

PUBLIC PROTECTION COMMITTEE: 7 February 2017

Report of the Head of Shared Regulatory Services

CONTROL OF STREET TRADING – CONSENT STREETS

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 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
- 1.4 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.

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 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.
- 2.3 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.
- 2.4 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.

3. Achievability

This report contains no equality personnel or property implications.

4. Legal Implications

- 4.1 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.

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

5. Financial Implications.

5.1 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.

6. Recommendation

6.1 It is recommended that the Committee indicates 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

6.2 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.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

26 January 2017

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

Background Papers: None