

**PUBLIC PROTECTION COMMITTEE: 7 April 2015**

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

**DESIGNATION OF LICENCE STREETS FOR THE PURPOSE OF STREET TRADING**

**1. Background**

- 1.1 The Licensing Section is currently undertaking a review of the Council's Street Trading Licensing Policy. As a result it is considered appropriate to redesignate the street designations for the historic licensed street trading sites.
- 1.2 Street Trading is controlled by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.3 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.

**2. Details.**

- 2.1 The fixed street trading sites in Cardiff are historic and the legal processes involved in setting the appropriate street designations were undertaken many years ago. During the review of the current Policy some anomalies in the street designations have come to light. Also some of the street traders may have moved slightly from their original locations due to redevelopment of the area.
- 2.2 In order for street trading to take place legitimately, in addition to a street being designated a licence street a Traffic Regulation Order must also be in place. The Order allows a parking bay to be created for the purpose of street trading. The trader is issued with both a street trading licence and a permit to use the parking area.
- 2.3 The designated street trading licence area and the position described in the Traffic Regulation Order should be identical.
- 2.4 There is currently one trader on each of the following licence streets:
  - Part of Working Street

- Part of Central Square
- Part of Great Western Lane
- Part of Bangor Street
- Part of Ann Street

- 2.5 Until 2000 there was a licensed street trader on Churchill Way, but due to redevelopment of the area the street trader was moved to Park Lane (just off Queen Street). Although the Traffic Regulation Order for Park Lane was put in place there appears to be no evidence to show that the legal process to change the street designation of that part of Park Lane to a licence street was undertaken.
- 2.6 If that part of Park Lane was not designated a licence street it remains an undesignated street.
- 2.7 Churchill Way is no longer a suitable street trading location and the site has not been utilised for many years. The rest of Churchill Way is designated as a prohibited street so it is recommended that Churchill Way becomes a prohibited street in its entirety.
- 2.8 It has also come to light that although there have not been licensed traders on the following streets for many years, part of those streets remain as licence streets:
- Donald Street
  - Guildhall Place
  - Arabella Street
  - Tewkesbury Street – north-east side from a point 15 metres from the building line of Crwys Road for a distance of 3 metres
  - Ruby Street – north-east side from a point 15 metres from the building line of Clifton Street for a distance of 3 metres
- 2.7 These streets are now considered unsuitable for street trading and it is recommended that the street designations as licence streets are rescinded. These streets are all residential and the Committee may wish to consider designating the streets as prohibited streets to prevent any trading taking place, rather than leaving them as undesignated.
- 2.8 In due course consideration needs to be given to the street trading designation of Great Western Lane due to the redevelopment of Central Square. It is therefore not considered necessary to change the status of Great Western Lane at present until the position is reviewed later in the year.
- 2.9 Part of Ann Street was designated a licence street in 1994 following the trader being relocated from Woolworth Lane. The trader is currently positioned in the correct location and there has not been any change to the street trading pitch. It is therefore not considered necessary to reaffirm the designation of the licence street in respect of Ann Street.

- 2.10 Part of Bangor Street has been a licence street for many years. However the pre-1989 paperwork stating the exact location of the trading site is no longer available. It is therefore recommended that the part of Bangor Street is redesignated a licence street in line with the position stated in the Traffic Regulation Order.
- 2.11 The current licensed trader on Working Street moved several metres north from the original licensed position when redevelopment of Working Street took place in 2012 and the trader was provided with a new trading receptacle. It is proposed that the old licence street designation be revoked and the new licence site designated in line with the current location and Traffic Regulation Order.
- 2.12 Reaffirming the designations of the licence streets in line with the areas approved under the Traffic Regulation Orders will ensure that the designations are consistent and accurate.

### **3. Legal Implications**

- 3.1 If the Committee were minded to change/reaffirm 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.
- 3.2 The statutory procedure for designating a street for the purpose of street trading is briefly described in the following steps:
- (a) The publication of a notice of intention to pass a resolution designating a particular street. The notice must contain a draft of the resolution to be passed and must be published in a local newspaper. A copy is then served on the chief officer of police and any highway authority responsible for that street.
  - (b) A period of at least twenty-eight days must elapse from the time of initial publication of the notice to the time when a district council passes a resolution confirming the proposed designation. This is to allow for objections to be made to the local authority, which must be considered before a resolution is passed designating a particular street.
  - (c) The specific consent of the Highways Authority must be obtained for the designation of parts of a street as licence streets.
  - (d) Once a resolution has been passed, the Authority is obliged to publish the fact in two consecutive weeks in a local newspaper. The first publication

must not be later than twenty-eight days before the date specified in the resolution for the coming into force of the designation.

Should the authority wish to rescind a designation or re-designate a street, the same procedure must be followed.

**4. Financial Implications.**

- 4.1 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.

**5. Recommendation**

It is recommended that the Committee approve the following:

- 5.1 That the Committee indicates its intention to rescind the current street designations of part of Working Street, Bangor Street, Churchill Way, Donald Street, Guildhall Place, Arabella Street, Tewkesbury Street, and Ruby Street, as licence streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982.
- 5.2 That the Committee indicate its intention to designate the following as licence streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982.
- a) Working Street – On its south west side in an area 6 square metres from a point 15 metres south east of its junction with the footpath known as Dead Mans Walk for a distance of 3 metres south east
  - b) Park Lane – From a point 2 metres north west of its junction with Queen for a distance of 2 metres north west and from a point 2.4 metres north east of the south western building line for a distance of 3 metres north east.
  - c) Bangor Street – on the west side of Bangor Street from a point 7 metres north of its junction with Wellfield Road to a point 10 metres north of the same junction.
- 5.3 That the Committee indicated its intention to designate Churchill Way, Donald Street, Guildhall Place, Arabella Street, Tewkesbury Street, and Ruby Street as prohibited streets in their entirety pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982.

**Dave Holland**  
**HEAD OF REGULATORY AND SUPPORTING SERVICES**

**10 March 2015**

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

Background Papers: None