



CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

GWŶS I GYFARFOD PWYLLGOR

C Hanagan
Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf
2 Llys Cadwyn
Stryd Taf
Pontypridd, CF37 4TH

Dolen gyswllt: Marc Jones - Swyddog Gwasanaethau Democrataidd (07385 401845)

Bydd cyfarfod Rhithwir o'r **Pwyllgor Trwyddedu** yn cael ei gynnal yn ar **DYDD MAWRTH, 30AIN IONAWR, 2024** am **5.00 PM**.

MAE MODD I AELODAU O'R CYHOEDD OFYN I ANNERCH Y PWYLLGOR YN YSTOD CYFARFOD SY'N YMWNEUD Â'R MATER SYDD WEDI'I NODI. RYDYN NI'N GOFYN EICH BOD CHI'N RHOI GWYBOD AM EICH BWRIAD I SIARAD DRWY GYSYLLTU AG UWCHADRAN TRWYDDEDU UNED [BUSNES RHEOLEIDDIOL A GWEITHREDOL](#) ERBYN **5PM** AR **Dydd Gwener, 26 Ionawr 2024**, GAN NODI A FYDDWCH CHI'N SIARAD YN GYMRAEG NEU'N SAESNEG.

AGENDA

1. DATGAN BUDDIANT

Derbyn datganiadau o fuddiannau personol gan Aelodau, yn unol â gofynion y Cod Ymddygiad.

Noder:

1. Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw; a
2. Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, mae **rhaid** iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

2. DEDDF HAWLIAU DYNOL 1998 A'R DEDDF TROSEDD AC ANHREFN

I'w nodi: Pan fydd Aelodau'n ystyried y materion trwyddedu a chofrestru sydd ger eu bron, mae dyletswydd arnyn nhw i beidio â gweithredu mewn modd sy'n anghydnaws â'r confensiwn ar Hawliau Dynol a'r

Ddeddf Trosedd ac Anhrefn.

3. COFNODION

Cymeradwyo cofnodion cyfarfod y Pwyllgor Trwyddedu a 12 Rhagfyr 2023.

5 - 12

4. YSTYRIED TRWYDDEDAU A CHOFRESTRIADAU A GYHOEDDWDYD O DAN DDARPARIAETH PWERAU DIRPRWYEDIG AR GYFER Y CYFNOD: 27.11.2023 - 14.01.2024

- (i) Trwyddedu Anifeiliaid
- (ii) Tyllu'r Croen a Thatwio

13 - 22

5. YSTYRIED DARPARIAETHAU MASANACHU AR Y STRYD

23 - 56

6. TRAFOD CADARNHAU'R CYNNIG ISOD YN BENDERFYNIAD

“Bod y cyfarfod hwn yn cadw aelodau o'r wasg ac aelodau o'r cyhoedd allan o ystafell y cyfarfod, dan Adran 100A(4) o Ddeddf Llywodraeth Leol 1972 (fel y'i diwygiwyd), yn ystod trafod yr agendwm nesaf, ar y sail y byddai'n debygol o olygu datgelu gwybodaeth eithriedig yn ôl diffiniad paragraff 13 o Ran 4 o Atodlen 12A o'r Ddeddf.”

ADRODDIADAU'R EITHRIEDIG CYFARWYDDWR MATERION IECHYD A DIOGELWCH Y CYHOEDD A GWASANAETHAU CYMUNED SY'N CYNNWYS GWYBODAETH EITHRIEDIG

7. CRYNODEB O'R TRWYDDEDAU A GYHOEDDWDYD O DAN DDARPARIAETH AWDURDOD DIRPRWYEDIG AR GYFER Y CYFNOD: 27.11.2023 - 14.01.2024

- (i) Trwyddedau gyrru ar y cyd – Cerbyd Hacni / Cerbyd Hurio Preifat
- (ii) Trwyddedau Gweithredwyr Cerbydau Hurio Preifat
- (iii) Trwyddedau Cerbyd Hacni
- (iv) Trwyddedau Gweithredwyr Hurio Preifat

57 - 76

8. CRYNODEB GORFODI (GAN GYNNWYS DATA APELIADAU/ERLYNIADAU) AR GYFER Y CYFNOD: 27.11.2023 - 14.01.2024

77 - 82

9. MATERION BRYD

Trafod unrhyw faterion sydd, yn ôl doethineb y Cadeirydd, yn faterion brys yng ngoleuni amgylchiadau arbennig.

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu

Cylchrediad:-

Aelodau o'r Pwyllgor Trwyddedu:

Cadeirydd ac Is-gadeirydd y Pwyllgor Trwyddedu
(Y Cynghorydd A Fox a Y Cynghorydd G Stacey)

Y Cynghorydd S Bradwick, Y Cynghorydd L Ellis, Y Cynghorydd G Holmes,
Y Cynghorydd W Hughes, Y Cynghorydd S Powderhill, Y Cynghorydd M Powell,
Y Cynghorydd A O Rogers, Y Cynghorydd J Turner and Y Cynghorydd T Williams

Cyfarwyddwr – Iechyd a Diogelwch y Cyhoedd, a Gwasanaethau'r Gymuned
Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu
Pennaeth Dros Dro – Diogelu'r Cyhoedd a Gwasanaethau Rheoleiddio
Cyfarwyddwr Gwasanaeth – Gwasanaethau Cyfreithiol
Rheolwr trwyddedu Cynorthwyol
Rheolwr Diogelu Iechyd a Thrwyddedu Dros Dro
Senior Solicitor - Litigation

Tudalen wag

CYNGOR RHONDDA CYNON TAF

Cofnodion cyfarfod rhithwir y Pwyllgor Trwyddedu a gynhaliwyd ddydd Mawrth, 12 Rhagfyr 2023 am 5.00pm.

Cafodd y cyfarfod yma ei ffrydio'n fyw ac mae manylion i'w gweld [yma](#).

Cynghorwyr y Fwrdeistref Sirol:-

Y Cynghorydd A Fox (Cadeirydd)

Y Cynghorydd G Stacey	Y Cynghorydd L Ellis
Y Cynghorydd G Holmes	Y Cynghorydd W Hughes
Y Cynghorydd S Powderhill	Y Cynghorydd M Powell
Y Cynghorydd J Turner	Y Cynghorydd T Williams

Dyma'r Swyddogion oedd yn bresennol:-

Ms R Hope, Pennaeth Diogelu'r Cyhoedd a Gwasanaethau Rheoleiddio
Mr M Owen, Rheolwr Trwyddedu Cynorthwyol
Ms K Trilloe, Rheolwr Diogelu Iechyd a Thrwyddedu
Mr O Williams, Uwch Gyfreithiwr – Materion Ymglyfreitha

37 YMDDIHEURIADAU AM ABSENOLDEB

Daeth ymddiheuriad am absenoldeb gan Gynghorwyr y Fwrdeistref Sirol S Bradwick ac A O Rogers.

38 DATGAN BUDDIANT

Yn unol â Chod Ymddygiad y Cyngor, ni wnaethpwyd unrhyw ddatganiadau mewn perthynas â'r Agenda.

39 DEDDF HAWLIAU DYNOL A'R DDEDDF TROSEDD AC ANHREFN

PENDERFYNWYD nodi pan fydd Aelodau'n trafod y materion trwyddedu a chofrestru sydd ger eu bron, mae dyletswydd arnyn nhw i beidio â gweithredu mewn modd sy'n anghydnaws â'r confensiwn ar Hawliau Dynol a'r Ddeddf Trosedd ac Anhrefn.

40 COFNODION

PENDERFYNWYD cymeradwyo cofnodion o'r cyfarfod a gynhaliwyd ar 17 Hydref, 2023 yn rhai cywir.

