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## AGENDA

|                                 |   |
|---------------------------------|---|
| <b>Committee</b>                | PUBLIC PROTECTION COMMITTEE   |
| <b>Date and Time of Meeting</b> | TUESDAY, 4 APRIL 2017, 10.30 AM   |
| <b>Venue</b>                    | COMMITTEE ROOM 1 - COUNTY HALL  |
| <b>Membership</b>               | Councillor Parry (Chair)<br>Councillors Murphy, Boyle, Goddard, Hudson, Kelloway, Simmons and Lloyd |

### 1 **Apologies for Absence**

To receive apologies for absence.

### 2 **Declarations of Interest**

To be made at the commencement of the agenda item in question, in accordance with the Members' Code of Conduct.

### 3 **Minutes** (*Pages 1 - 4*)

To approve as a correct record the minutes of the meetings held on 7 March 2017.

### 4 **Control of Street Trading - Consent Streets** (*Pages 5 - 8*)

**Davina Fiore**

**Director Governance & Legal Services**

Date: Wednesday, 29 March 2017

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

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PUBLIC PROTECTION COMMITTEE

7 MARCH 2017

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

36 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

37 : DECLARATIONS OF INTEREST

No declarations of interest were received.

38 : MINUTES

The minutes of the meetings held on 7 February 2017 were approved by the Committee as a correct record and were signed by the Chairperson.

39 : TEMPORARY CONDITIONS FOR STREET TRADING - UEFA CHAMPIONS LEAGUE FINAL 2017

The Committee received a report that proposed to amend the existing street trading consent conditions on a temporary basis to allow for street trading to take place in the City Centre when Cardiff plays host to the UEFA Champions League Final on 3 June 2017.

Members were advised that the authority has approved a set of street trading conditions which are attached to all street trading consents. The current conditions were appended to the report. Due to the unique nature of the Champions League Final it was necessary 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 were also attached to the report. Officers provided a brief overview of the amended conditions.

RESOLVED – That:

- (1) The temporary street trading conditions detailed in Appendix B to the report be approved;
- (2) The Head of Shared Regulatory Services be authorised to make any administrative/minor amendments to the temporary conditions in case of operational changes to the trading plans.

The meeting terminated at 10.45 am

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PUBLIC PROTECTION SUB COMMITTEE

7 MARCH 2017

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

11 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

- (1) Application 1  
Deferred for 1 month.
- (2) Application 2  
No further action.
- (3) Application 3  
Licence revoked following conviction for battery on a passenger.
- (4) Application 4  
Application for a hackney carriage/private hire drivers licence refused as the Sub Committee did not considered the applicant to be a fit and proper person to hold a licence.
- (5) Application 5  
Application for a hackney carriage/private hire drivers licence refused as the Sub Committee did not considered the applicant to be a fit and proper person to hold a licence.
- (6) Application 6  
Application for a hackney carriage/private hire drivers licence refused as the Sub Committee did not considered the applicant to be a fit and proper person to hold a licence.

The meeting terminated at 12.45 pm

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**CARDIFF COUNCIL  
CYNGOR CAERDYDD**

**Agenda No.**

**PUBLIC PROTECTION COMMITTEE: 4 April 2017**

**Report of the Director of Legal, Governance & Monitoring Officer**

**CONTROL OF STREET TRADING – CONSENT STREETS**

**1. Background**

1.1 At its meeting of 7<sup>th</sup> February 2017 the Committee authorised me to publish notice of its intention to pass resolutions to change the street designations of the following streets from ‘prohibited’ streets to ‘consent’ streets for the purpose of street trading, pursuant to Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

- 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

1.2 In addition, the Committee authorised me to publish notice of its intention to pass resolutions to change the street designations of the following streets from ‘undesignated’ streets to ‘consent’ streets for the purpose of street trading, pursuant to Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

- Callaghan Square
- Bute Terrace
- Bute Crescent

1.3 The intention is for the changes to have effect from 3<sup>rd</sup> May 2017

## **2. Details.**

- 2.1 In accordance with the statutory procedure a Public Notice was published stating the Committee's intention in the South Wales Echo on 10<sup>th</sup> February 2017. Copies were also sent to the Police, the Chief Highways and Parks Officer, and the Chief Traffic and Transportation Officer. The Notice invited representations relating to the proposed resolutions to be made in writing by 10<sup>th</sup> March 2017. No representations were received.
- 2.2 It is intended that the change in street designations would allow greater flexibility for trading at events/activities organized by or in partnership with the City of Cardiff Council.

## **3. Financial Implications**

- 3.1 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 fixed street trading consent in the city centre is £166 for merchandise and £211 for food per event.
- 3.2 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.

## **4. Legal Implications**

- 4.1 The proposals are achievable provided the requisite statutory procedures are followed.
- 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.
- 4.3 Any trader wishing to trade on an event day/activity site would need to obtain a street trading consent from the Licensing Section.

## **5. Recommendations**

- 5.1 It is recommended that the matters be considered.



5.2 Should, following consideration of the matter, the Committee wish to proceed with the designations then in accordance with the statutory provisions of the Local Government (Miscellaneous) Provisions Act 1982, the Committee must pass the following Resolutions:

5.2.1 With effect from 3<sup>rd</sup> May 2017 all previous resolutions designating all parts of Churchill Way, Lloyd George Avenue (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, as prohibited streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982 are rescinded.

5.2.2 With effect from 3<sup>rd</sup> May 2017 Churchill Way, Lloyd George Avenue (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, Callaghan Square, Bute Terrace and Bute Crescent, be designated Consent Streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982.

**Davina Fiore**  
**Director of Legal, Governance & Monitoring Officer**

13 March 2017

#### Background Papers

1. Minutes of the Public Protection Committee of 7 February 2017

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