



CARDIFF COUNTY COUNCIL

**STREET TRADING
LICENSING POLICY STATEMENT**

July 2008

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STREET TRADING

[Legislation – Local Government (Miscellaneous Provisions) Act, 1982, Schedule 4]

INTRODUCTION

The Licensing Authority's policy is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments while minimising the possibility of obstruction and nuisance.

The Licensing Authority considers all applications and determines them on their individual merits. However in the interests of consistency, openness and fairness the Authority has over the years adopted a number of general policies and principles to guide it in its consideration of applications for street trading licences and consents.

This policy relates to the selling or exposing or offering for sale of any article in any street or part of a street which includes any road, footway, beach or other area within Cardiff to which the public has access without payment. The details of the policies and principles applicable to the licensing of street traders are laid out in this document. The overriding principle adopted by the licensing authority is the avoidance of obstruction, minimisation of nuisance and the protection of the public.

As street trading policy is constantly evolving, the Public Protection Committee is frequently required to amend or update its policy and these changes may not be immediately reflected in this policy document, which is provided for guidance only.

1. Designation of Streets.

- 1.1 Where it is necessary in the interests of public protection to prevent obstruction and avoid nuisance the authority will designate streets in Cardiff as Consent, Licence or Prohibited streets for the purposes of street trading.
- 1.2 Licence street is a street in which street trading is prohibited without a licence granted by the licensing authority and consent street is one in which street trading is not permitted without the consent of the licensing authority. A prohibited street is one in which no street trading of any type is permitted.
- 1.3 In considering the appropriateness of a designation the authority will take the following matters into consideration:
- If there is enough space in the street to enable a place to be used by a street trader without causing undue obstruction, interference or inconvenience to persons living, working or using the street.
 - Any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving
 - If trading could be permitted for short periods or on a temporary basis without causing such nuisance.
 - If public amenity would suffer if street trading were to be permitted in a street.
 - If street trading would harm the economic progress of other traders in the street.
 - The safe access and egress of customers and staff from the pitch and immediate vicinity.

2. Licence Streets

- 2.1 In general the licensing authority will consider it appropriate to designate a street as a licence street in respect of the a formalised type of trading where trading may take place on a permanent basis but where the strict control of a limited amount of space is required. A licence is required to trade in such streets.
- 2.2 The authority will consider each application for a street trading licence in a consistent, fair and proportionate way. In considering an application the authority will wish to ensure the applicant is a fit and proper person to trade without causing nuisance or inconvenience and will take the following matters into consideration:
- that there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street
 - that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade
 - the amount of time in which it is desired to trade in that street
 - the suitability of the applicant in respect of any history of criminal convictions or other reason
 - If the applicant has at any time held a licence or consent and refused or neglected to pay the fees.
 - If the applicant has without reasonable excuse failed to make use to a reasonable extent of a previous street trading licence.

- If the applicant has suitable practices to control waste and prevent littering.
- 2.3 In the interests of avoiding nuisance the authority permits a maximum number of seven licensed street traders in Cardiff within bays which are designated as part of the street and no street trading is permitted within the pedestrianised areas, with the exception of the existing traders.
- 2.4 The authority has determined that while the situation remains unchanged no new applications within the central city area will be entertained as there are considered to be no other suitable locations for street traders in the area.
- 2.5 Applications for street trading in the defined central area should be directed to the licensing authority which would then consult with the Chief Traffic and Transportation Officer to see if the location would be appropriate. Application for street trading outside the defined central area would initially be directed to the Chief Traffic and Transportation Officer who would then consult with the licensing authority.
- 2.6 Licensed Street Traders may apply to the licensing authority for occasional permission to vary their hours on Sunday and when events take place at Millennium Stadium.
- 2.7 Parts of the following streets have been designated as Licence Streets for the purpose of street trading:
- Bangor Street
 Central Square
 Churchill Way
 Great Western Lane
 The Hayes, North
 Working Street
 Ann Street – East side 2 metres behind building line of Cowbridge Road East.
- 2.8 Before a new street trading site is created the Council will consult and seek written observations from
- occupiers of premises immediately adjacent and opposite;
 - ward councillors;
 - parish councils
 - South Wales Police;
 - the Planning and Highways Authorities; and
 - existing holders of street trading consents in the immediate area

The matter will then be considered by the authority's Public Protection Committee.

- 2.9 The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any By-law, enactment or regulation other than Part 3, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. For the avoidance of doubt, this includes the requirement to seek and obtain the permission of the highways authority and planning permission and/or advertisement consent.

