, Hudson, Kelloway, Simmons a/ac Lloyd

1 Ymddiheuriadau am absenoldeb

Derbyn ymddiheuriadau am absenoldeb

2 Datgan Buddiannau

Dylid gwneud hyn ar ddechrau'r eitem agenda dan sylw, yn unol â'r Cod Ymddygiad Aelodau.

3 Cofnodion (*Tudalennau 1 - 6*)

Cymeradwyo cofnodion y cyfarfod blaenorol fel rhai cywir.

4 Amodau Dros Dro ar gyfer Masnachu ar y Stryd – Rownd Derfynol Cynghrair y Pencampwyr UEFA 2017 (*Tudalennau 7 - 18*)

Davina Fiore

Director Governance & Legal Services

Date: Dydd Mercher, 1 Mawrth 2017

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

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

Mae'r dudalen hon yn wag yn fwriadol

PUBLIC PROTECTION COMMITTEE

7 FEBRUARY 2017

Present: County Councillor Parry(Chairperson)
County Councillors Murphy, Boyle, Goddard, Kelloway and
Simmons

30 Apologies for Absence

Apologies for absence were received from Councillor Manzoor Ahmed.

31 Declarations of Interest

None received.

Committee observed a two minute silence in respect of Councillor Derrick Morgan.

32 Minutes

The minutes of the Public Protection Committee and Public Protection Sub-Committee held on 10 January 2017 were agreed as a correct record and signed by the Chairperson.

33 Licence Fees: European Court of Justice Ruling - Hemming v Westminster

The purpose of the report was to advise Members of the recent European Court of Justice ruling in the Hemming v Westminster Case. The ruling has implications for the way in which local authorities can charge for the cost of administering and enforcing certain licensing regimes.

The European Services Directive aims to make it easier for service providers to operate across Europe. One of its key provisions is that licence fees can only be used to cover the costs associated with the administration of licensing regimes covered by the Directive. Local Authorities therefore cannot make a profit from licensing or deter service providers by levying unreasonable fees. The Directive is enacted in the UK by the Provision of Services Regulations 2009, and Regulation 18(4) provides that charges under an authorisation scheme must be reasonable and proportionate to, and not exceed, the cost of the procedures and formalities under the scheme. The Services Directive **does not** currently apply to taxi related fees (drivers, operators and vehicles), or fees and charges under the Gambling Act 2005 and Licensing Act 2003.

In 2012, sex shop owner Timothy Hemming instituted legal proceedings against Westminster City Council contesting that the level of licence fees charged by Westminster City Council were not reasonable. Westminster's sex shop fees were in excess of £26,000; the fees included costs for the management of the regime and enforcement activities against unlicensed operators; it was this latter aspect of the fee that Hemming asserted not to be 'reasonable and proportionate' under the legislation. The case has progressed subsequently through the upper Courts and the findings of each Court are summarised below.

The Administrative Court (and subsequently the Court of Appeal) ruled that licence fees must not exceed the cost of administering the licensing process and that this could not include the costs of enforcement against unlicensed operators. However, the judgement

did make it clear that the costs of compliance and enforcement against licensed operators could be included in the licence fee.

Westminster Council appealed the decision of the Court of Appeal and, in April 2015, the Supreme Court overturned the Court of Appeal's decision and made it clear that local authorities could set their fees at a level that would enable them to recover the full costs of managing and enforcing the licensing regime, including the costs incurred in proceedings taken against unlicensed operators.

The Supreme Court also gave consideration to how such fees should be structured. It identified two different approaches to charging licence fees:

- Type A - An application fee is charged to cover the authorisation procedures involved in the processing of the application, then successful applicants are charged an additional fee that covers the running costs and enforcement of the licensing regime.
- Type B – The applicant is charged one fee upfront that covers all costs of the application process, and running/enforcement costs of the licensing regime. If the applicant is unsuccessful the portion of the fee that covers the running/enforcement costs is refunded to the applicant.