41 TRAFOD TRWYDDEDAU A CHOFRESTRIADAU A GYHOEDDWDYD O DAN DDARPARIAETH PWERAU DIRPRWYEDIG AR GYFER Y CYFNOD: 02.10.23 - 26.11.23

Cyflwynodd Pennaeth Diogelu'r Cyhoedd a Gwasanaethau Rheoleiddio fanylion trwyddedau a chofrestriadau a gyhoeddwyd yn ystod y cyfnod rhwng 2 Hydref 2023 a 26 Tachwedd 2023 i'r Aelodau.

42 TRAFOD CADARNHAU'R CYNNIG ISOD YN BENDERFYNIAD:

PENDERFYNWYD bod y cyfarfod hwn yn cadw aelodau o'r wasg ac aelodau o'r cyhoedd allan o ystafell y cyfarfod, dan Adran 100A(4) o Ddeddf Llywodraeth Leol 1972 (fel y'i diwygiwyd), yn ystod trafod yr eitem nesaf, ar y sail y byddai'n debygol o olygu datgelu gwybodaeth eithriedig yn ôl diffiniad paragraff 13 o Ran 4 o Atodlen 12A o'r Ddeddf.

43 TRAFOD Y CEISIADAU CANLYNOL AR GYFER TRWYDDEDU A/NEU GOFRESTRU:

- 1) Rhoddodd Pennaeth Diogelu'r Cyhoedd a Gwasanaethau Rheoleiddio fanylion y cais canlynol ar gyfer rhoi Trwydded Yrru Cerbyd Hacni/Cerbyd Hurio Preifat.

Yn unol â'r gweithdrefnau wedi'u mabwysiadu, cafodd Mr DW ei groesawu gan yr Aelodau – roedd ei gais ger bron y Pwyllgor am gael Trwydded Yrru Cerbyd Hacni/Cerbyd Hurio Preifat.

Ar ôl ystyried yr adroddiad a'r dystiolaeth ger ei fron, **PENDERFYNODD** y Pwyllgor ganiatáu'r cais yn amodol ar y telerau ac amodau safonol arferol; gan roi rhybudd.

- 2) Rhoddodd Pennaeth Diogelu'r Cyhoedd a Gwasanaethau Rheoleiddio fanylion y cais canlynol ar gyfer adolygu Trwydded Yrru Cerbyd Hacni/Cerbyd Hurio Preifat.

Yn unol â'r gweithdrefnau wedi'u mabwysiadu, cafodd Mr SC ei groesawu gan yr Aelodau – roedd ei gais ger bron y Pwyllgor am adolygu Trwydded Yrru Cerbyd Hacni/Cerbyd Hurio Preifat.

Ar ôl ystyried yr adroddiad a'r dystiolaeth ger ei fron, **PENDERFYNODD** y Pwyllgor ddirymu'r drwydded oherwydd bod Mr SC wedi methu â bodloni'r meini prawf ar gyfer bod yn berson addas a phriodol i gael Trwydded Yrru Cerbyd Hacni / Cerbyd Hurio Preifat.

- 3) Rhoddodd Pennaeth Diogelu'r Cyhoedd a Gwasanaethau Rheoleiddio fanylion y cais canlynol ar gyfer rhoi Trwydded Yrru Cerbyd Hacni/Cerbyd Hurio Preifat.

Yn unol â'r gweithdrefnau wedi'u mabwysiadu, cafodd Mr TH ei groesawu gan yr Aelodau – roedd ei gais ger bron y Pwyllgor am gael Trwydded Yrru Cerbyd Hacni/Cerbyd Hurio Preifat.

Ar ôl trafod yr adroddiad a'r dystiolaeth ger ei fron, **PENDERFYNODD** y Pwyllgor wrthod y cais.

44 CRYNODEB GORFODI (GAN GYNNWYS DATA APELIADAU/ERLYNIADAU) AR GYFER Y CYFNOD: 02.10.23 - 26.11.23

Cyflwynodd Pennaeth Diogelu'r Cyhoedd a Gwasanaethau Rheoleiddio'r adroddiad yn amlinellu'r gwaith gorfodi diweddaraf, gan gynnwys y diweddaraf am apeliadau ac erlyniadau ar gyfer y cyfnod rhwng 2 Hydref 2023 a 26 Tachwedd 2023.

PENDERFYNODD y Pwyllgor nodi'r diweddariad.

45 CRYNODEB O'R TRWYDDEDAU A GYHOEDDWDYD O DAN DDARPARIAETH AWDURDOD DIRPRWYEDIG AR GYFER Y CYFNOD: 02.10.23 - 26.11.23

Rhannodd Pennaeth Diogelu'r Cyhoedd a Gwasanaethau Rheoleiddio adroddiad â'r Aelodau'n amlinellu'r Trwyddedau a/neu Gofrestriadau a gafodd eu rhoi o dan ddarpariaeth Awdurdod Dirprwyedig ar gyfer y cyfnod rhwng 2 Hydref 2023 a 26 Tachwedd 2023.

PENDERFYNODD y Pwyllgor nodi'r diweddariad.

Daeth y cyfarfod i ben am 6.40pm

**Y Cynghorydd A Fox
Cadeirydd.**

Tudalen wag



RHONDDA CYNON TAF COUNCIL

Minutes of the virtual meeting of the Licensing Committee held on Tuesday, 12 December 2023 at 5.00 pm.

This meeting was live streamed, details of which can be accessed [here](#)

County Borough Councillors: -

Councillor A Fox (Chair)

Councillor G Stacey	Councillor L Ellis
Councillor G Holmes	Councillor W Hughes
Councillor S Powderhill	Councillor M Powell
Councillor J Turner	Councillor T Williams

Officers in attendance: -

Ms R Hope, Head of Service for Public Protection and Regulatory Services
Mr M Owen, Assistant Licensing Manager
Ms K Trilloe, Health Protection and Licensing Manager
Mr O Williams, Senior Solicitor - Litigation

37 APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors S. Bradwick and A O Rogers.

38 DECLARATION OF INTEREST

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

39 HUMAN RIGHTS ACT AND CRIME AND DISORDER ACT

It was **RESOLVED** to note that when Members determine the licensing and registration matters before them, they have a duty not to act in a manner that is incompatible with the convention on Human Rights and the Crime and Disorder Act.

40 MINUTES

It was **RESOLVED** to approve the minutes of the 17th October 2023 as an accurate reflection of the meeting.

41 TO CONSIDER THE LICENCES & REGISTRATIONS ISSUED UNDER THE PROVISION OF DELEGATED POWERS FOR THE PERIOD: 02.10.23 - 26.11.23

The Head of Service for Public Protection and Regulatory Services presented Members with details of licences and registrations issued during the period 2nd October to 26th November 2023.

42 TO CONSIDER PASSING THE FOLLOWING RESOLUTION:

It was **RESOLVED** that the press and public be excluded from the meeting under Section 100A(4) of the Local Government Act 1972 (as amended) for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 13 of Part 4 of Schedule 12A of the Act.

43 TO CONSIDER THE FOLLOWING APPLICATIONS FOR LICENSING AND/OR REGISTRATION:

- 1) The Head of Service for Public Protection and Regulatory Services set out details of the following application for the grant of a Joint Hackney Carriage/Private Hire Vehicle Driver Licence.

In accordance with adopted procedures, Members received Mr DW whose application for the grant of a Joint Hackney Carriage/Private Hire Vehicle Driver Licence was before Committee.

Following consideration of the report and the evidence before them, the Committee **RESOLVED** to grant the application subject to the usual standard terms and conditions, with a warning.

- 2) The Head of Service for Public Protection and Regulatory Services set out details of the following application for the review of a Joint Hackney Carriage/Private Hire Vehicle Driver Licence.

In accordance with adopted procedures, Members received Mr SC whose application for the review of a Joint Hackney Carriage/Private Hire Vehicle Driver Licence was before Committee.

Following consideration of the report and the evidence before them, the Committee **RESOLVED** to revoke the licence on the basis that Mr SC has failed to satisfy 'fit & proper' person criteria required to hold a Hackney Carriage/Private Hire Vehicle.