- 2.10 Standard conditions have been agreed by the licensing authority which must be complied with by every licence holder.
- 2.11 To avoid nuisance and obstruction, in general the area occupied by the licensed trader must not exceed 3.20 metres in length x 2 metres in width x 2.90 metres in height. The receptacle used for trading must be erected so as not to protrude or project outside the limits of the licensed area in any way. All goods, containers (except refuse containers used solely for the purpose) or other articles that may be placed alongside or around a receptacle shall be contained within the licensed area of 3.20 metres in length x 2 metres in width x 2.90 metres in height and shall not project beyond.

3. Consent Streets

- 3.1 Designation as a consent street is to cover the more itinerant and infrequent types of trading where a more flexible type of control is required.
- 3.2 Street Trading Consents are granted only for specific major events in the City. Most events are centred in the area around the Millennium Stadium, however occasionally events occur around the City Hall area when Street Trading Consents are also issued. Listed below are the consent streets approved by the Committee together with details of the type of sites available on those streets.

Castle Street		Scott Road
Charles Street	Fitzhamon	St John Street
City Hall Road	Embankment	The Friary
College Road,	Gorsedd Gardens	Westgate Street
City Centre	Road	High Street (City Centre)
Duke Street	Havelock Street	Wood Street
St Mary Street	King Edward VII	Newton Road
Leckwith Road	Avenue	
Park Street	Museum Avenue	
Coldstream Terrace (for 5 metres from its Junction with Cowbridge Road East)		
Green Street (for 18 metres from its Junction with Cowbridge Road East)		

- 3.3 Standard Conditions have been agreed by the licensing authority which must be complied with by every consent holder.
- 3.4 Sites on the following consent streets are available during events at Millennium Stadium.

Location	No. of sites available	Type of Merchandise authorised	Type of site Fixed or Mobile
Coldstream Terrace	2	Food	Fixed
Green Street	1	Food	Fixed
Fitzhamon Embankment	3	Food	Fixed
Junction of Queen Street/The Friary	3	Event related merchandise	Mobile
Junction of Duke Street/St	3	Event related	Mobile

Johns Street		merchandise	
Junction of Queen Street/Charles Street	2	Event related merchandise	Mobile
Junction of Castle Street/Westgate Street	3	Event related merchandise	Mobile
King Edward VII Avenue	2	Event related merchandise	Mobile
Westgate Street outside NCP car park	3	Event related merchandise	Fixed
Westgate Street outside Royal Hotel	3	Event related merchandise	Fixed
Duke Street Castle Moat (for ticket sales only)	1	Ticket Sales	Fixed
Castle Street Castle Moat (for ticket sales only)	1	Ticket Sales	Fixed

Fixed sites are where goods must be sold from a receptacle (maximum size 3m x 2m)
 Mobile Sites are where goods must be carried (not sold from a receptacle).

3.5 Sites on the following consent streets are available during events at City Hall.

King Edward VII Avenue	Gorsedd Gardens Road
City Hall Road	Museum Avenue
College Road	

3.6 Before granting consent the licensing authority will seek the views of the Highways Authority and the Waste Authority and, if appropriate, the Food Safety Section.

3.7 Traders will be expected to have appropriate methods of refuse disposal in accordance with the requirements of the Environmental Protection Act 1990.

3.8 In the interests of avoiding obstruction and nuisance the following time guidelines for Street Trading Consents has been adopted.

KICK OFF TIME	TYPE OF EVENT	TRADING TIMES
13.30	Rugby Finals and Internationals	Merchandise – 10.00 – 18.00 Catering – 10.00 – 17.00
15.00	Soccer Cup Finals	Merchandise – 8.00 – 18.00 Catering – 10.00 – 20.00
15.00	Other Soccer/ Rugby Finals/ Internationals	Merchandise – 8.00 – 18.00 Catering – 10.00 – 19.00
17.00	Rugby Finals and Internationals	Merchandise – 10.00 – 20.00

		Catering – 11.00 – 21.00
19.30 – 20.00	Soccer Internationals	Merchandise – 15.00 – 22.00
		Catering – 15.00 – 22.45
16.00	Pop Concerts/ Speedway	Merchandise – 12.00 – 22.00
		Catering – 13.00 – 22.45

3.9 In the interests of public safety as a matter of policy the sale of air horns by licensed street traders at events other than those connected with motor sports, is prohibited and any sale in contravention will lead to refusal of any subsequent application for the grant of consent.

3.10 Where permission has been granted by the Council for a Consent Holder to use a receptacle or stall it must be of a type and style approved in writing by the Council and positioned entirely within the permitted area. The permitted area is:

- a) for the sale of match related merchandise the area occupied by the trader must not exceed 3 metres x 2 metres; and
- b) for the sale of food and drink the area occupied by the trader must not exceed 4 metres x 2 metres.”

4. Prohibited Streets

4.1 In the interests of minimising nuisance as a matter of policy the following streets have been prohibited for the purposes of street trading.