The Supreme Court had concerns about whether the fee structure identified as Type B was compatible with the EU Services Directive and felt that reference to the European Court of Justice was necessary for clarification.

The ECJ ruled that the Type B approach of fee setting (outlined in 2.5 above) was not compatible with the EU Services Directive, arguing that the Directive

'precludes the requirement for the payment of a fee, at the time of submitting an application for the grant or renewal of an authorisation, part of which corresponds to the costs relating to the management and enforcement of the authorisation scheme concerned, even if that part is refundable if that application is refused.'

As with many other local authorities, the current position in Cardiff is that fees are charged in a Type B approach with all costs included in the initial application. It is extremely rare for applications under these licensing regimes to be refused a licence, however a refund would be given in those circumstances.

The ECJ ruling presents a number of issues for Local Authorities in discharging duties under certain licensing regimes. Licensing Authorities now need to consider how to structure their fees under the Type A approach as mentioned in 2.5 above. The judgement suggests that there should be 2 separate fees in place; one to cover the authorisation costs e.g. the cost involved in receiving and considering an application, and an additional fee only paid by successful applicants to cover the running and enforcement of the licensing regime.

It is worth noting that the Supreme Court view – which still holds – was that there is nothing to stop licensing authorities making the payment of such a fee a condition of holding a licence. This would mean that authorities could withhold a licence until payment of the relevant fee had been received:

In light of the ECJ judgement, the Shared Regulatory Service will, in consultation with legal services, begin a review of the process of issuing licenses and the associated fees to ensure compliance with the Services Directive. Local authorities are awaiting further

guidance from the Local Government Association and Government on this matter. It is envisaged that any changes to fee structures will be in place by June 2017.

RESOLVED: That the report be noted and Committee receive a further report on this matter to ensure the Councils licensing processes reflect those advocated by the European Court of Judgement.

34 Control of Street Trading - Consent Streets

Members were advised that Street Trading is controlled by Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982.

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.

The following Cardiff streets are designated as ‘prohibited’ in terms of street trading:

- Churchill Way
- Lloyd George Avenue, City Centre (excluding the section between Hemming Way Road and Roald Dahl Plas which already has consent status)
- Station Terrace, City Centre
- Windsor Place, City Centre
- Herbert Street
- Tyndall Street
- Bute Street
- Kingsway

The following streets are ‘undesigned’ in terms of street trading:

- Callaghan Square
- Bute Terrace
- Bute Crescent

It is proposed that the prohibited and undesigned streets listed in 1.3 above are changed to “consent” streets to allow trading during events/activities organised by or in partnership with the City of Cardiff Council. However only part of Bute Street is to be designated a consent street between its junction with Callaghan Square to its junction with Bute Terrace/Custom House Street, the remainder of the street would remain a prohibited street.

City Centre Consents

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.

Cardiff Council's Event's Team have identified that the streets listed in paragraph 1.3 may be used as event sites in the future, and changing the street designations to consent street would give the flexibility to allow trading to take place in those areas. Creating consent streets still retains restrictions over unauthorised street trading as it is an offence to trade in a "consent" street without a street trading consent issued by the Council.

It is therefore recommended that the street designations of those streets listed in paragraph 1.3 above are changed "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.

In order to avoid causing obstruction, nuisance or interference with other persons living, working or using the street, any trading on these streets will be on a temporary basis during organised events. As with the current position with St Mary Street/High Street and City Centre events 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.

RESOLVED:

- i. That the Committee indicated its intent to designate the following street as Consent Streets for the purpose of street trading:
 - Churchill Way
 - Lloyd George Avenue, in its entirety
 - Station Terrace, City Centre
 - Windsor Place, City Centre
 - Herbert Street
 - Tyndall Street
 - Part of Bute Street between its junction with Callaghan Square to its junction with Bute Terrace/Custom House Street
 - Bute Terrace
 - Bute Crescent
 - Kingsway
 - Callaghan Square
- ii. That the Director of Legal, Governance & Monitoring Officer, 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.

