

**Public Protection Committee: 8 February 2022**

**Report of the Head of Shared Regulatory Services**

**Control of Street Trading In Whitchurch**

**1. Background**

1.1 At the meeting of [30 November 2021](#), the Public Protection Committee authorised the Head of Legal Services to publish notice of its intention to pass resolutions to change the street designations of the following streets to 'prohibited' for the purpose of street trading, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

- College Road, Whitchurch
- College Close, Whitchurch
- Tynewydd, Whitchurch
- Tynant, Whitchurch

1.2 The intention is for the changes to have effect from 8 March 2022

**2. Details.**

2.1 In accordance with the statutory procedure, a Public Notice was published in the South Wales Echo on 7 December 2021 stating the Public Protection Committee's intention. Copies were also sent to South Wales Police, the Highways Department of Cardiff Council and notices were displayed in the streets affected. The notice invited representations relating to the proposed resolutions to be made in writing by 8 January 2022.

2.2 Three responses were received to the public notice, all of which support restricting street trading in the area. Redacted copies of the responses received to the Public Notice are contained in Appendix A of this report.

**3. Financial Implications**

3.1 The cost of advertising the designation as required by statute and the cost of enforcing the designation will be met from the current budget.

#### **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.

#### **5. Recommendations**

- 5.1 It is recommended that Members consider the representations received to the Public Notice and determine whether to designate the streets listed in paragraph 1.1 as prohibited streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982, with effect from 8 March 2022.

**Dave Holland**  
**Head of Regulatory Services**

**12 January 2022**

#### Background Papers

- 1. Minutes of the Public Protection Committee of 30 November 2021

# Appendix A

## Response 1

[REDACTED]  
Whitchurch  
Cardiff  
Tel: [REDACTED]

Ref: AJ/507

Dear Director of Governance and Legal Services

I wish to make a supportive representation regarding the proposed resolution to designate all parts of College Road, Whitchurch, Cardiff, College Close, Whitchurch, Cardiff, Tynwydd, Whitchurch, Cardiff and Tynant, Whitchurch, Cardiff as Prohibited Streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982.

I fully support the prompt and diligent manner in which the Council have followed up on concerns over a street trader on the corner of Tynwydd and College Road creating a nuisance and a potential safety hazard to pedestrians, including school children.

I am glad that the Public Protection Committee reconsidered their 2015 decision in the light of local objections. The siting of street traders is totally inappropriate in this residential area for a range of concerns, specifically:

- a) the street trader's van is too close to very busy road junction, leading to a potential traffic incident;
- b) it is located close to a pedestrian road crossing (zebra), used by school children and the careless parking arising from customers of the food van near to a crossing creates a safety risk for pedestrians;
- c) customers create road congestion on a residential road by thoughtless double parking so blocking a busy residential thoroughfare, especially given the proximity of a school with parents dropping of and collecting children;
- d) the food van creates potential noise pollution for nearby houses and passers-by through the use of its electricity generator; and
- e) potentially leads to an increased litter problem in the residential area through customers discarding food wrappings and uneaten food, as well as potential health hazard from decaying food.

To compound the issue, Cardiff Council have only just built a residential lay-by for local houses so that residents do need to park on the grass verges. This was prompted by a previous street trader who more or less destroyed a grass area adjacent to College Road by driving and parking his food van off-road.

The current food van now takes up two of the four newly- created parking spaces for residents. Thereby circumventing the very purpose of the new residential parking bays which paid for by the ratepayers of Cardiff.

I would further add that, apart from having a totally free permanent parking space, I assume that the street trader pays no business rates so is operating a business being in effect subsidised by Cardiff ratepayers. He/She is thereby potentially taking trade away from 'legitimate' cafe owners in the locality in Llandaff North and Whitchurch village.

I understand that this particular trader is awaiting a food hygiene inspection from the Council and therefore does not have, at the present time, all the required hygiene certifications.

The proposal is perfectly correct in applying the prohibition more widely to the streets designated in AJ/507 so as to prevent the trader and any future traders simply relocating to one of the nearby residential streets or parking up on one of the adjacent recreational grass areas. The attraction for the food traders arises from their proximity to a builder's merchants whose customers can easily find a similar food fare from the nearby cafe take-away shops in Llandaff North and Whitchurch. Thereby they would be supporting local cafe owners who contribute to the city's economy.

Yours sincerely

S [REDACTED] B [REDACTED]

Davina Fiore  
Director of Governance & Legal Services Cardiff County Council  
County Hall  
Atlantic Wharf  
Cardiff  
CF10 4UW

## Response 2

### Online form submitted at:

/ENG/Home/Contact-us/Comments-complaints-and-compliments/Pages/default.aspx

#### Title \*

Mrs

#### First name \*

E [REDACTED]

#### Last name \*

K [REDACTED]

#### Phone number (Home)

[REDACTED]

#### Email address

[REDACTED]@yahoo.co.uk

#### Address

[REDACTED]

Whitchurch

CARDIFF

[REDACTED]

#### If we need to contact you, how would you prefer we do it? \*

Email

### Contact Us Message \*

Hi. I am contacting you today to complain about the constant chaos the burger van is causing on Tynewydd. Over the years burger vans who have attempted to trade from that site have all been moved. Recently you have got rid of the path/ grass and added in a parking bay this is now occupied by a burger van and the owner of the van parks her car there. I am sure the council did not spend good money to accommodate this. Today I have nearly banged my car by trying to pass through that road with the excessive parking from people going to purchase their food. Vans and cars are parking wherever they like and including blocking drive ways. This is an accident waiting to happen and also not very nice for the residents who live on this road especially with the constant smell of burgers cooking. Look forward to hearing back. Many thanks Mrs.k [REDACTED]

### Response 3

-----Original Message-----

From: A [REDACTED] C [REDACTED]

Sent: 30 December 2021 11:47

To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
<[licensing@cardiff.gov.uk](mailto:licensing@cardiff.gov.uk)>

Subject: FAO Davina Fiore

Good morning

I am writing in regards to the burger van that has been parked and operating from the end of Tynewydd (College Road end) in Whitchurch for the past few months.

I have tried complaining via the Council website but to no avail. This is an eye sore, attracts anti social parking and also increased noise levels on what is a nice road that doesn't need or welcome a burger van. I believe Whitchurch Builders are also partly responsible here by having a sign on their site directing customers to the van.

Regards

A [REDACTED] C [REDACTED]  
[REDACTED]