

PUBLIC PROTECTION COMMITTEE: 8 September 2015

Report of the Head of Regulatory Services

CONTROL OF STREET TRADING – WHITCHURCH AND TONGWYNLAIS

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 district council may by resolution designate any street in their district as:
- i) a “prohibited street” where street trading is prohibited;
 - ii) a “consent street” where street trading is prohibited without the consent of the district council; and
 - iii) a “licence street” where street trading is prohibited without a licence granted by the district council.
- 1.3 This report requests consideration of the designation of streets in the Whitchurch and Tongwynlais area of Cardiff as Prohibited Streets.

2. Details.

- 2.1 The Licensing Section has received a formal request the Ward Councillors of Whitchurch and Tongwynlais to designate the following streets as prohibited for the purposes of street trading:
- College Road, Whitchurch
 - Erw Las, Whitchurch
 - Plas Newydd, Whitchurch
 - Pedwyallt Road, Whitchurch
 - Whitworth Square, Whitchurch
 - Merthyr Road, Tongwynlais
 - Penline Road, Whitchurch
- 2.2 The reason for this request is that the streets are in close proximity to schools in the area and the street trading of food such as burgers is not considered conducive to healthy eating/the health and well being of the pupils of the schools. The full request is detailed in Appendix A.

- 2.3 Pedwyallt Road, Merthyr Road and Penlline Road are already designated as prohibited streets, which means it is already an offence to trade on or within 35 metres of those streets. The remaining streets are currently ‘undesigned’, which means that trading can take place legally on those streets without a street trading consent/licence provided it is not within 35 metres of a prohibited street.

3. Achievability

This report contains no equality personnel or property implications.

4. Legal Implications

- 4.1 If the Committee were minded to designate the streets mentioned in 2.1 above (excluding Pedwyallt Road, Merthyr Road and Penlline Street) as prohibited streets 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 street and invite representations. The matter would then come back to the Committee. Any representations received in response would have to be considered by the Committee before proceeding any further.
- 4.2 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.

5. Financial Implications.

- 5.1 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 annually as part of the review of licence fees.

6. Recommendation

- 6.1 That the Committee indicate its intention to designate the following as prohibited streets for the purpose of street trading:
- College Road, Whitchurch
 - Erw Las, Whitchurch

- Plas Newydd, Whitchurch
- Whitworth Square, Whitchurch

6.2 That the Director of Governance & Legal Services be authorised to publish 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 SERVICES

17 August 2015

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

Background Papers: None

APPENDIX A

From: Groves, David (Cllr)

Sent: 10 August 2015 11:42

To: Hartrey, Claire; Parry, Jacqueline (Cllr); Goddard, Susan (Cllr); Davis, Chris (Cllr); Evans, Jonathan (Cllr); Thomas, Benjamin (Cllr)

Subject: Request for Street Trading restrictions in Whitchurch and Tongwynlais.

Dear All,

We write to formally request that College Road in Whitchurch is formally designated as a 'prohibited street' in terms of street trading in consequence of its proximity to Whitchurch Primary School and as the street retailing of burgers, Etc is occurring which is not conducive to the healthy eating, / health and well-being of the pupils of the school.

We would also please request the designation of prohibition of all street trading in all other roads proximate to the primary and secondary school in Whitchurch and Tongwynlais, as a pre-emptive and preventative measure.

We would therefore request that the following streets are thus designated as prohibited for street trading purposes through the deliberations and actions of the appropriate channels:

- Ysgol Gymraeg Melin Gruffydd - Glan-y-Nant Road;
- Whitchurch Primary School – College Road, Erw Las, Plas Newydd.
- Coryton Primary School – (feeder road Hollybush estate - Pendwyallt Road and Whitworth Square.
- Tongwynlais Primary School – Merthyr Road?
- Whitchurch High School - Merthyr Road for the lower school and Penlline Road for the upper school

With many thanks for your time in considering this important request.

Best wishes,

Cardiff County Cllrs: Davis, Evans, Groves and Thomas.
(Whitchurch and Tongwynlais.)