

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 it’s 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
HEAD OF REGULATORY AND SUPPORTING SERVICES

9th October 2014

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

Background Papers: None