- 3) The Head of Service for Public Protection and Regulatory Services set out details of the following application for the grant of a Joint Hackney Carriage/Private Hire Vehicle Driver Licence.

In accordance with adopted procedures, Members received Mr TH whose application for the grant of a Joint Hackney Carriage/Private Hire Vehicle Driver Licence was before Committee.

Following consideration of the report and the evidence before them, the Committee **RESOLVED** to refuse the application.

44 ENFORCEMENT SUMMARY (INCLUDING APPEAL/PROSECUTION DATA) FOR THE PERIOD: 02.10.23 - 26.11.23

The Head of Service for Public Protection and Regulatory Services provided Members with the report outlining the most recent enforcement activity, including any prosecution and appeals updates for the period 2nd October 2023 to 26th November 2023.

The Committee **RESOLVED** to acknowledge the update.

45 SUMMARY OF LICENCES ISSUED UNDER PROVISION OF DELEGATED AUTHORITY FOR THE PERIOD: 02.10.23 - 26.11.23

The Head of Service for Public Protection and Regulatory Services provided Members with the report outlining the Licences and/or Registrations issued under provisions of Delegated Authority for the period 2nd October 2023 to 26th November 2023.

The Committee **RESOLVED** to acknowledge the update.

This meeting closed at 6.40 pm

**Councillor A Fox
Chair.**

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh

Tudalen wag

Agendwm 4

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023-2024

LICENSING COMMITTEE
30th January 2024

REPORT OF:
DIRECTOR FOR PUBLIC HEALTH,
PROTECTION AND COMMUNITY SERVICES

Agenda Item No. 4

LICENCES AND REGISTRATIONS
ISSUED UNDER THE PROVISION
OF DELEGATED POWERS

PURPOSE OF THE REPORT

I append here under details of such licensing and registrations issued from the 27th November 2023 to 14th January 2024 within the following service areas:-

- **Animal Licensing**
- **Piercing & Tattooing**

Members are requested to note the report.

Members will be aware that based on legal advice, Personal Licences issued will be reproduced as a Part II item.

Louise Davies

Director For Public Health, Protection and Community Services

Tudalen wag

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

ANIMAL ESTABLISHMENT LICENCES

Licences issued for the period 27th November 2023 – 14th January 2024

<i>Applicants Name</i>	<i>Premises Address</i>	<i>Licence Type</i>	<i>Date Granted</i>
Home	Pets At Home	Pet Shop Licence	6 December 2023
Epsom Avenue	Midway Park		
Stanley Green Trading Estate	Upper Boat		
Handforth	Pontypridd		
SK9 3RN	CF37 5BL		
Home	Pets at Home	Pet Shop Licence	8 December 2023
Epsom Avenue	Unit 6		
Stanley Green Trading Estate	Glamorgan Vale Retail Park		
Handforth	Talbot Green		
SK9 3RN	Pontyclun		
	CF72 8RP		

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

ANIMAL ESTABLISHMENT LICENCES

Licences issued for the period 27th November 2023 – 14th January 2024

<i>Applicants Name</i>	<i>Premises Address</i>	<i>Licence Type</i>	<i>Date Granted</i>
Mrs England	Green Meadow Riding Centre	Riding Establishment Licence	18 December 2023
Green Meadow Riding Centre	Dare Valley Country Park		
Dare Valley Country Park	Cwmdare		
Aberdare	Aberdare		
CF44 7RG	CF44 7RG		
Mrs ROBERTS	Ms Beverly Roberts	Animal Boarding Establishment Licence	29 November 2023
13 Walnut Close	13 Walnut Close		
Pont-Y-Clun	Miskin		
CF72 8RZ	Pontyclun		
	CF72 8RZ		

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

ANIMAL ESTABLISHMENT LICENCES

Licences issued for the period 27th November 2023 – 14th January 2024

<i>Applicants Name</i>	<i>Premises Address</i>	<i>Licence Type</i>	<i>Date Granted</i>
Mrs Michalski 9 Wayne Street Gadlys Aberdare CF44 8DT	Cariad's Canine Cwtch Home Boarding 9 Wayne Street Gadlys Aberdare CF44 8DT	Animal Boarding Establishment Licence	29 November 2023
Mrs Picton 15 Upper Gynor Place Ynyshir Porth CF39 0NW	JP's Dog Walking & Pet Sitting 15 Upper Gynor Place Ynyshir Porth CF39 0NW	Animal Boarding Establishment Licence	29 November 2023

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

ANIMAL ESTABLISHMENT LICENCES

Licences issued for the period 27th November 2023 – 14th January 2024

<i>Applicants Name</i>	<i>Premises Address</i>	<i>Licence Type</i>	<i>Date Granted</i>
Ms Evans 109 Ffordd Dol Y Coed Llanharan Pontyclun CF72 9WA	Paws and Stay Dog Boarding 109 Ffordd Dol Y Coed Llanharan Pontyclun CF72 9WA	Animal Boarding Establishment Licence	1 December 2023
Ms Boyd 22 Fardre Court Church Village Pontypridd CF38 1DG	The Pup Hub Ltd Unit 1 Dynea Road Rhydyfelin Pontypridd CF37 5DN	Animal Boarding Establishment Licence	15 December 2023

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

ANIMAL ESTABLISHMENT LICENCES

Licences issued for the period 27th November 2023 – 14th January 2024

<i>Applicants Name</i>	<i>Premises Address</i>	<i>Licence Type</i>	<i>Date Granted</i>
Mrs Cook 54 High Street Tonyrefail Porth CF39 8PH	Tonyrefail Dog Walking & Boarding 54 High Street Tonyrefail Porth Porth CF39 8PH	Animal Boarding Establishment Licence	1 December 2023
Mr WILLIAMS 28 The Paddocks Church Village Rhondda Cynon Taf CF38 1TL	Big Bark 28 The Paddocks Church Village Pontypridd CF38 1TL	Animal Boarding Establishment Licence	19 December 2023

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

ANIMAL ESTABLISHMENT LICENCES

Licences issued for the period 27th November 2023 – 14th January 2024

<i>Applicants Name</i>	<i>Premises Address</i>	<i>Licence Type</i>	<i>Date Granted</i>
Miss Jarvis	Suzy's Animal Care	Animal Boarding Establishment	19 December 2023
16 Dare Road	16 Dare Road	Licence	
Cwmdare	Cwmdare		
Aberdare	Aberdare		
CF44 8UB	CF44 8UB		
Mr. Mitchell Bock	Mitch's Muttz	Animal Boarding Establishment	5 January 2024
73 Pantygraigwen Road	73 Pantygraigwen Road	Licence	
Pantygraig-Wen	Pantygraig-Wen		
Pontypridd	Pontypridd		
CF37 2RS	CF37 2RS		

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

PREMISES REGISTRATION - PIERCING
Issued between 27th November 2023 – 14th January 2024

REF	PREMISES	TYPE OF LICENCE	ISSUE DATE	APPLICANT
451125	The Serpents Lair Unit 1 Common Approach Beddau Pontypridd CF38 2BL	Piercing Registration	27 November 2023	Max Aldridge Hallett
451417	Tempest Tattoo 20 Cowbridge Road Pontyclun CF72 9EE	Piercing Registration	19 December 2023	Gavin Lee Evans

Tudalen way

NOT FOR PUBLICATION

This Report will not be open to inspection by the press and public before the meeting as in the opinion of the Director of Legal & Democratic Services, it contains exempt information as defined in Paragraph 13 of Part 4 of Schedule 12A of the Local Government Act, 1972 (as amended), namely information relating to a particular individual. Transparency in the conduct of local authority business is desirable however personal data relating to the conduct and capabilities of individuals will be discussed and considered. Consequently, it is considered the public interest in maintaining the exemption outweighs the public interest in disclosing information by virtue of which the meeting is likely not to be open to the public during its consideration.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL MUNICIPAL YEAR 2023-24: REPORT NO.