35 Date of Next Meeting

The next meeting of the Public Protection Committee is scheduled to take place on 7 March 2017.

PUBLIC PROTECTION SUB COMMITTEE

7 FEBRUARY 2017

Present: County Councillor Parry(Chairperson)
County Councillors Kelloway and Murphy

10 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

- (1) Application 1
Deferred until March 2017.
- (2) Application 2
Suspension of License for a period of seven days for refusing a fare.
- (3) Application 3
Written warnings for both drivers for inappropriate behaviour.
- (4) Application 4
Suspension of licence for a period of 14 days for battery
- (5) Application 5
Written warning for insufficient knowledge of Car/Wheelchair compatibility and instructed to complete the BTEch course within three months.
- (6) Application 6
Suspension of Licence for 84 days for offences of using a vehicle with defective tyre; contravention of pedestrian crossing regulations with moving vehicle; failing to comply with traffic light signals.
- (7) Application 7
Deferred until March 2017 for further information to be obtained in respect of battery caution.
- (8) Application 8
Applicant failed to attend

11 : LEGAL PROCEEDINGS AND ENFORCEMENT ACTIONS

The Legal Proceedings and Enforcement Actions that had taken place during the period were noted.

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 7 March 2017

Report of the Head of Shared Regulatory Services

**TEMPORARY CONDITIONS FOR STREET TRADING –UEFA CHAMPIONS
LEAGUE FINAL 2017**

1. Background

- 1.1 Street Trading is controlled by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 Street Trading Consents are generally issued for short term trading on ‘event days’ in the city centre. The council has approved a set of conditions which are attached to all Consents. These conditions are set out in Appendix A.
- 1.3 Due to the unique nature of the UEFA Champions League Final taking place in Cardiff, it is necessary to amend the current consent conditions on a temporary basis.

2. Details.

- 2.1 The UEFA Champions League final is taking place in the Principality Stadium in Cardiff on 3rd June 2017. It is one of the largest events that Cardiff has hosted and will involve a large amount of street trading by sponsors of the event.
- 2.2 The current street trading consent conditions contain restrictions on advertising and dimensions of trading receptacles; these restrictions allow the day to day business of the City to continue without hindrance from street trading. However, these conditions are deemed to be would be too restrictive for many of the traders attending the Champions League final as they have purpose built trading receptacles that exceed the current limits.
- 2.3 It is proposed to amend the current consent conditions on a temporary basis to allow street trading to take place legally and to be fully compliant with all consent conditions. The amended conditions are detailed in Appendix B.
- 2.4 Following consultation with various Council departments and South Wales Police it appears that amending the conditions would not have any adverse impact in terms of nuisance or obstruction. The unique nature of this event such as the extensive road closures, increased security and careful planning of the highway that would allow trading in excess of usual pitch sizes to take place without

adverse impact on the public and other users of the street. It is not considered that this type of trading would be appropriate for 'standard' events in the City Centre; therefore, it is proposed that these conditions only apply to street trading consents issued for the UEFA Champions League Final 2017.

3. Achievability

This report contains no equality personnel or property implications.

4. Legal Implications

4.1 When granting or renewing a street trading consent the Council may attach such conditions to it as they consider reasonably necessary.

4.2 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 e.g. 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 tax payers; (h) be reasonable and proper in all the circumstances.

5. Financial Implications.

5.1 The licensing service is required to be self financing within the limitations of statute. Each street trader will be issued with a street trading consent charged at the existing fee (as approved by the Public Protection Committee) at the time of application.

All appropriate expenditure is reviewed as part of the fee-setting regime.

6. Recommendation

The Committee are recommended to:

- a) Approve the temporary street trading conditions detailed in Appendix B.
- b) Authorise the Head of Shared Regulatory Services to make any administrative/ minor amendments to the temporary conditions in case of any operational changes to the trading plans.

