

PUBLIC PROTECTION COMMITTEE: 4 August 2015

Report of the Head of Regulatory Services

APPLICATION FOR A STREET TRADING LICENCE FOR BANGOR STREET

1. Background

- 1.1 On the 9th June 2015 an application was submitted by Mr Neil Clark. Mr Clark is applying for the grant a licence to operate the currently vacant site at Bangor Street, Roath, Cardiff, to trade in fruit, vegetables and flowers.
- 1.2 Part of Bangor Street has been licensed to trade in fruit, vegetables and flowers for over thirty years. The last licence holder Mr Salem Omar operated the site since 1998. The site has been very popular with shoppers and local residents who would purchase fruit, vegetables and flowers from Mr Omar. Mr Omar surrendered the licence and ceased trading with effect from 8th June 2015.
- 1.3 The applicant Mr Neil Clark has worked with Mr Omar for approximately five years helping collect goods from the market and, for the last year and half, on the stall at Bangor Street. (Mr Clark has been listed as a named assistant on the last licence application form.)

2. Details of the site and trading conditions.

- 2.1 Bangor Street- On the west side of Bangor Street from a point 7 metres north of the junction with Wellfield Road to a point 10 metres north of the same junction, is designated as a licensed street pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2 Street trading licences are not transferable and must be surrendered to the authority when trading ceases. Applications can then be considered by the Public Protection Committee should the authority intend to allow trading to continue at the site.
- 2.3 The dimensions of any receptacle used on the site should not exceed:
 - 3.20 metres in length
 - 2 metres in width.
 - 2.90 metres in height.

- 2.4 The trading hours currently allocated to the site are Monday to Sunday 8.00 am to 6.00 pm.
- 2.5 The licence authorises the holder to trade solely in the articles and in the manner and at the places and times specified in the licence and is granted subject to the provisions of Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.6 In Mr Clark's application he states that he has worked on the site with Mr Omar for a number of years. Mr Clark states that he has built up a rapport with traders and customers in the area and that the site had become part of the community and would be greatly missed by residents and locals should the site be discontinued. The letter of application from Mr Clark is detailed in Appendix A.
- 2.7 Jenny Rathbone AM has sent a letter of support of Mr Clark's application, as detailed in Appendix B. Local residents have also contacted the Licensing Section to show support for the application (see Appendix C), and attention has been drawn to a letter in the South Wales Echo on 29th June 2015 requesting the return of the stall (see Appendix D). In addition a petition supporting the application containing 2619 signatures was received by the Licensing Section on 17th July 2015.

3. Considerations

- 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 she 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 herself to a reasonable extent of a previous street trading licence
- 3.2 Mr Clark has vast experience working as a street trader and none of the above grounds of refusal, in the opinion of the officers of the Licensing Service, appear to apply.

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 The street trader's site in Bangor Street has already been designated as a licensed street pursuant to Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 5.2 If the Committee considers that none of the grounds for refusal set out in paragraph 3.1 apply then the Committee is legally obliged to grant the licence.
- 5.3 If the Committee intends to refuse the application it must inform the applicant of the ground on which it intends to do so and give him the opportunity to make representations to it.

6. Financial Implications.

- 6.1 The Licensing Service is required to be self financing within the limitations of statute.
- 6.2 The current fee for an annual Street Trading Licence is £563.00. Licences run from 1st January to 31st December.

7. Recommendation

- 7.1 It is recommended that the committee determine the application made by Mr Neil Clark for the grant of a Street Trading licence in Bangor Street.

Dave Holland
HEAD OF REGULATORY SERVICES

10 July 2015

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

Background Papers: None