**LICENSING COMMITTEE
30th January 2024**

**REPORT OF: Martyn Owen
Assistant Licensing Manager**

Item No. 8

Extension of Street Trading Provisions

1. PURPOSE OF THE REPORT

The purpose of the report is to gain in principal Members approval on the adoption of further provisions to facilitate the control of street trading.

2. RECOMMENDATIONS

2.1 It is recommended that:

- Members accept the proposals of the draft report to extend existing street trading 'consent' provisions in Pontypridd Town Centre afforded by the Local Government (Miscellaneous Provisions) Act 1982, to all areas across RCT, but to retain the prohibited streets in Treorchy and Porth.
- Members approve that notice of the draft resolution be published in accordance with statutory requirements, allowing for consultation with the trade.
- That the Director Public Health, Protection & Community Services, in consultation with the Director of Highways, Streetcare and Transportation Services, be authorised to prepare and publish the required draft resolution to

extend 'consent' street trading provisions afforded by the Local Government (Miscellaneous Provisions) Act 1982, to all areas across RCTCBC.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations are made following concerns regarding mobile food vendors trading in the Borough. The extension of the existing provisions will provide a level regulatory regime for all mobile traders and will assist local authority officers in compliance to improve overall standards, providing added confidence to the residents of RCTCBC.

4. BACKGROUND

- 4.1 In December 2009 the Council implemented street trading provisions in Pontypridd town centre. This was extended in 2011 to the introduction of prohibition zones for the control of street trading within a 500m radius of Porth County Community School and Treorchy Comprehensive School, see (**Appendix 1a &1b**).
- 4.2 The scheme was initially implemented following complaints of unregistered food traders, poor food hygiene practices, litter, and odour nuisances in Pontypridd. The extension of provisions to areas around schools were introduced following concerns raised by the Police regarding street traders obstructing pavements & causing traffic hazards. Headteachers also raised concerns that the vendors were offering high fat, low nutritional value foods that undermined the Authority's efforts to improve the diets of young people.
- 4.3 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 allows Council to adopt Schedule 4 of the Act. This states that, 'A district Council may by resolution designate any street in their district as a **prohibited street**, a **licence street**, or a **consent street**.
- 4.4 A **prohibited street** is where all street trading is prohibited, a **licence street** is where trading is prohibited without a licence granted by the district council. The council may attach conditions to the licence. A **consent street** is where street trading is prohibited without the consent of the district council.
- 4.5 In a report to Licensing Committee on June 5th, 2007, reference is made to a meeting held on 12th March 2007 where a report was discussed that outlined the options. All options were considered, and it was decided that the most flexible and appropriate permission was that of **consent streets**.
- 4.6 In the meeting held on the 12th March 2007 it was determined that although there was no right of appeal against a refusal to grant/renew or revoke such consent, it was deemed good practice and Human Rights compliant that a provision be

available. Therefore, aggrieved applicants will be afforded an opportunity of representation by means of the Licensing Committee.

Proposal

- 4.7 The street trading provisions are not limited only to food vendors; it applies to other types of street trading activities. There is also a list of exempt activities that are not regarded as Street Trading and are listed within the report embedded to the rear of the document. At the time of writing RCT has 88 registered mobile food traders, this does not necessarily mean that all of the 88 trade within RCT. Likewise there maybe mobile food traders registered with other local authorities but trade in RCT. The extension of the existing provisions may not apply to all these businesses due to them trading outside of the Borough or the frequency of trading i.e. only trade for events. There are currently no businesses trading that require a consent to trade.
- 4.8 It is proposed that the existing provision is extended across all RCTCBC. A review of the existing conditions will look to improve the standard of the existing food businesses. It is proposed that those businesses with a food hygiene rating of 3, (satisfactory or above), can apply for a consent to trade.
- 4.9 The extension of the existing provisions across the Borough will provide the local authority with a flexible system which will include those traders from outside the Borough and those who trade infrequently. The extension of the scheme does not affect the Street Furniture Scheme that exists in Aberdare and Pontypridd Town Centres
- 4.10 The process of the consents to trade currently sits within the Licensing Team of Public Health and Protection and supported by officers in the Food and Health & Safety Team along with Highways/Street-care. There is a fee linked to the process of the consent to trade that covers the administration process. The fees are not statutory and are subject to the annual increase as per the Council policy in relation to fees and charges. A table of the existing fees are set out below:

Consent – Grant	12 months	£1052
Consent – Grant	6 months	£613
Consent – Grant	3 months	£353
Consent – Renewal	12 months	£876
Consent – Renewal	6 months	£526
Consent – Renewal	3 months	£309

5. EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY

5.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It is deemed the extension of the existing scheme across RCTCBC has a neutral effect as it does not put any person at a disadvantage. Implementation of the consent to trade will narrow the gap between those business who are liable for taxation and those business that are not.

6. WELSH LANGUAGE IMPLICATIONS

6.1 A Welsh Language Impact assessment has been completed. It is deemed that the amendments proposed are demographic neutral and will not negatively impact on Welsh language. All applications and consents will be available in English and Welsh.

7. FINANCIAL IMPLICATION(S)

7.1 This report does not have any financial implications for the Council in extending an existing scheme across the Borough. There will be an amount of income via the fees charged for the determination and processing of the street trading licence application.

8. CONSULTATION / INVOLVEMENT

8.1 A Notice of Intention to Pass a Resolution to vary street trading provisions with Rhondda Cynon Taf County Borough Council will be published in a local newspaper, affording opportunity to comment for 30 days thereafter.

9. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

9.1 Local Government (Miscellaneous Provisions) Act 1982 schedule 4 allows the local authority to designate a street within the borough as a consent to trade street.

10. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

10.1 This report has been considered for evidence of the Five Ways of Working and how it may contribute to our Well-being Objectives.

- Prevention and collaboration: the purpose of the extension of the scheme is to protect the public by improving standards across the borough.
- Involvement: An extension of the existing scheme is subject to public consultation before the Council may consider any changes.

For the Wellbeing and Future Generations Act the extension of the Scheme will link with:

- A healthier Wales
- A prosperous Wales
- A Wales of Cohesive Communities

The Authority is collaborating with CTMUHB on a Whole System Approach to Healthy Weight. The extension of the Street Trading Scheme across the whole of RCTCBC will align with this work.

11. **STRATEGIC OR RELEVANT TO ELECTORAL WARDS (please specify)**

- 11.1 The extension and implementation of the consent to trade will be relevant to all across the Borough. It is proposed that from the outcome of this decision that a review of the existing policy is undertaken for further consideration.

12. **CONCLUSION**

- 12.1 It is recommended that Members accept the proposals to extend current street trading provisions throughout the whole Borough of RCT incorporating the details in this report.
- 12.2 Members will be provided with details of any representations made following publication of the Notice of Intention to Pass a Resolution,

Louise Davies
Director for Public Health, Protection and Community Services

Tudalen wag

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**MUNICIPAL YEAR – 2010 - 2011****LICENSING COMMITTEE****Part 1 Item 4****3rd May 2011****Extension of Street Trading Provisions****REPORT OF:
Service Director
Public Health & Protection****1. PURPOSE OF THE REPORT**

The purpose of the report is to gain in principal Members approval on the adoption of further provisions to facilitate the control of street trading.

2. RECOMMENDATION

It is recommended that:

1. Members accept the proposals to extend current street trading provisions in Pontypridd town centre to introduce prohibition zones for the control of street trading within a 500m radius of Porth County Community School, Cemetery Road, Porth and Treorchy Comprehensive School, Station Road, Treorchy incorporating the streets detailed in this report;
2. That the Service Director Public Health & Protection, in consultation with the Service Director of Street Care and the Service Director of Education, be authorised to prepare and publish the required draft resolution, formally designating streets within the County Borough to which the provisions will apply ;
3. The Service Director Public Health & Protection consult with relevant traders bodies and Schools on the basis of the draft resolution. The results of such consultation, together with any representations arising from the statutory public consultation be reported back to a future meeting of this Committee for consideration.

