

HAYES ISLAND SNACK BAR



PUBLIC PROTECTION COMMITTEE, 9th FEBRUARY 2016
APPLICATION TO AMEND A STREET TRADING LICENCE.
OBJECTION IS BROUGHT AGAINST THIS PROPOSAL BY:
MRS. SHANI WORTON (OWNER)
HAYES ISLAND SNACK BAR.

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Application to amend street trading licence Public Protection Committee

9th February 2016.

Objection is brought against this proposal by Mrs. Shani Worton (Owner) of Hayes Island Snack Bar.

Background:

The application from Mr. Tim Harris to vary his street trading licence may appear to be a small, non consequential change, however this is NOT the case.

Only five months ago the Public Protection Committee, approved the change of the street designation of part of Working Street with clear understanding that, the scope of the licence was specifically to sell cold baguettes, jacket potatoes, hot dogs and non alcoholic drinks. Mr. Harris agreed NOT to sell burgers and as such this detail is noted in the street trading licence dated 18th December 2015 (attached) and the committee approved the application.

Much of the meeting on the 4th August 2015 centered around exactly what foods would be sold and the impact to other long established businesses in the area. With the strict provisions as detailed the licence was granted.

Street Trading Consent Act 1982.

2. Only those foods specified in the consent may be sold.

Mr. Harris states that relocation to Working Street has adversely affected his business. With incredibly small overheads relating to a street trading licence, his exhaustive existing menu and position in one of the top five retail destinations in the UK, this is hard to believe. (These points will be expanded upon)

Schedule 4 (miscellaneous provisions) Act 1982

3.1 (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;

Clause 3.1(b) certainly applies and consent would have direct impact on existing businesses in the immediate vicinity.

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Although 'the street' is a designated licence street, surely it does not give way to sell any product and does not give ground to extend the scope of licence that will create these consequences. Just because Mr. Harris's stall is located within a licenced street does not entitle him to be granted to sell anything he so wishes - where are the boundaries? This clause must be enforced.

Competition Act - Unfair advantage.

Ultimately, both Hayes Island Snack Bar (HISB) and Mr. Harris are tenants and Cardiff Council are the landlord.

Street Trading Licence.

Mr. Harris has a street trading Licence that does not provide security or longevity as the licence only lasts one year. In practice however this rolls over year after year.

Mr. Harris only pays a very small amount of money for the licence that is most certainly not a commercial rent and pays no rates. Mr. Harris has not made investment and all trading platforms are provided free of charge by the Council.

Long Term Lease.

Hayes Island Snack Bar have a long term lease and pay a commercial rent plus rates and have invested heavily into this area (Please see attached). To give an idea HISB pay sixty times more rent than Mr. Harris irrespective of rates. HISB has also worked closely with the Council and through Cabinet agreement via an alternative delivery method run, insure, clean, maintain and pay for the subterranean toilets to be open to the citizens of Cardiff free of charge at our expense. They had previously been closed due to budget cuts. These facilities alone used to cost the Council £120,000 per annum to run and maintain.

Cardiff Council have created this unfair playing field and with reference to the Competitions Act disparity and competitive advantage to Mr. Harris. Both parties should exist on a level playing field. As highlighted (copy attached) this competitive advantage is now demonstrated where HISB menu has been directly copied and undercut by Mr. Harris - directly due to Cardiff Council.

For example - Beef with Horseradish filled roll - HISB charge £3.00 or £4.00. Mr Harris offers the same for £2.50 or £3.50. Pulled Pork with apple sauce rolls are also offered as at HISB, again priced as above. Tuna mayo melts are offered at £2.90 as opposed to £3.00 at the Hayes. These examples are to name but a few.

HISB has certainly experienced adverse effects due to the opening of Mr. Harris's licence. Action will be brought proving and highlighting the Competitions Act and damages for loss of profit will be sought.

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HISB are being forced by the Council (Landlord) through unfair competition to the point that the business is not financially viable. The consequences of which are that 18 people will loose their jobs, toilets facilities closed and investment withdrawn.

Signed.....

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Further observations contrary to the street trading licence extended to Mr. Harris.

Street Trading Consent (Miscellaneous Provisions) Act 1982.

Use of Site.

5. Where permission has been granted by the Council for a Consent Holder to use a receptacle/stall for the sale of goods, the receptacle/stall used for trading must be erected so as not to protrude or project outside the limits of the permitted area in any way.

Please see advertising board clearly protruding and projecting outside of the permitted areas not to mention a health and safety issue.



External seating is not permitted in the licence however persistently on a daily basis being used. As seen, a health and safety issue in a crowded street without consent or permission.

