

## PUBLIC PROTECTION COMMITTEE

4 AUGUST 2015

Present: County Councillor Parry(Chairperson)  
County Councillors Goddard, Kelloway, Morgan, Murphy,  
Phillips and Walsh

### 76 Apologies for Absence

Apologies for absence were received from Councillors Hudson and Simmons.

### 77 Declarations of Interest

A declaration of interest was received from Councillor Georgina Phillips in respect of Item 5 as she was representing residents in her ward.

### 78 Minutes

The minutes of the meeting held on 7 April 2015 were agreed as a correct record and signed by the Chairperson.

### 79 Hackney Carriage/Private Hire Matters

#### RESOLVED:

- I. That the Citroen Berlingo be approved as a Prestige Vehicle with a ten year age restriction.
- II. That the Kia Sedona be approved as a Prestige Vehicle with a ten year age restriction.

### 80 Control of Street Trading - Working Street

Councillor Georgina Phillips declared an interest in this matter as she would be representing her constituents at the Committee meeting, therefore she left the committee table and sat with the witnesses.

Claire Hartrey provided Members with the background to the report and outlined the key issues. Members were advised that they were required to determine street designation for that part of Working Street.

Witnesses were invited to come forward and introduce themselves. Witnesses were: Mr Warton – Hayes Island Snack Bar (Objector); Harriet Davies New York Deli (Objector); Mr Tim Warton – Financial Interest in Hayes Island Snack Bar (Objector); Mr & Mrs Harries – Licence Holders and Councillor Georgina Phillips – Ward Member.

The Chairperson invited the witnesses to make their objections, which are summarised below:

Mr Warton

Mr Warton explained that he owns the Hayes Island Snack Bar along with his wife, he bought it two years ago when it was run down and has invested lots of money in it. It is a Grade II listed building, he is working with the Council and has offered to take over the Victorian public toilets which had previously been shut due to budget cuts; he now opens them free of charge and had renovated them, he also maintains and cleans them.

He explained that he has spent over £200k on the snack bar, based on knowing all of the business in the locality including corporate competition and businesses, all on long term arrangements, and overall he had spent over £400k in clear knowledge of what prevailed in that area, he had taken a financial risk in a long term projection.

Mr Warton stated that it had come to his attention that Highways were looking to relocate a unit similar to his main business a short distance away. He said that he employs 22 full time staff and felt forced to defend himself due to the huge variances in money paid to the Council. He said that he pays sixty times more than Mr Harris to the Council for the same core business and then rates on top also. He stated that Mr Harris pays £563 to the Council per year. In comparison he said that the stalls on the Christmas market pay £100 per day.

He said that the main objection was not being able to compete on a level playing field in the same core business; it would be unfair competition in a direct location; McDonalds and the likes pay commercial rates via valuations. He said he had been sent plans of where the unit would be placed and that the £563 charge would remain the same. Claire Hartery clarified that the £563 was the street license fee and that additional costs were charged to the Harris's.

Mr Warton informed Members that the unit had been made by the Council, and it was delivered to site during the consultation period and without any formal decision being made, he had photographs to this effect. He added that it was taken away again within three hours and is now in Council premises.

He stated that there were other city centre locations that haven't been investigated such as the Friary, Park Lane and Cathedral Walk and that he would have no objection to any of these locations, but he could not compete fairly and put 22 peoples jobs at jeopardy.

#### Mrs Davies – New York Deli

Mrs Davies stated that the Castle Quarter consisted of Victorian arcades with sympathetic design and events often held around St John's Church, she considered that the unit being placed there would compromise the natural ambience of the area. Mrs Davies explained that the council had built the unit and that the unit was charged no rates just a licence fee; whereby her business pays over £500 a month in rates plus tens of thousand of pounds in rent per year. She added that there was disruption when the Christmas markets were there and this would now worsen and there would be issues for pedestrians.

Mrs Davies added that there was no equity and no fair playing field; she had no issue with the re-location but she took issue with the actual location chosen.

