



Cardiff Council

Street Trading Licensing Policy Statement

2008

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Introduction

Street trading in Cardiff is controlled under the Local Government (Miscellaneous Provisions) Act 1982. 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 Authority to Designate

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 Street Definitions

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 Designation Considerations

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 General Designation Approach

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 Application Considerations

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 Maximum Number of Traders

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 New Applications Policy

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 Application Process

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 Occasional Variations

Licensed Street Traders may apply to the licensing authority for occasional permission to vary their hours on Sunday and when events take place at Principality Stadium.

2.7 Designated Licence Streets

Parts of the following streets have been designated as Licence Streets for the purpose of street trading:

- Bangor Street
- Cowbridge Road East
- Queen Street
- Working Street

2.8 Consultation Process for New Sites

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
- 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 Additional Approvals

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

Standard conditions have been agreed by the licensing authority which must be complied with by every licence holder.

2.11 Space Restrictions

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 General Purpose

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 Event-Based Consents

Street Trading Consents are granted only for specific major events in the City. Most events are centred in the area around the Principality 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.

Consent Streets:

See Appendix A

3.3 Standard Conditions

Standard Conditions have been agreed by the licensing authority which must be complied with by every consent holder.

3.4 Principality Stadium Event Sites

Sites on the following consent streets are available during events at the Principality Stadium:

- Westgate Street outside NCP car park x4 (for the sale of event related merchandise)
- Coldstream Terrace x2 (for the sale of food and drink)

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 City Hall Event Sites

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 Consultation Requirements

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 Refuse Disposal

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

3.8 Trading Time Guidelines

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

Kick Off Time	Event Type	Merchandise Trading Times	Catering Trading Times
13.30	Rugby Finals and Internationals	10.00 – 18.00	10.00 – 17.00
15.00	Soccer Cup Finals	8.00 – 18.00	10.00 – 20.00
15.00	Other Soccer/Rugby Finals/Internationals	8.00 – 18.00	10.00 – 19.00
17.00	Rugby Finals and Internationals	10.00 – 20.00	11.00 – 21.00
19.30 – 20.00	Soccer Internationals	15.00 – 22.00	15.00 – 22.45
16.00	Pop Concerts/Speedway	12.00 – 22.00	13.00 – 22.45

3.9 Air Horn Prohibition

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 Permitted Area Specifications

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:

- For the sale of match related merchandise the area occupied by the trader must not exceed 3 metres x 2 metres
- 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 Policy Rationale

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

4.2 List of Prohibited Streets

See Appendix B

5. Offences

5.1 General Offences

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 Vehicle and Stall Offences

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 Enforcement Approach

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 Injunction Proceedings

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 Definition and Certification

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 Pedlar Trading Rules

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 Enforcement Against False Pedlars

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 Child Employment Restrictions

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 Licensing Fees

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.

Appendix A -Streets Designated as Consent Streets for Street Trading

The following streets within the Cardiff Council area are designated as consent streets for the purposes of street trading under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

Castle Street	Newton Road
Charles Street	Park Place
City Hall Road	Park Street
Coldstream Terrace (for 5 metres from its junction	Queen Street
College Road, City Centre	Scott Road
Duke Street	Sloper Road
Fitzhamon Embankment	St John Street
Frederick Street	St John Street (Mobile only)
Gorsedd Gardens Road	St Mary Street
Green Street (for 18 metres from its junction with	The Friary
Havelock Street	The Hayes
High Street	Trinity Street
Hills Street	Westgate Street
King Edward VII Avenue	Womanby Street
Leckwith Road	Wood Street
Lloyd George Avenue (from junction with	Working Street
Museum Avenue	

Appendix B- Streets Designated as Prohibited for Street Trading

The following streets within the Cardiff Council area are designated as prohibited streets for the purposes of street trading under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

Aberporth Road	Ferry Road	Ninian Road
Adam Street	Fidlas Road	North Road
Albany Road	Fishguard Road	Northern Avenue
Alder Road	Fitzalan Road	Ocean Way
Alice Street	Frederick Street	Old Church Road
Allensbank Road	Gabalfa Avenue	Ordell Street
Amroth Road	Gabalfa Road	Paget Street
Angelina Street	Gelligaer Street	Pantbach Road
Archer Road	Gilwern Crescent	Pantmawr Road
Atlas Road	Glan y Nant Road	Park Road,
Avon Street Lane	Glendale Avenue	Penally Road
Avondale Road	Glossop Road	Penarth Road
Ball Road	Glyn Coed Road	Pencisely Road
Barons Court Road	Grand Avenue	Pendwyallt Road
Beechley Drive	Great Western Lane	Pendyris Street
Belmont Walk	Greenfarm Road	Penhill Road
Bessemer Road	Green Street (beyond 18 metres	Penlline Road
Beulah Road	Greenway Road	Pentrebane Road
Birchgrove Road	Greyfriars Road	Pentwyn Drive
Bishops Road	Guildhall Place	Pentwyn Road
Bishopston Road	Gwern Rhyddi Road	Penylan Road
Blackoak Road	Habershon Street	Plasmawr Road
Blenheim Road	Hadfield Road	Plasturton Avenue

