

PUBLIC PROTECTION COMMITTEE: 4th November 2014

Report of the Head of Regulatory and Supporting Services

REVIEW OF STREET TRADING CONDITIONS

1. Background

- 1.1 The existing conditions attached to Street Trading licences and consents were last approved by Committee in 2000, and are detailed in Appendix A of this report.
- 1.2 The responsibility of the licensing authority is to ensure that those individuals to whom permission is granted are conducting their business in a proper manner. In doing so, the authority is empowered to specify conditions that must be complied with. These conditions reflect the need to protect the public and the avoidance of nuisance.
- 1.3 As part of the review of Street Trading policy it is proposed that the following additional conditions are attached to the Street Trading licence & consent standard conditions:
 - a) The Street Trading Licence/Consent 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.
 - b) Food trading businesses must achieve a rating of at least 3 under the National Food Hygiene Rating Scheme (or equivalent if the business is registered outside England, Wales or N Ireland).

2. Public Liability Insurance.

- 2.1 Public liability insurance provides third party cover against accidental death or personal injury to persons that may be caused by the street trading activities. It protects street traders for any compensation that may have to be paid including legal costs.
- 2.2 Public liability insurance is not a legal requirement, however in the interests of public protection and due to the benefits to the trader it is considered necessary to be added to the current licence/consent conditions.

- 2.3 Public liability Insurance is valid for 12 months. It would be advisable that in the case of Street Trading Licences the insurance is sought just before the renewal application is submitted. Failure to obtain insurance would be a breach of licence conditions and may result in suspension/revocation of the licence.
- 2.4 City Centre Management already insist on proof of Public liability insurance for use of the activity sites

3. **Food Safety**

- 3.1 All street traders that sell food must comply with all requirements of the Food Hygiene (Wales) Regulations 2006, General Food Regulations 2004, Regulation (EC) 852/2004 & Regulation 178/2002, as amended. Additionally, all traders (food) shall give details to the appropriate registration authority (the Council) having regard to Article 6 Regulation (EC) No 852/2004.
- 3.2 In the interests of reducing the risk of foodborne illnesses it is recommended that traders should obtain a minimum food hygiene rating of 3 on the National Food Hygiene Rating Scheme. The food hygiene rating assessment is based upon a consideration of the following three elements:
- How hygienically the food is handled - safe food preparation, cooking, re-heating, cooling and storage
 - The condition of the structure of the premises - cleanliness, repair, layout, lighting, ventilation and other facilities
 - How the business manages what it does to make sure food is safe and so that the officer can be confident standards will be maintained in the future.

A rating score of 3 indicates that business is generally satisfactory with regards to these elements. Street traders that trade at Council run events are already required to meet this rating.

- 3.3 Currently there are 6 traders with fixed street trading licences that are licensed to sell food, the majority of which sell fruit and vegetables. Those licensed Traders that are not currently rated 3 or above, would be given 12 months to comply with the condition.
- 3.4 Food businesses that trade under consents are transient and usually sell hot food such as hot dogs and burgers. The Licensing Section maintains a list of traders and invitations to apply for consents are sent to traders in advance of events; consents are then issued on a first come first served basis. The list of consent traders is fluid and updated frequently. To aid the administrative process it would be necessary to apply the condition immediately without providing a period to obtain compliance.

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 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 eg. 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 taxpayers; and (h) be reasonable and proper in all the circumstances.

6. Financial Implications.

- 6.1 The Council is empowered to charge such fees as it considers reasonable for the grant or renewal of a street trading licence or consent.

7. Recommendation

- 7.1 It is recommended that the Committee approve the following conditions are attached to the relevant City of Cardiff Council Street Trading Licence Conditions and Street Trading Consent Conditions with effect from 1st January 2015:

- a) 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).
- b) 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.
- c) The Street Trading Consent 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.

Dave Holland
HEAD OF REGULATORY AND SUPPORTING SERVICES

9th October 2014

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