A	Beulah Road	C
Aberporth Road	Birchgrove Road	Caeglas Road
Adam Street	Bishops Road	Caerau Lane
Albany Road	Bishopston Road	Caerau Road
Alice Street	Blackoak Road	Caerphilly Road
Alder Road	Blenheim Road	Cambria Road
Allensbank Road	Boulevard de Nantes	Canal parade
Amroth Road	Brandreth Road	Cardiff Road, Llandaff
Angelina Street	Bridge Road, Llandaff	Carisbrooke Way
Archer Road	North	Caroline Street
Atlas Road	Bridge Street	Carlisle Street
Avondale Road	Broadhaven	Castle Road,
	Broad Street	Tongwynlais
B	Broadway	Cathays Terrace
Ball Road	Bromley Drive	Cathedral Road
Barons Court Road	Bryn Celyn Road	Cefn Coed Road
Beechley Drive	Burnham Avenue	Celyn Avenue
Belmont Walk	Bute Street	Central Link Road, Docks
Bessemer Road	Bwlch Road	

Central Square
Christina Street
Churchill Way
Church Road, Whitchurch
Church Street
Circle Way East
Circle Way West
City Road
Clare Road
Clare Street
Clarence Road
Clearwater Road
Clifton Street
Clive Road
Clive Street
Clydesmuir Avenue
Coed Cochwyn Avenue
Coldstream Terrace
(beyond 5 metres from
Cowbridge Road East)
Collingdon Road
Collwill Road
Colum Road
Colwinstone Street
Corbett Road
Corporation Road
Coryton Crescent
Coryton Rise
Countisbury Avenue
Cowbridge Road East
Cowbridge Road West
Crickhowell Road
Crockherbtown Lane
Croft y Genau Road
Crown Way
Crwys Road
Custom House Street
Cyncoed Road

D

Danescourt Way
Dan yr Heol
Deere Road
Drope Road
Dumballs Road
Dumfries Place
Dyfrig Road

E

East Tyndall Street

Eastern Avenue
Ely Link South Access
Road
Ely Road
Everest Avenue
Excalibur Drive

F

Fairoak Road
Fairwater Road
Ferry Road
Fidlas Road
Fishguard Road
Fitzalan Road
Frederick Street

G

Gabalfa Avenue
Gabalfa Road
Gelligaer Street
Gilwern Crescent
Glendale Avenue
Glan y Nant Road
Glossop Road
Glyn Coed Road
Grand Avenue
Great Western Lane
Greenfarm Road
Green Street (beyond 18
metres from Cowbridge
Road East)
Greenway Road
Greyfriars Road
Guildhall Place
Gwern Rhyddi Road

H

Habershon Street
Hadfield Road
Hampton Court Road
Hannah Street
Harris Avenue
Hayes Bridge Road
Heath Halt Road
Heath Park Avenue
Heathwood Road
Hemmingway Road
Hendre Road
Heol Don
Heol Ebwy

Heol Esgyn
Heol Hir
Heol Isaf
Heol Isaf, Radyr
Heol Llanishen Fach
Heol Pontprennau
Heol Trelai
Heol y Delyn
Heol y Deri
Herbert Street
High Street, Llandaff
Hills Street
Hodges Square,
Hodges Row,
Hollybush Estate
Hollybush Road
Holmesdale Street

I

Ipswich Road

J

Janet Street

K

Kelston Road
Kimberley Terrace
King George V Drive
Kings Road, Canton
Kingsway

L

Lakeside Drive
Lake Road East
Lake Road West
Lamby Way
Lansdowne Avenue
Lansdowne Road
Lawrenny Avenue
Lewis Road
Lisvane Road
Llandaff Road
Llandennis Road
Llanedeyrn Drive
Llanedeyrn Road
Llanewrwg Way
Llangrannog Road
Llanrumney Avenue
Llantrisant Road
Lloyd George Avenue

Longcross Street
Loudoun Square
Lower Cathedral Road

M

Mackintosh Place
Maes y Coed Road
Maindy Road
Manor Way
Mardy Road
Mardy Street
Maria Street
Marlborough Road
Mary Ann Street
Merthyr Road,
Tongwynlais
Merthyr Road,
Whitchurch
Meteor Street
Michaelston Road
Mill Lane
Mill Road, Ely
Mill Road, Lisvane
Mill Road, Tongwynlais
Moorland Road
Morris Avenue
Mount Pleasant Avenue
Muirton Road
Mynachdy Road

N

Neville Street
New Road
Newborough Avenue
Newport Road
Ninian Road
Ninian Park Road
Northern Avenue
North Road

