

PUBLIC PROTECTION COMMITTEE: 7 June 2016

Report of the Head of Shared Regulatory Services

APPLICATION TO AMEND A STREET TRADING LICENCE

1. Background

- 1.1 The Licensing Section has received an application from Mr Tim Harris to vary his Street Trading Licence. Mr Harris is currently licensed under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to sell baguettes, jacket potatoes, pre-cooked hotdogs, burgers and non-alcoholic drinks.
- 1.2 Mr Harris is applying to vary his licence so he can also sell ice-cream.

2. Details.

- 2.1 At its meeting of 4th August 2015, the Public Protection Committee approved the change in street designation of part of Working Street to a licence street, to allow Mr Harris to relocate his street trading business from Central Square due to the redevelopment of the area.
- 2.2 Mr Harris has requested an addition to his licence to allow the sale of ice-cream as he feels that sales of hot food will decrease in the summer months.

3. Street Trading Legislation

- 3.1 Street trading is controlled by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Under this legislation, the Council may only refuse an application on any of the following grounds:
- (a) that there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;
 - (b) that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;
 - (c) that the applicant desires to trade on fewer days than the minimum number specified in a resolution passed by the Council [in Cardiff there is no such resolution];

- (d) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (e) that the applicant has at any time been granted a street trading licence by the Council and has persistently refused or neglected to pay fees due to them for it or charges due to them for the collection of refuse, the cleansing of streets, and other services rendered by them to her in her capacity as licence-holder;
- (f) that the applicant has at any time been granted a street trading consent by the Council and has persistently refused or neglected to pay fees due to them for it;
- (g) that the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence

3.2 Mr Harris is a long established licenced street trader and it is unlikely that any of the grounds for refusal listed above apply.

With regard to 3.1 (b) above, there are other businesses within the vicinity that the Committee might be aware of. There is currently one other licensed street trader on an adjacent pitch in Working Street who is licensed to sell fruit and vegetables. The only permanent premises on Working Street selling food is Atigiano coffee shop. There are also seasonal temporary markets.

The “street” for the purposes of this legislation is the designated licence street in which Mr Harris’s stall is located.

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

5.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that a street trading licence shall specify:

(a) The street in which, days on which, and times between which the licence holder is permitted to trade; and

(b) The description of articles in which he is permitted to trade.

5.2 As indicated in Section 3 of this Report, an application for a street trading licence in a Licence Street can only be refused on the grounds specified at paragraph 3.1.

5.3 If the Council was minded to refuse the application it would have to inform Mr Harris of the ground on which it would refuse and give him the opportunity to

make representations. However there are no grounds on which the Committee may refuse the application.

6. Financial Implications.

6.1 This report contains no direct financial implications

7. Recommendation

7.1 It is recommended that the Committee determine the application made by Mr Tim Harris to vary his street trading licence.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

4 May 2016

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

Background Papers: Minutes of the Report of the Director of Governance & Legal Services to the Public Protection Committee: 'Control of Street Trading – Working Street' 4th August 2015.