Boulevard de Nantes	Hampton Court Road	Plymouth Wood Road
Brandreth Road	Hannah Street	Portmanmoor Road
Bridge Road, Llandaff North	Harris Avenue	Portmanmoor Road
Bridge Street	Hayes Bridge Road	Pwllmelin Road
Broad Street	Heath Halt Road	Quay Street
Broadhaven	Heath Park Avenue	Radyr Court Road
Broadway	Heathwood Road	Redhouse Road
Bromley Drive	Heil Hir	Rhyd y Penau Road
Bryn Celyn Road	Hemmingway Road	Richmond Road
Burnham Avenue	Hendre Road	Ridgeway Road
Bute Street	Heol Don	River View
Bwlch Road	Heol Ebwy	Riverside Terrace
Caeglas Road	Heol Esgyn	Romilly Road
Caerau Lane	Heol Isaf	Romilly Road West
Caerau Road	Heol Isaf, Radyr	Rover Way
Caerphilly Road	Heol Llanishen Fach	Sanatorium Road
Cambria Road	Heol Pontprennau	Sandringham Road
Canal Parade	Heol Trelai	Schooner Way
Cardiff Road, Llandaff	Heol y Delyn	Senghenydd Road
Carisbrooke Way	Heol y Deri	Severn Road
Carlisle Street	Herbert Street	Snowden Road
Caroline Street	High Street, Llandaff	Sophia Close
Castle Road, Tongwynlais	Hodges Row	South Loudon Place
Cathays Terrace	Hodges Square	Southern Way
Cathedral Road	Hollybush Estate	Splott Road
Cefn Coed Road	Hollybush Road	St Davids Link

Celyn Avenue	Holmesdale Street	St Fagans Road
Central Link Road, Docks	Ipswich Road	Stacey Road
Central Square	Janet Street	Stanway Road
Christina Street	Kelston Road	Station Road, Llandaff
Church Road, Whitchurch	Kimberley Terrace	Station Road,
Church Street	King George V Drive	Station Terrace
Churchill Way	Kings Road, Canton	Stuttgarter Strasse
Circle Way East	Kingsway	Taffsmead
Circle Way West	Lake Road East	Templeton Avenue
City Road	Lake Road West	Templeton Close
Clare Road	Lakeside Drive	The Golate
Clare Street	Lamby Way	The Green, Llandaff
Clarence Road	Lansdowne Avenue	The Philog
Clearwater Road	Lansdowne Road	Thornhill Road
Clifton Street	Lawrenny Avenue	Three Arches Avenue
Clive Road	Lewis Road	Tresillian Way
Clive Street	Lisvane Road	Trowbridge Road
Clydesmuir Avenue	Llandaff Road	Tudor Street
Coed Cochwyn Avenue	Llandennis Road	Tweedsmuir Road
Colchester Avenue	Llanedeyrn Drive	Ty Draw Road
Coldstream Terrace (beyond 5	Llanedeyrn Road	Ty Glas Avenue
College Close, Whitchurch	Llanewrwg Way	Ty Glas Road
College Road, Whitchurch	Llangrannog Road	Ty Gwyn Road
Collingdon Road	Llanrumney Avenue	Ty Nant Road
Collwill Road	Llantrisant Road	Ty Wern Road
Colum Road	Lloyd George Avenue	Tyn y Parc Road

Colwinstone Street	Longcross Street	Tynant, Whitchurch
Corbett Road	Loudon Square	Tyndall Street
Corporation Road	Lower Cathedral Road	Tynewydd,
Coryton Crescent	Mackintosh Place	Upper Clifton Street
Coryton Rise	Maes y Coed Road	Velindre Road
Countisbury Avenue	Maindy Road	Victoria Park Road
Cowbridge Road East	Manor Way	Victoria Park Road
Cowbridge Road West	Mardy Road	Virgil Street
Crickhowell Road	Mardy Street	Walker Road
Crockherbtown Lane	Maria Street	Waterhall Road
Croft y Genau Road	Marlborough Road	Waterloo Road
Crown Way	Mary Ann Street	Waungron Road
Crwys Road	Merthyr Road, Tongwynlais	Wellfield Road
Custom House Street	Merthyr Road, Whitchurch	Wellington Street
Cyncoed Road	Meteor Street	Wentloog Road
Dan yr Heol	Michaelston Road	Western Avenue
Danescourt Way	Mill Lane	Wharton Street
Deere Road	Mill Road, Ely	Wheatley Road
Drope Road	Mill Road, Lisvane	Whitchurch Road
Dumballs Road	Mill Road, Tongwynlais	Willowbrook Drive
Dumfries Place	Moorland Road	Wilson Road
Dyfrig Road	Morris Avenue	Windsor Avenue,
East Tyndall Street	Mount Pleasant Avenue	Windsor Place
Eastern Avenue	Muirton Road	Windsor Road
Ely Link South Access Road	Mynachdy Road	Windsor Road, Radyr
Ely Road	Neville Street	Windway Road

Everest Avenue	New Road	Wolfs Castle Avenue
Excalibur Drive	Newborough Avenue	Woodville Road
Fairoak Road	Newport Road	Wyndham Crescent
Fairwater Road	Ninian Park Road	