#### Mr Trevor Warton

Mr T Warton stated that the Committee had a responsibility to look after the City

commercially and preserve its character in the long term. He added that the process had not seemed to be open, fair, democratic/co-operative so far, with cavalier judgements and pre determined judgements taken. He had been told there were no plans available and there were, he had been told that that no rates had been paid and apparently now this was also not the case; the Council had made and located the cabin, all with no legal obligation to do so. He stated that the Committee had the chance to redress what has happened and to listen to genuine concerns from traders and to consider the wider impact on the City, rather than take the easy option of the first site or take the intimidation of the process so far. He did want this relocation to jeopardise the character of the streets.

Mr T Warton added that the Hayes Island Snack Bar had fully demonstrated commitment to enhance and preserve the character of the area including the Victorian toilets, which are cleaned regularly by the owner of the snack bar; there are clean heated canopies for customers and they have received very favourable comments from visitors; it was a favourable destination for TV shoots and charitable events such as Marie Curie. He stated that if the decision is made to relocate the cabin there it would be difficult to redress. Councillor Sam Knight had sent in a letter of support too.

#### Mr & Mrs Harries

Mrs Harries stated that she was seeking support for the relocation from Central Square to Working Street; she has worked on her stall for the past 20 years selling jacket potatoes and baguettes. When she was told of the Central Square redevelopment she and her husband were devastated, their business had closed on 31 May 2015 and they had received no income since then and were now desperate to relocate and open back up. The Council had identified Working Street as the new location as part of it was a designated street trading area and it was a 5 minute walk away from the old site. They agreed to the relocation and dropped their objection to the relocation.

Mrs Harries stated that many letters of objection had been sent most of which were generated from the Hayes Island Snack Bar. She added that she pays £4556.44 per year to the Council and not the £536 that had been stated. Mrs Harries explained that the Hayes Island Snack Bar had arranged a petition, she claimed that the petition was based on incorrect facts which had misled people. It was explained that the new location would be 100 metres away from the Hayes Island Snack Bar, which had quadrupled in size over the past 18 months; she added that per foot she pays more money to the Council.

Mrs Harries considered that the new Cabin was sympathetic to the area, it was 12x7 feet in size and would only have herself and her husband working in it, offering a small intimate service. Mrs Harries stated that two thirds of Mr Warton's extensions to the snack bar had had to have retrospective planning permission, yet he was complaining about lack of consultation of the proposed relocation of her cabin. The new site offered by the Council would be next to a fruit and veg stall in a designated street trading part of Working Street; the new Cabin would match that stall and would match the Church, there would be no seating and she would have hoped to have been welcomed to the area.

Mr Harries explained that their core business was baguettes and jacket potatoes which would not interfere with the Hayes Island Snack Bar.

#### Councillor Georgina Phillips

Councillor Phillips stated that Mr and Mrs Harries had happily traded at their site on Central Square for the past 20 years, they had had no choice in the relocation, they had been forced to move due to the Council's redevelopment of the area; the Council had allocated Working Street; the couple had been unable to trade since the end of May had had experienced a great financial loss. Councillor Phillips said that she had no understanding of the objections, it was a small business with no impact on the Hayes Island Snack Bar and she saw no reason for them to relocate to the suitable and reasonable site and return to work.

The Chairperson thanked everyone for the comments to the Committee and invited questions and comments from Members:

- Members sought clarification of the two sites on a map. A copy of the map was provided so that Members could clearly see where the proposed site was in relation to the Hayes Island Snack Bar.
- Members asked if Mr & Mrs Harries had been offered any other sites to relocate to. Mrs Harries explained that the Council had looked at other sites but they had been told that Working Street was the only suitable one and already had an electricity box located there. Officers added that other sites including Cathedral Walk had been looked at, licencing officers had said that they weren't viable options, either for planned redevelopment or highway reasons. Members considered they would have liked the information as to why the sites were not deemed suitable.
- It was noted that the redesignation of Working Street would only be for the space for the one stall.
- A discussion took place about what would be sold on the stall, Mr Warton stated that he would not object if the stall only sold baguettes and jacket potatoes. Mrs Harries explained that her licence would entitle her to sell hot food and drinks but she would not be selling burger just jacket potatoes and baguettes with healthy fillings from locally sourced food producers. Officers advised that this committee could not stipulate what was and was not sold, this would be determined at the licensing stage. Members considered that some agreement could be found and that if the two businesses were not in direct competition they could co-exist happily.
- Members discussed water supply to the new Cabin but officers advised that this was not the basis of any objection it should not be discussed further.
- Members discussed the costs paid to the Council by the Cabin; Mrs Harries explained that the costs were the street trading licence and street trading permit; she added that she had bought the old cabin themselves and had invested in its refurbishment; the Council had paid for the new Cabin so that it blends well into the area and with other stalls. Mrs Harries stated that she would have to pay the costs of disposing of the old unit themselves; she would also have to fit out the new Cabin and would never actually own it, they would be residents trading from it.

The Chairperson thanked everyone for their contributions to the Committee.

RESOLVED That:

- i. With effect from 8 September 2015, all previous resolutions designating the area of 6 square metres on Working Street's south west side from a point 5 metres from its junction with the footpath known as Dead Man's Walk for a distance of 3 metres south east as a Prohibited Street, for the purposes of Part III of the Local Government (Miscellaneous Provisions) Act 1982 are rescinded.
- ii. With effect from 8 September 2015, that area of 6 square metres on Working Street's south west side from a point 5 metres from its junction with the footpath known as Dead Man's Walk for a distance of 3 metres south east be designated a Licence Street, for the purposes of Part III of the Local Government (Miscellaneous Provisions) Act 1982.

## 81 Control of Street Trading - Bangor Street

Members were advised that 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.

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.

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 a half, on the stall at Bangor Street. (Mr Clark has been listed as a named assistant on the last licence application form.)

Jenny Rathbone AM has sent a letter of support of Mr Clark's application, local residents have also contacted the Licensing Section to show support for the application and attention was drawn to a letter in the South Wales Echo on 29th June 2015 requesting the return of the stall. In addition a petition supporting the application containing 2619 signatures was received by the Licensing Section on 17th July 2015.

Councillor De'Ath attended the Committee and spoke in support of Mr Clark's application, emphasising the strength of local feeling in wanting the stall to return.

RESOLVED – to agree the application made by Mr Neil Clark for the grant of a Street Trading licence in Bangor Street.

## 82 iCabbi GPS Taxi Management and Despatch System

At its meeting of 6 March 2012 the Committee approved the Autocab GPS taxi management and dispatch system for use in private hire vehicles. As a result the following condition was added to the City of Cardiff Council's Private Hire Vehicle Licence Conditions:

Condition 14: 'A GPS taxi management & dispatch system consisting of a mobile vehicle data head and a central dispatch system manufactured by Autocab UK may be fitted in accordance with the manufacturer's instructions to private hire vehicles.'

An application has been made by Dragon taxis to approve the use of a similar system manufactured by iCabbi, for use in private hire vehicles.

The iCabbi system consists of a mobile data head (PDA) and a central dispatch system. The PDA in the vehicle displays the fare calculation.

RESOLVED:

- I. To approve the iCabbi management and dispatch system for use in private hire vehicles.
- II. To recommend that Private Hire Vehicle Licence Condition 14 be amended to read as follows:  
*'A GPS taxi management & dispatch system consisting of a mobile vehicle data head and a central dispatch system, of a type approved by the City of Cardiff Council, may be fitted in accordance with the manufacturer's instructions to private hire vehicles.'*
- III. That the Head of Regulatory Services is authorised on behalf of the City of Cardiff Council to approve GPS taxi management & dispatch systems for use in private hire vehicles.
- IV. That the Head of Regulatory Services is authorised to make minor administrative changes to the Taxi Licensing Policy and Conditions.