3. **BACKGROUND**

Members will be aware of the adoption of the provisions of the Local Government (Miscellaneous Provisions) Act 1982, with a view to controlling street trading in several key areas in the County Borough.

Copies of the previous reports relevant to this matter are reproduced for information as follows:-

Report Date	Detail	Appendix
N/A	Overview of Legislation regarding street trading	1A
Report of 5/6/07	Initial Draft Resolution	1B
Report of 4/9/07	Explanation of impediment to progress	1C
25/02/2009	Adoption of Street Trading Provisions	1D

Since the schemes implementation in December 2009 the problems of itinerant Food Traders which caused concerns both in respect of public safety from food products/ preparation and disruption to established businesses from associated activity have ceased.

(i) Revised proposals

Following on from this scheme and the recognition of street trading controls as an effective enforcement tool, it is proposed that further provisions be adopted at particular "hot spot areas" which are the subject of regular substantiated complaints regarding activity from street traders (via, for example, PACT, Environmental Health Officers, Police, Education and residents). Currently Porth Community School and Treorchy Comprehensive School meet this criterion.

Police and the Head Teachers have raised road safety concerns in that street traders are obstructing pavements, causing traffic hazards and encouraging children on to the highway.

The presence of these traders offering high fat, low nutritional value foods immediately outside schools undermines the Authority's efforts to improve the diets of our young people by offering healthy menu options through the healthy schools initiatives.

Environmental Health Officers receive regular complaints about unregistered traders, food hygiene complaints, litter and odour nuisance complaints in these areas.

The proposal is to prohibit street trading on the adopted highways within 500m of the boundary of each school. This will include the following **highways**, (subject to confirmation of adopted status from the Service Director of Streetcare) "Prohibited street" means a street in which street trading is prohibited;

Porth County Community School

ABERRHONDDA ROAD
 ALDERGROVE COURT
 ALDERGROVE ROAD
 APPLETREE AVENUE
 APPLETREE ROAD
 ASHFIELD CLOSE
 BRITHWEUNYDD ROAD
 BRONHEULWEN
 BRYNGWYN STREET
 CAEMAWR GARDENS
 CAEMAWR ROAD
 CEMETERY ROAD
 CHEVRON STREET
 CYMMER ROAD
 DAVIES STREET
 DINAS ROAD
 DOL AFON
 GRAWEN STREET
 GWENT TERRACE
 ISLWYN TERRACE
 JESTYN STREET
 MOUNT PLEASANT ROAD
 PACKERS ROAD
 PARK CRESCENT
 PARK STREET
 PENMAIN STREET
 PLEASANT HEIGHTS
 RAILWAY SIDE
 RHEOLA INDUSTRIAL ESTATE
 RHEOLA ROAD
 THE RISE
 TROEDYRHIW ROAD
 TURBERVILLE ROAD
 TYNEWYDD SQUARE
 UPTON STREET
 VAYNOR STREET
 VICARAGE ROAD
 VICTORY AVENUE
 WAYNE STREET
 WOODFIELD TERRACE
 UNAMED LANE LEADING TO FFERM LLETHR DDU
 UNAMED LANE LEADING TO RIVERSIDE VILLAS
 UNAMED LANE LEADING TO HONITON COTTAGES
 UNAMED LANES - LAYBYS, BACK LANES ETC. WITHIN THE 500M RADIUS

Treorchy Comprehensive School

ABERGORKI INDUSTRIAL ESTATE
BROOK STREET
BUTE STREET
CADWGAN ROAD
CARDIFF PLACE
CARDIFF STREET
CASTLE STREET
CEMETERY ROAD
CHAPEL STREET
CHEPSTOW ROAD
CLARE ROAD
CLARK STREET
CLIFTON STREET
COLUMN STREET
CONWAY ROAD
CRICHTON STREET
CROSSWOOD STREET
DRUIDS CLOSE
DUMFRIES STREET
DUNRAVEN TERRACE
DYFODWG STREET
GETHIN ROAD
GLAN-YR-AFON
GLYNCOLI ROAD
GLYNRHONDDA STREET
HEOL ORCHWY
HERBERT STREET
HIGH STREET
HOLBROOK CLOSE
HOREB STREET
HOWARD STREET
ILLTYD STREET
LOWER TERRACE
LUTON STREET
NEW CHAPEL STREET
NINIAN STREET
OAKTREE COURT
PARK CRESCENT
PARK ROAD
PENCAI TERRACE
PRINCES TERRACE / STREET
PROSPECT PLACE
RAMAH STREET
REGENT STREET
RIVER TERRACE
SENGHENYDD STREET
STATION ROAD
STUART STREET
SUNNYBANK TERRACE
TAFF TERRACE
TALLIS STREET
TAN Y FRON
THE MATTIE COLLINS WAY
TREASURE STREET
TREMLE COURT
TREVOR STREET

TYLACOCK PLACE
 TYNBYEDW STREET
 TYNBYEDW TERRACE
 WINDSOR STREET
 WOODLAND VALE
 YNYSWEN ROAD
 UNAMED LANE LEADING TO TY-DAFYDD, GELLIAUR & PENGELLI HOUSE
 UNAMED LANES - LAYBYS, BACK LANES ETC. WITHIN THE 500M RADIUS

Maps of the designated respective areas are reproduced for information as Appendix 1E(Porth) & 1F(Treorchy).

For the purpose of the legislation the definition of 'street' includes

"Any road, footway, beach or other area to which the public have access without payment; and

*A service area as defined in S.239 Highways Act 1980"
 (Schedule 4 1(1)(a) & (b) refers)*

Consequently it is considered that such areas can be legitimately included within the provisions in order to facilitate comprehensive control, (subject to confirmation of their status from the Service Director of Streetcare)

(ii) Implementation

The decision for the adoption of the legislative provisions was duly made 12/3/07 (Min 60/07 refers), where it was resolved

"That Members approve the adoption of the legislative provisions of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4. relevant to Street Trading;

That delegated authority was granted to the Head of Environmental Health & Trading Standards, in consultation with the Service Director of Street Care, to prepare the required draft resolution, formally designating streets within the County Borough to which the provisions will apply – with such draft resolution being the basis of a future report to this Committee.

To accept the proposals of the Head of Environmental Health & Trading Standards for the schedule of fees, for the issue & administration of Street Trading permissions".

Consequently, there is authority to proceed, provided Members are satisfied with the amended proposals for the draft resolution.

Having formally agreed to the adoption of the legislation, the second stage of the process is to publish the draft resolution.

This will then be the subject of a statutory 28-day public consultation process. It is also proposed to undertake a targeted consultation with known street traders in the designated areas to raise awareness of the proposals and to invite them to express their views. Any representations arising from consultation will be placed before Members of this Committee at a subsequent meeting for consideration.

At the conclusion of this process the legislation becomes effective.

The resource implications for the implementation remain unchanged i.e. administered by the Licensing Team, supported by officers from Environmental Health and Highways/Streetcare acting in an advisory and/or enforcement capacity. We currently only have 'consent streets' in operation. As this proposal would introduce prohibited streets, there will be no applications to consider as there is no facility to allow any trading.

(iii) Recommendation

It is recommended that:

1. Members accept the proposals to extend current street trading provisions in Pontypridd town centre to introduce prohibition zones for the control of street trading within a 500m radius of Porth County Community School, Cemetery Road, Porth and Treorchy Comprehensive School, Station Road, Treorchy incorporating the streets detailed in this report;
2. That the Service Director Public Health & Protection, in consultation with the Service Director of Street Care, be authorised to prepare and publish the required draft resolution, formally designating streets within the County Borough to which the provisions will apply ;
3. The Service Director Public Health & Protection consult with relevant traders bodies and Schools on the basis of the draft resolution. The results of such consultation, together with any representations arising from the statutory public consultation be reported back to a future meeting of this Committee for consideration.

