

PUBLIC PROTECTION COMMITTEE: 8th September 2015

Report of the County Solicitor

DESIGNATION OF STREETS FOR THE PURPOSE OF STREET TRADING

1. Background

1.1 At its meeting of 7th April 2015, the Committee authorised officers to publish a notice of its intention to pass the following changes in street designation pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

To rescind the current designation of the following as licence streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

- That part of Working Street of size 3.6 x 2.4 metres positioned against the boundary wall of St John The Baptist Church Gardens 10 metres to the south of its junction with Dead Man's Walk
- That part of Bangor Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council
- That part of Churchill Way which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council
- That part of Donald Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council
- That part of Guildhall Place which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council
- That part of Arabella Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council

- Tewkesbury Street – north-east side from a point 15 metres from the building line of Crwys Road for a distance of 3 metres
- Ruby Street – north-east side from a point 15 metres from the building line of Clifton Street for a distance of 3 metres

1.2 To designate the following as licence streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982.

- Working Street – On its south-west side in an area 6 square metres from a point 15 metres south-east of its junction with the footpath known as Dead Man's Walk for a distance of 3 metres south-east
- Park Lane – From a point 2 metres north-west of its junction with Queen Street for a distance of 2 metres north-west and from a point 2.4 metres north-east of the south-western building line for a distance of 3 metres north-east.
- Bangor Street – on the west side of Bangor Street from a point 7 metres north of its junction with Wellfield Road to a point 10 metres north of the same junction.

1.3 To designate the following streets in their entirety as prohibited streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

- Churchill Way,
- Donald Street,
- Guildhall Place,
- Arabella Street,
- Tewkesbury Street, and
- Ruby Street

1.4 The intention is for the changes to have effect from 13th October 2015

2. Details.

2.1 As part of a review of the Council's Street Trading Licensing Policy, it had come to light that licence streets were still in existence on sites that were no longer used for the purpose of street trading. It was considered appropriate to redesignate these areas as prohibited streets. It was also considered beneficial to reaffirm the designation of existing licence streets in line with the areas approved under the Traffic Regulation Orders to ensure the designations are consistent and accurate.

- 2.2 In accordance with the statutory procedure a Public Notice was published stating the Committee's intention in the South Wales Echo on 15th July 2015. Copies were also sent to the Chief Officer of Police, the Senior Officer for Highways and Senior Officer for Traffic and Transportation. The Notice invited representations relating to the proposed resolutions to be made in writing by 12th August 2015.

No representations were received.

3. **Financial Implications**

- 3.1 The Council is empowered to charge such fees as it considers reasonable for the grant or renewal of a street trading licence or consent. The current fee for an annual street trading licence is £563.00.
- 3.2 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 as part of the review of licence fees.

4. **Legal Implications**

- 4.1 The proposals are achievable provided the requisite statutory procedures are followed.
- 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 e.g. 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 tax payers; (h) be reasonable and proper in all the circumstances.
- 4.3 Anyone trading on a licence street would need to obtain a street trading licence from the Licensing Section.

5. **Recommendations**

- 5.1 It is recommended that the matters be considered.
- 5.2 Should, following consideration of the matter, the Committee wish to proceed with the designations then in accordance with the statutory provisions of the Local Government (Miscellaneous) Provisions Act 1982, the Committee must pass the following Resolutions:

5.2.1 With effect from 13th October 2015 the following parts of streets shall cease to be licence streets for the purposes of Part III of the Local Government (Miscellaneous Provisions) Act 1982 and all previous resolutions designating the same as licence streets shall be varied accordingly:

- That part of Working Street of size 3.6 x 2.4 metres positioned against the boundary wall of St John The Baptist Church Gardens 10 metres to the south of its junction with Dead Man's Walk
- That part of Bangor Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council
- That part of Churchill Way which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council
- That part of Donald Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council
- That part of Guildhall Place which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council
- That part of Arabella Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council
- Tewkesbury Street – north-east side from a point 15 metres from the building line of Crwys Road for a distance of 3 metres
- Ruby Street – north-east side from a point 15 metres from the building line of Clifton Street for a distance of 3 metres

5.2.2 With effect from 13 October 2015 the following parts of streets be designated licence streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

- Working Street – On its south-west side in an area 6 square metres from a point 15 metres south-east of its junction with the footpath known as Dead Man’s Walk for a distance of 3 metres south-east
- Park Lane – From a point 2 metres north-west of its junction with Queen Street for a distance of 2 metres north-west and from a point 2.4 metres north-east of the south-western building line for a distance of 3 metres north-east.
- Bangor Street – on the west side of Bangor Street from a point 7 metres north of its junction with Wellfield Road to a point 10 metres north of the same junction.

5.2.3 With effect from 13 October 2015 the following streets be designated prohibited streets in their entirety pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

- Churchill Way,
- Donald Street,
- Guildhall Place,
- Arabella Street,
- Tewkesbury Street, and
- Ruby Street

Marie Rosenthal
Director of Governance & Legal Services

13 August 2015

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

Background Papers: None