O

Ocean Way
Old Church Road
Ordell Street

P

Paget Street
Pantbach Road
Pantmawr Road
Park Place

Park Road, Whitchurch
Penally Road
Penarth Road
Pencisely Road
Pendyris Street
Pendwyallt Road
Penhill Road
Penlline Road
Pentrebane Road
Pentwyn Drive
Pentwyn Road
Penylan Road
Plasturton Avenue
Plasmawr Road
Plymouth Wood Road
Portmanmoor Road
Portmanmoor Road Lane
Pwllmelin Road

Q

Quay Street
Queen Street

R

Radyr Court Road
Redhouse Road
Richmond Road
Ridgeway Road
River View
Riverside Terrace
Rhyd y Penau Road
Romilly Road
Romilly Road West
Rover Way

S

Sanatorium Road
Sandringham Road
Schooner Way
Senghenydd Road
Severn Road
Sloper Road
Snowden Road
Sophia Close
South Loudoun Place
Southern Way
Splott Road
St. David's Link
St Fagans Road
Stacey Road

Stanway Road
Station Road, Llandaff
North
Station Road, Llanishen
Station Terrace
Stuttgarter Strasse

T

Taffs Mead Embankment
Templeton Avenue
Templeton Close
The Golate
The Green, Llandaff
The Hayes
The Philog
Thornhill Road
Three Arches Avenue
Tresillian Way
Trinity Street
Trowbridge Road
Tudor Street
Tweedsmuir Road
Ty Draw Road
Ty Glas Avenue
Ty Glas Road
Ty Gwyn Road
Ty Nant Road
Ty Wern Road
Tyn y Parc Road
Tyndall Street

U

Upper Clifton Street
V
Velindre Road
Victoria Park Road East
Victoria Park Road West
Virgil Street

W

Walker Road
Waterhall Road
Waterloo Road
Waungron Road
Wellington Street
Wellfield Road
Wentloog Road
Western Avenue
Wharton Street
Wheatley Road

Whitchurch Road
Willowbrook Drive
Windway Road
Wilson Road
Womanby Street
Windsor Avenue, Radyr
Windsor Place
Windsor Road
Windsor Road, Radyr
Wolfs Castle Avenue
Woodville Road
Working Street
Wyndham Crescent

5. Offences

- 5.1 A person who engages in street trading in a prohibited street or who engages in street trading in a licence street or a consent street without being authorised to do so or who contravenes any of the principal terms of a street trading licence is guilty of an offence.
- 5.2 A person who being authorised by a street trading consent to trade in a consent street, trades in that street from a stationary van, cart, barrow or other vehicle or portable stall without first having been granted consent by the Council is guilty of an offence.
- 5.3 In the interests of public protection and avoidance of nuisance the licensing authority will actively enforce the law in respect of street trading working with other partner agencies such as South Wales Police Force, Food Safety and Trading Standards when necessary. Offences will be dealt with under the licensing authority's enforcement policy as a gross breach of licensing legislation.
- 5.4 The Chief Legal Services Officer has been instructed, on notification that persons with three or more convictions for unlawful street trading, whether convictions are obtained as a result of police or council prosecutions, to commence proceeding for High Court injunctions to prevent the individual continuing to trade unlawfully.

6. Pedlars

- 6.1 A pedlar is someone who travels and trades on foot, going from town to town or house to house selling goods or offering their skills in handicrafts and selling such things as pictures, dusters and household goods. A pedlar must hold a certificate granted by a chief constable in the area in which they are resident. The certificate is valid for one year and applies throughout the United Kingdom. Someone who acts as a pedlar without a certificate commits an offence.
- 6.2 A person legitimately trading under a Pedlar's Certificate from the Police may trade in a street on a limited basis, provided they abide by the following rules:
- A pedlar is a pedestrian
 - A pedlar trades whilst travelling rather than travelling to trade
 - A pedlar goes to customers rather than allowing them to come to the pedlar
 - A pedlar is a seller rather than a mender
 - A pedlar must not remain stationary for long periods of time
 - A pedlar must not set up a stall and wait for people to approach
- 6.3 Failure to comply with these rules will make the offender liable to prosecution as an illegal street trader. The licensing authority robustly enforces the law relating to illegal street trading and will prosecute illegal street traders attempting to avoid liability by purporting to be a pedlar when not so. We will work with our partner agencies to prevent obstruction and nuisance. Offenders face prosecution and the seizure of their goods.

7. Miscellaneous Matters.

- 7.1 The employment of children in street trading is controlled by the Children and Young Persons Act 1933 as amended by the Children and Young Persons Act 1963 which prohibits the employment of children under 17 years of age in street trading.
- 7.2 The licensing authority will set a fee for the issue of a street trading licence and consent in order to cover the cost of providing the regulatory system.