PJ Mee
Service Director Public Health & Protection

Appendix 1A

1. OVERVIEW OF LEGISLATION REGARDING STREET TRADING

1.1 It is proposed that a coordinated County Borough wide policy for the control of mobile vendors is introduced. This will involve a number of services working together to enforce existing legislative provisions, but to bring into force more specific legislation for mobile traders in the form of Street Trading Permissions.

1.2 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982, allows a Council to adopt Schedule 4 of the Act. This states that;

A district Council may by resolution designate any street in their district as-

- *a prohibited street*
- *a licence street*
- *a consent street*

1.3 This means that:-

in a “Prohibited Street”, **all street trading** is prohibited.

In a “Licence Street”, street trading is prohibited without a licence granted by the district council. The council may attach conditions to any such licence.

In a “Consent Street”, street trading is prohibited without the consent of the district council.

Street trading includes the selling or exposing or offering for sale of any article in a street. (There are some exemptions e.g. news vendors and milk rounds men).

2. PROCESS

2.1 The Council is required to undertake a two stage process which includes the formal adoption of the legislation and the publication of a resolution, designating streets within the Borough affected by the provisions.

2.2 Authority is vested in this Committee to authorise the adoption of the relevant legislation and approve the draft resolution.

2.3 The draft resolution, once approved by Members is then subject to public consultation and should representations be received in response, be placed before the Committee for consideration.

2.4 Having completed the adoption/ formal consultation process within the statutory time periods, the legislation becomes effective.

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Appendix 1B

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR – 2006 - 2007: REPORT NO.

LICENSING COMMITTEE
5th June 2007

REPORT OF:

**Head of Environmental Health
and Trading Standards**

<u>Part I</u>	<u>Item No.</u>
Implementation of Street Trading Provisions	

1. PURPOSE OF THE REPORT

To consider proposals for the implementation of Street Trading permissions, in accordance with provisions afforded by the Local Government (Miscellaneous Provisions) Act 1982.

2. RECOMMENDATIONS

It is recommended that:

- (i) The Draft Resolution as prepared by the Head of Environmental Health Trading Standards be approved;
- (ii) The Draft Resolution be published in accordance with statutory requirements;
- (iii) The Head of Environmental Health & Trading Standards consult with relevant trade bodies and the results of such consultation be reported back to a future meeting of this Committee for consideration.

3. BACKGROUND

- 3.1 At the meeting held 12th March 2007, Members considered a comprehensive report, the purpose of which was to raise awareness on the problems caused by the absence of an appropriate control of street trading activity and the legislative mechanism to effect controls.

A copy of the report is reproduced for information as Appendix ____

3.2 Members resolved that :-

- (i) The adoption of the legislative provisions of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, relevant to Street Trading be approved;
- (ii) The Head of Environmental Health & Trading Standards, in consultation with the Service Director for Street Care be authorised to prepare the required draft resolution, formally designating streets within the County Borough to which the provisions will apply; with such draft resolution being the basis of a future report to this Committee;
- (iii) The proposals of the Head of Environmental Health & Trading Standards for the schedule of fees, for the issue and administration of street trading permissions be accepted.
(Min ?? refers)

4. DRAFT RESOLUTION

- 4.1** In accordance with the instruction of Members, a draft resolution has now been prepared for approval and is reproduced as Appendix ____.
- 4.2** It is recognised that the size of the County Borough could make this a very complex exercise and therefore it is proposed that a phased approach be taken to the implementation process.
- 4.3** Liaison between the relevant Heads of Service has enabled 'hotspots' to be identified where problems are most prevalent and therefore the first stage of implementation is to be targeted in the vicinity of Secondary Schools.
- 4.4** The draft resolution prepared provides for a one-mile radius surrounding all Secondary Schools in the County Borough, which will afford control of all street trading in those designated areas.
- 4.5** Maps of the relevant areas are reproduced for information as Appendix ?

5. TYPE OF PERMISSION

- 5.1** Having duly considered the options available, it is considered that the most flexible and appropriate permission is that of 'CONSENT STREETS'.

5.2 The key considerations for the use of the 'Consent' Permission is that:

- it will allow the relevant Local Authority Teams to give consideration to each application on its merit;
- there is wider discretion as to the matters that can be taken into account and no statutory limitation on power to revoke or refuse a consent;
- there is no preservation of any existing, demonstrated trading position.

5.3 Whilst there is no statutory right of appeal against a refusal to grant/renew/revoke such consent, it is good practice and indeed Human Rights compliant to make such a provision available.

Therefore as outlined in the report of 12th March 2007, aggrieved applicants will be afforded an opportunity of representation by means of this Committee.

6. EXEMPTIONS

There are several exemptions provided for within the statutory scheme. The following is a summary of activities, relevant to Traders in the County Borough which are NOT to be regarded as 'Street Trading' for the purposes of this legislation and will therefore be exempt from such controls:-

- Trading under a Pedlar's Certificate (1871)
- Trading at Market or Fair established by enactment or Order
- Trading from an existing shop (as long as the goods for sale constitute part of the business)
- News Vendor
- Petrol Filling Stations
- Roundsmen

7. CONSULTATION

7.1 As indicated previously, the draft Resolution will be the subject of a statutory public consultation for a period of 28days. In addition it is proposed to consult directly with all registered mobile traders in Rhondda Cynon Taf to raise awareness of the proposals. Copies of the Draft Resolution will also be placed at all the Council's One4All Centres for information.

7.2 The results of the consultation process will then be the subject of a future report to this Committee, to allow Members the opportunity to consider issues raised.

7.3 Members then have the option of

- approving the Draft resolution in its existing format with an appropriate implementation date;
- amending the Draft Resolution in light of representation received.

A further public notice must then be published advising of the Council's decision, together with implementation date, ***which cannot be less than one month after publication of the final decision.***

8. FUTURE DEVELOPMENTS

It is proposed that following a period of implementation, the process be reviewed to consider whether policy objectives are continuing to be met. It is possible that the resolution may need to be amended to include additional streets as operational experience requires. Any such amendments would be subject to the same procedure of publication and consultation, once approved by this Committee.

9. CONCLUSION

It is considered that the proposals will provide an effective and proportionate control to the problems identified associated with street trading, whilst also contributing to the Council's wider agenda for the promotion of health & wellbeing.

Therefore it is recommended that the Draft Resolution be approved and the statutory consultation process commence.

Paul J Mee
Head of Environmental Health and Trading Standards

Appendix 1C

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR – 2007 - 2008: REPORT NO.

LICENSING COMMITTEE
4th September 2007

REPORT OF:
Head of Environmental Health
and Trading Standards

<u>Part I</u>	<u>Item No.</u>
Consideration of Applications for Licensing and Registration	

1. **PURPOSE**

The purpose of the report is to update Members on the position in respect of the adoption of the appropriate legislation to facilitate the control of Street Trading.

2. **RECOMMENDATION**

To note the content of the report, which has been provided for information.

3. **BACKGROUND**

3.1 At the meeting of this Committee held 5th June, 2007, Members considered a 'Draft Resolution' for the adoption of provisions within the Local Government (Miscellaneous Provisions) Act intended to facilitate the control of Street Trading.

3.2 Members resolved that :

- the draft resolution be approved;
- the Head of Environmental Health & Trading Standards be authorised to publish the Draft Resolution in accordance with statutory requirements and;
- the formal consultation process to be commenced, with the results of such consultation being brought back to this Committee for further consideration. (Min. 07/10 refers).

3.3 It was anticipated that the results of the consultation process would be concluded by September, with a further report on the outcome being made to the meeting scheduled for 4th September 2007.

- 3.4 However, Members are advised that there will be a delay in respect of the implementation process.
- 3.5 Having approved the Draft Resolution, there is a statutory requirement to '*publish in a local newspaper for a period of 28 days*'. Unfortunately, the cost of publishing the Draft Resolution in its current format, where each 'designated street' needs to be individually specified proved to be prohibitive.
- 3.6 Legal advice is being sought on the way forward. Several options are currently being considered, which include
- publication in an alternative manner or
 - further consideration of the streets to be designated with a possible redrafting of the resolution.
- 3.7 The inability to satisfy the statutory requirements for the publication of the Draft Resolution has resulted in the public consultation having to be postponed, until it can run in tandem with appropriate publication..