HEAD OF SHARED REGULATORY SERVICES

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

Background Papers: None

APPENDIX A

CITY OF CARDIFF COUNCIL

STREET TRADING CONSENT – TEMPORARY CONDITIONS: UEFA CHAMPIONS LEAGUE FINAL 1-4 JUNE 2017

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. All commodities must comply with current Consumer Protection legislation.
- All merchandise sold from the receptacle/stall shall be of a good merchantable quality. 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.
- 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 and size of receptacle/stall**
6. Trading receptacle must be of a type approved by Cardiff Council and each receptacle/stall must not exceed 10 metres x 5 metres and must be located in the Council approved permitted trading area.
- Removal**
7. Receptacles and stalls shall be easily and immediately removable.
- 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.
- 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.

**Traders's
Vehicle**

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.

Consent holder

9. Fixed Unit

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.

Mobile Traders

Where permission has been granted to trade whilst carrying goods, at a specific site, the Consent Holder may **not** 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.

**Personal
attendance**

10. The Consent Holder shall ensure that any other person employed to assist in trading complies with the aforementioned conditions

**Offensive
material**

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. *(If any doubt exists on whether an article/material could be considered offensive please contact the Licensing Section on Cardiff 029 20871651).*

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 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. *(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)*
- 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 assistants 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. Food trading businesses must achieve a food hygiene rating of at least 3 under the National Food Hygiene Rating System and must display their rating sticker (or equivalent if business registered outside England, Wales or N Ireland).
- The trader shall comply with all requirements of the Food Hygiene (Wales) Regulations 2006, General Food Regulations 2004, Regulation (EC) 852/2004 & Regulation (EC) 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 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.
- Highway surface**
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.
- Display of Sign**
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.
- Identification**
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.
- 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 Shared Regulatory Services on 03001236696)*
- Health & Safety**
20. 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.
- 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 Shared Regulatory Services on 03001236696)*

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) Containers containing diesel shall be stored securely, away from public access and remote from sources of ignition
- e) **Petrol generators are not permitted**

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. The Consent Holder must present the unit for inspection when required to do so by an Authorised Officer

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.

Insurance

26. 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

Security

27. Where trading takes place after 22:00, security staff that are licensed by the Security Industry Authority (SIA) must be employed at the trading site, on a ratio agreed in advance with South Wales Police and the City of Cardiff Council

Offences

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

Advice & Information

29. If you require any further advice and information regarding these Conditions please contact the Licensing Section on 029 20871651

CITY AND COUNTY OF CARDIFF

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 and size of**
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 of a type and style approved in writing by the Council and positioned

receptacle/stall	entirely within the permitted area. The permitted area is: <ul style="list-style-type: none"> a) For the sale of match related merchandise the area occupied by the trader must not exceed 3 metres x 2 metres; and b) For the sale of food and drink the area occupied by the trader must not exceed 4 metres x 2 metres.
Removal	7. Receptacles and stalls shall be easily and immediately removable. <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>
Traders's Vehicle	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.
Consent holder	9. <u>Fixed Unit</u> <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 not 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>
Personal attendance	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.
Offensive material	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>
Conduct	12. Traders and any assistants employed by them shall ensure the public and Council officers are treated fairly and with courtesy. <p>Traders shall ensure that their staff are competent, courteous and helpful.</p>

- 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 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. *(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)*
- 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. 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).
- 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 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.
- Highway surface**
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.
- Display of Sign**
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.
- Identification**
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.
- Advertisements**
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.
- Liquefied Petroleum Gas**
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. *(For advice and information contact Health and Safety on Cardiff 029 20871126)*
- Health & Safety**
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.
- Health & Safety**
- If freestanding canopies, umbrella or any other portable structures are used,

(Contd)

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

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 Insurance

27. If you require any further advice and information relating to these Conditions, please contact the Licensing Section on Cardiff 029 20871651.
28. 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

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg.