

PUBLIC PROTECTION COMMITTEE: 4 April 2017

Report of the Director of Legal, Governance & Monitoring Officer

CONTROL OF STREET TRADING – CONSENT STREETS

1. Background

1.1 At its meeting of 7th February 2017 the Committee authorised me to publish notice of its intention to pass resolutions to change the street designations of the following streets from ‘prohibited’ streets to ‘consent’ streets for the purpose of street trading, pursuant to Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

- Churchill Way
- Lloyd George Avenue, City Centre (excluding the section between Hemming Way Road and Roald Dahl Plas which already has consent status)
- Station Terrace, City Centre
- Windsor Place, City Centre
- Herbert Street
- Tyndall Street
- Bute Street
- Kingsway

1.2 In addition, the Committee authorised me to publish notice of its intention to pass resolutions to change the street designations of the following streets from ‘undesigned’ streets to ‘consent’ streets for the purpose of street trading, pursuant to Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

- Callaghan Square
- Bute Terrace
- Bute Crescent

1.3 The intention is for the changes to have effect from 3rd May 2017

2. Details.

- 2.1 In accordance with the statutory procedure a Public Notice was published stating the Committee's intention in the South Wales Echo on 10th February 2017. Copies were also sent to the Police, the Chief Highways and Parks Officer, and the Chief Traffic and Transportation Officer. The Notice invited representations relating to the proposed resolutions to be made in writing by 10th March 2017. No representations were received.
- 2.2 It is intended that the change in street designations would allow greater flexibility for trading at events/activities organized by or in partnership with the City of Cardiff Council.

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 a fixed street trading consent in the city centre is £166 for merchandise and £211 for food per event.
- 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 Any trader wishing to trade on an event day/activity site would need to obtain a street trading consent 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 3rd May 2017 all previous resolutions designating all parts of Churchill Way, Lloyd George Avenue (excluding the section between Hemming Way Road and Roald Dahl Plas which already has consent status), Station Terrace (City Centre), Windsor Place (City Centre), Herbert Street, Tyndall Street, Bute Street, Kingsway, as prohibited streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982 are rescinded.

5.2.2 With effect from 3rd May 2017 Churchill Way, Lloyd George Avenue (excluding the section between Hemming Way Road and Roald Dahl Plas which already has consent status), Station Terrace (City Centre), Windsor Place (City Centre), Herbert Street, Tyndall Street, Bute Street, Kingsway, Callaghan Square, Bute Terrace and Bute Crescent, be designated Consent Streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982.

Davina Fiore
Director of Legal, Governance & Monitoring Officer

13 March 2017

Background Papers

1. Minutes of the Public Protection Committee of 7 February 2017