

PUBLIC PROTECTION COMMITTEE: 6 January 2015

Report of the Head of Regulatory and Supporting Services

STREET TRADING DESIGNATION – CENTRAL SQUARE

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 local authority may by resolution designate any street in their area as:
 - i) a “prohibited street” where street trading is prohibited;
 - ii) a “consent street” where street trading is prohibited without the consent of the local authority; and
 - iii) a “licence street” where street trading is prohibited without a licence granted by the local authority.
- 1.3 Central Square opposite Cardiff Central Station is currently designated as a Licence Street. Licenced trader Mr Timothy Harris has occupied the site for many years and sells hot drinks and hot food such as jacket potatoes and burgers. A location plan of Mr Harris’s trading pitch is detailed in Appendix A.
- 1.4 Due to the impending development of Central Square it will no longer be possible for any person to trade from the site; it is therefore recommended that the street designation is changed to a ‘prohibited street’.

2. Central Square Development

- 2.1 A major redevelopment of Central Square is to be undertaken which will include new office, retail and residential properties. It is envisaged that the first phase of the development will be initiated in summer 2015.
- 2.2 The development plans do not include provision for any street trading, and trading during the development will not be possible as it will involve demolition of the existing buildings.
- 2.3 The statutory procedure for designating a street for the purpose of street trading is briefly outlined in the following steps:

- (a) The publication of a notice of intention to pass a resolution designating a particular street. The notice must contain a draft of the resolution to be passed and must be published in a local newspaper. A copy is then served on the chief officer of police and any highway authority responsible for that street.
 - (b) A period of at least twenty-eight days must elapse from the time of initial publication of the notice to the time when a district council passes a resolution confirming the proposed designation. This is to allow for objections to be made to the local authority, which must be considered before a resolution is passed designating a particular street.
 - (c) Once a resolution has been passed, the council is obliged to publish the fact in two consecutive weeks in a local newspaper. The first publication must not be later than twenty-eight days before the date specified in the resolution for the coming into force of the designation.
- 2.4 Should the authority wish to rescind a designation or re-designate a street, the same procedure must be followed.

3. Consultation

- 3.1 Mr Harris has been consulted regarding the development plans and is aware of the legal process involved in the street designation process.

4. Legal Implications

- 4.1 The legal implications appear in the body of this report

5. Financial Implications.

- 5.1 The current fee for an annual street trading licence is £759.00. The licence is issued from 1st January 2015. If the street designation is changed before the licence expires on 31st December 2015, a pro-rata amount of the compliance element of the licence fee will be refunded to the trader.
- 5.2 The cost of advertising the designation will be met from the existing budget.

6. Recommendation

- 6.1 It is recommended that the Committee resolve to agree an intention to:
 - a) rescind the designation of that part of Central Square currently designated as a Licence Street; and
 - b) designate Central Square in its entirety a Prohibited Street

- 6.2 That the County Solicitor, be authorised to publish a legal notice of the Committee's intention and report to the Committee in due course so that it may consider passing the necessary resolution.

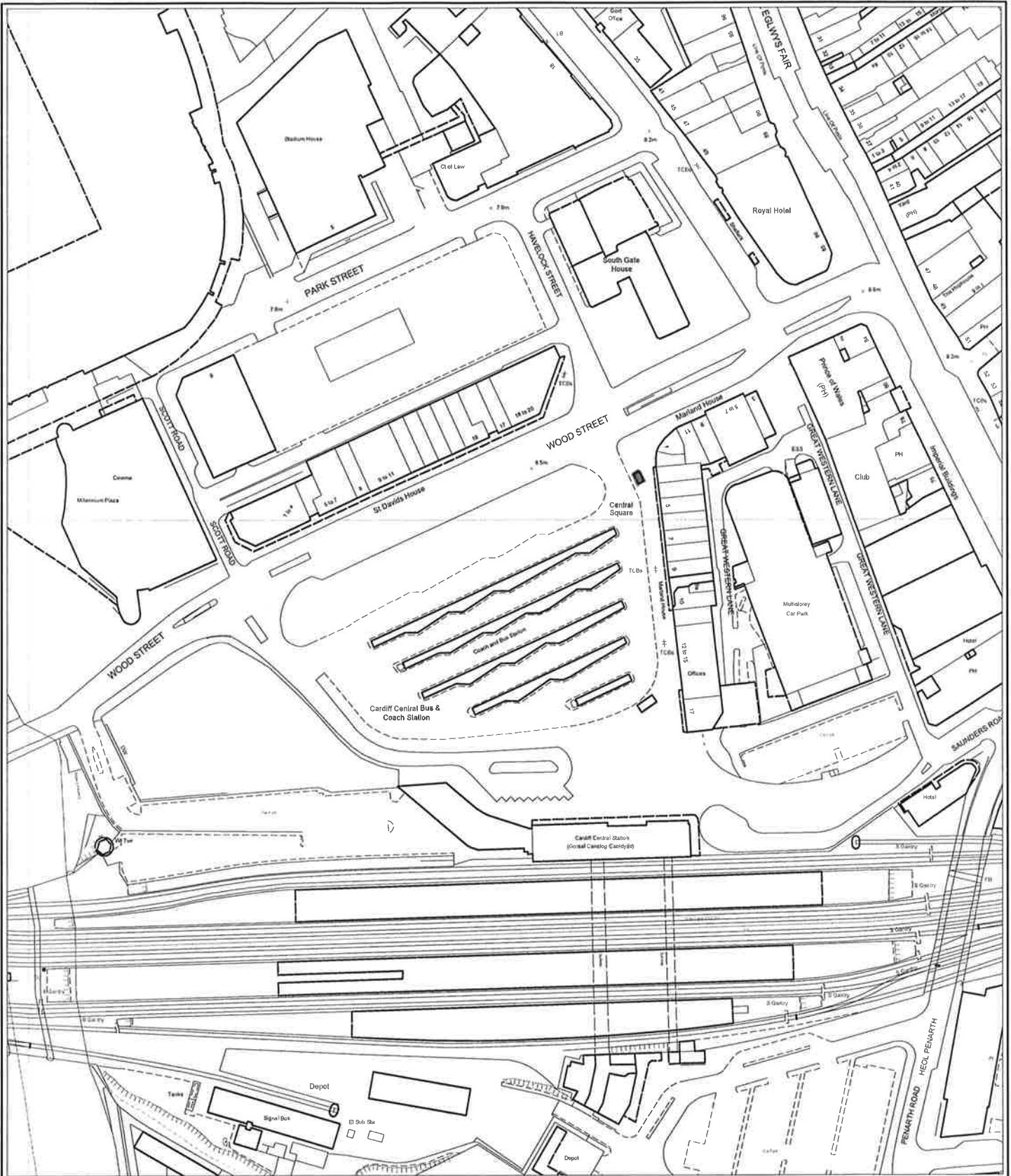
Dave Holland

18 December 2014

HEAD OF REGULATORY AND SUPPORTING SERVICES

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

Background Papers: None



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CARDIFF COUNTY COUNCIL
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Title:

Drawn by: CH
 Date: 22/12/14
 Scale: 1:1941
 Centre Coords: 318175 / 175974
 Drawing No.:

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Ordnance Survey 100023376 (2013).