4. CONCLUSION

- 4.1 Whilst there is a firm commitment to introduce the Street Trading provisions, it is considered prudent to do so in a manner which will afford appropriate enforcement for non-compliance and the avoidance of potential legal challenge. It is also considered necessary to balance the perceived gains of implementing the legislation against prohibitive costs.
- 4.2 Members are requested to note the content of this report, which is provided for information. A further report will be presented to a future meeting of this Committee when the issues impeding progress have been resolved.

Paul J Mee
Head of Environmental Health and Trading Standards

Appendix 1D

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR – 2008 - 2009: REPORT NO.

LICENSING COMMITTEE
25th February 2009

REPORT OF:
Service Director
Public Health & Protection

<u>Part I</u>	<u>Item No.</u>
Adoption of Street Trading Provisions	

1. **PURPOSE OF THE REPORT**

The purpose of the report is to update Members on the position in respect of the adoption of legislation to facilitate the control of street trading.

3. **RECOMMENDATION**

It is recommended that:

4. Members accept the revised proposals to introduce a pilot scheme for the control of street trading in Pontypridd Town Centre, incorporating the streets detailed in this report;
5. That the Service Director Public Health & Protection, in consultation with the Service Director of Street Care, be authorised to prepare and publish the required draft resolution, formally designating streets within the County Borough to which the provisions will apply ;
6. The Service Public Health & Protection consult with relevant trade bodies and the Town Centre Regeneration Group on the basis of the draft resolution. The results of such consultation, together with any representations arising from the statutory public consultation be reported back to a future meeting of this Committee for consideration.

3. **BACKGROUND**

Members will be aware of the proposals to adopt the provisions of the Local Government (Miscellaneous Provisions) Act 1982, with a view to controlling street trading in several key areas in the County Borough.

Copies of the previous reports relevant to this matter are reproduced for information as follows:-

Report Date	Detail	Appendix
Report of 12/3/07	Explanation of Proposals	1A
Report of 5/6/07	Initial Draft Resolution	1B
Report of 4/9/07	Explanation of impediment to progress	1C

As a result of a variety of circumstances, to date it has not been possible to progress the implementation as intended.

(i) Revised proposals

Officers have now reconsidered the position, given the current circumstances, and it is proposed that a pilot scheme be trialed in the Pontypridd Town Centre area.

The area has been identified as a particular 'hot spot', being the subject of regular complaint regarding illegal activity from legitimate traders via PACT and Town Centre Business Forum, Environmental Health Officers and Police.

This has been particularly evident over the Christmas period, where the problem of itinerant Food Traders has caused concerns both in respect of public safety from food products/ preparation and disruption to established businesses from associated activity.

The Authority's Events Team have also reported concerns re the quality of merchandise offered by some traders, (at Authority run events), which is proving difficult to control.

The Town Centre area is deemed to include the following **adopted highways**, which will be the subject of control:-

Mill Street
 High Street
 Taff Street
 Penuel lane
 Fraternal Parade
 Temperence Place
 Parkside Lane
 Crossbrook Street
 Sardis Road
 Broadway

Bridge Street
 Gelliwasted Road
 Market Street
 Church Street

Whilst the current proposal includes Market Street and Church Street it is recognised that these particular streets are the location for the Pontypridd Street Market, which takes place on Wednesdays and Saturdays.

The legislation provides an exemption in respect of certain types of market in that it **is not to be regarded as street trading, namely:**

*“Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order”
 (Schedule 4 Para 1(2)(b) refers)*

It is considered that an exemption will be afforded to bona fide market traders who operate under the authority of the Market Company. Conversely, persons operating outside this regime (primarily itinerant traders) will be subject to the control afforded by the street trading provisions during times when the Market is active.

It will also enable control to be exercised over these particular streets at days and times when the Pontypridd Market is not taking place and therefore provide a further protection for legitimate traders.

The proposals will be the subject of consultation with both legitimate market traders and resident businesses in the streets affected to ensure that there is no position of detriment to the long established Market.

A map of the designated area is reproduced for information as Appendix 1D.

Members will also note that there are two areas of land designated as ‘Un-adopted Roads’, known locally as x & y. For the purpose of the legislation the definition of ‘street’ includes

“Any road, footway, beach or other area to which the public have access without payment; and

*A service area as defined in S.239 Highways Act 1980”
 (Schedule 4 1(1)(a) & (b) refers)*

Consequently it is considered that both areas can be legitimately included within the provisions in order to facilitate comprehensive control, it being recognised that both areas are the source of frequent complaint.

(iv) Implementation

The decision for the adoption of the legislative provisions was duly made 12/3/07 (Min 60/07 refers), where it was resolved

“That Members approve the adoption of the legislative provisions of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4. relevant to Street Trading;

That delegated authority was granted to the Head of Environmental Health & Trading Standards, in consultation with the Service Director of Street Care, to prepare the required draft resolution, formally designating streets within the County Borough to which the provisions will apply – with such draft resolution being the basis of a future report to this Committee.

To accept the proposals of the Head of Environmental Health & Trading Standards for the schedule of fees, for the issue & administration of Street Trading permissions”.

Consequently, there is authority to proceed, provided Members are satisfied with the amended proposals for the draft resolution.

Having formally agreed to the adoption of the legislation, the second stage of the process is to publish the draft resolution.

This will then be the subject of a statutory 28day public consultation process. It is also proposed to undertake a separate consultation with local traders in Pontypridd to raise awareness of the proposals. Any representations arising from consultation will be placed before Members of this Committee at a subsequent meeting for consideration.

At the conclusion of this process the legislation becomes effective.

The resource implications for the implementation remain unchanged i.e. administered by the Licensing Team, supported by officers from Commercial Team and Highways/Streetcare acting in an advisory and/or enforcement capacity.

As indicated in previous reports, applications which are the subject of refusal will be brought before this Committee as a mechanism for review of the decision.

(v) Recommendation

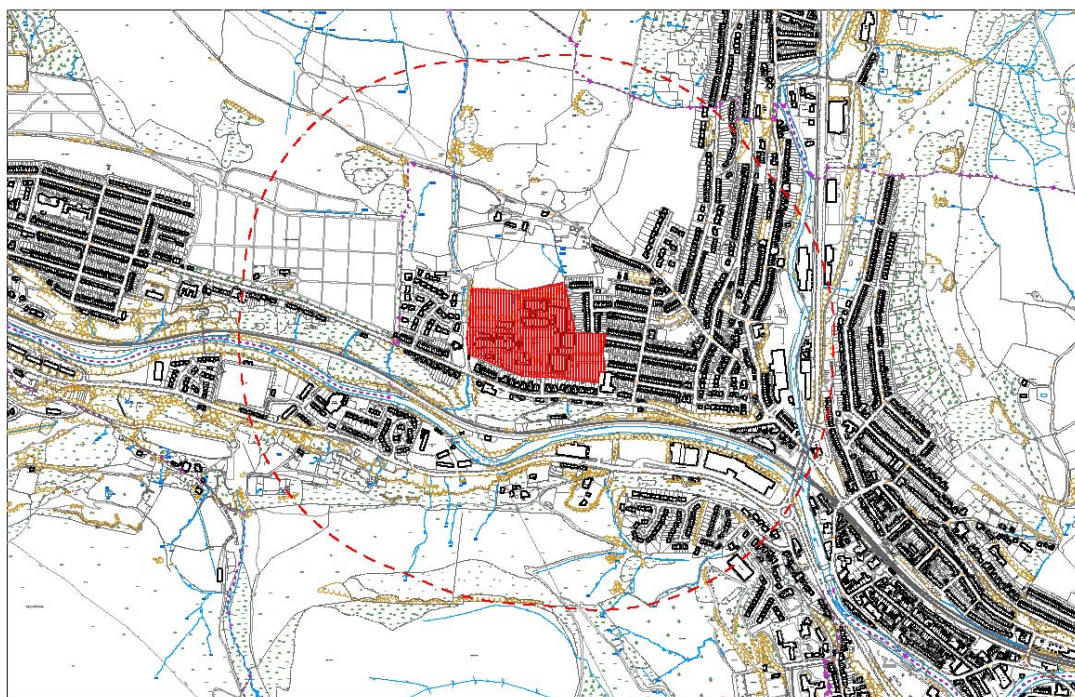
It is recommended that:

4. Members accept the revised proposals to introduce a pilot scheme for the control of street trading in Pontypridd Town Centre, incorporating the streets detailed in this report;
5. That the Service Director Public Health & Protection, in consultation with the Service Director of Street Care, be authorised to prepare and publish the required draft resolution, formally designating streets within the County Borough to which the provisions will apply ;
6. The Service Public Health & Protection consult with relevant trade bodies and the Town Centre Regeneration Group on the basis of the draft resolution. The results of such consultation, together with any representations arising from the statutory public consultation be reported back to a future meeting of this Committee for consideration.

PJ Mee
Service Director Public Health & Protection

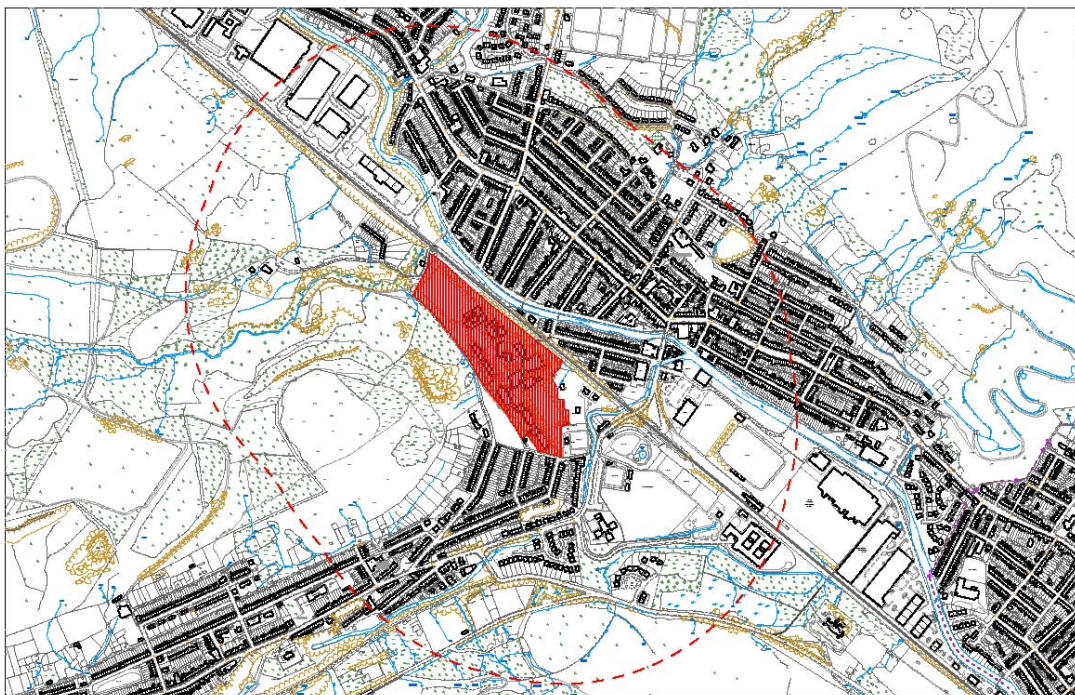
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Appendix 1E



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Appendix 1F



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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**LICENSING COMMITTEE**

Minutes of the meeting held at the County Borough Council Offices, The Pavilions, Clydach Vale on Tuesday, 3rd May 2011 at 5 p.m.

PRESENT

County Borough Councillor E. Jenkins – in the Chair

County Borough Councillors

(Mrs) T. A. Bates	(Mrs) S. J. Jones
M. Burtonwood	(Mrs) C. Leyshon
W. J. Daniel	R. B. McDonald
A. L. Davies MBE	K. A. Privett
H. E. Davies	M. Rea
A. S. Fox	

Officers in Attendance

Mr. P. J. Mee – Service Director, Public Health & Protection
 Mrs M. D. Williams – Licensing Manager
 Mrs R. Smith - Solicitor

85 APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors C. Jones, S. Lloyd and E. A. Walters.

86 DECLARATION OF INTEREST

There were no declarations of personal interests in matters pertaining to the agenda.

87 HUMAN RIGHTS ACT 1998 AND CRIME AND DISORDER ACT

RESOLVED to note that when Members determine the licensing and registration matters before them, they have a duty not to act in a manner that is incompatible with the convention on Human Rights and the Crime and Disorder Act.

88 MINUTES

RESOLVED to approve as accurate record, the minutes of the meeting of the Licensing Committee held on 22 March 2011

REPORT OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

89 EXTENSION OF STREET TRADING PROVISIONS

The Service Director, Public Health & Protection outlined the purpose of the report which is to gain Members approval on the adoption of further provisions to facilitate the control of street trading. He explained that consistent and substantiated complaints have highlighted two areas of concern, Porth County Community School, Cemetery Road, Porth and Treorchy Comprehensive School, Station Road, Treorchy and he highlighted the process by which street trading on the adopted highways within 500m of the boundary of each school would be prohibited.

The Service Director, Public Health & Protection highlighted the importance of producing a comprehensive list of streets (there followed a definition of 'street') situated within the required 500 metres of the boundary of each school prior to the second stage of the process which is to publish the draft resolution. At this point in the proceedings an additional highway was nominated by the local Member (who was in attendance for consideration of this item)

Concern was raised as to the remaining 17 schools within Rhondda-Cynon-Taf County Borough Council and whether the same consideration regarding street trading provisions would be given to them. Following discussions and upon the matter being put to a vote the following motion was not adopted:-

'To defer determination of the report to consider the remaining 17 schools within Rhondda-Cynon-Taf '

Members of the Committee further considered the report and it was **RESOLVED:-**

1. To accept the proposals to extend current street trading provisions in Pontypridd town centre to introduce prohibition zones for the control of street trading within a 500m radius of Porth County Community School, Cemetery Road, Porth and Treorchy Comprehensive School, Station Road, Treorchy incorporating the streets detailed in this report;
2. That the Service Director Public Health & Protection, in consultation with the Service Director of Street Care and the Service Director of Education, be authorised to prepare and publish the required draft resolution, formally designating streets within the County Borough to which the provisions will apply ;
3. That the Service Director Public Health & Protection consult with relevant traders bodies and Schools on the basis of the draft

resolution. The results of such consultation, together with any representations arising from the statutory public consultation be reported back to a future meeting of this Committee for consideration.

90 LICENCES AND REGISTRATIONS ISSUED UNDER THE PROVISION OF DELEGATED POWERS

In his report, the Service Director, Public Health and Protection presented Members with details of licences and registrations issued during the period 5th March to 15th April 2011 and it was **RESOLVED** to note the report.

91 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that the press and public be excluded from the meeting under Section 100A(4) of the Local Government Act 1972 (as amended) for the following items of business on the grounds that they involve the likely disclosure of information as defined in paragraph 13 of Schedule 12A of the Act, namely, information relating to a particular individual. Transparency in the conduct of Local Authority business is desirable; however personal data relating to the conduct and capabilities of individuals will be discussed and considered. Consequently, it is considered the public interest in maintaining the exemption outweighs the public interest in disclosing information.

REPORTS OF THE SERVICE DIRECTOR, PUBLIC HEALTH AND PROTECTION CONTAINING EXEMPT INFORMATION

92 APPLICATIONS FOR LICENSING AND/OR REGISTRATION

In his report, the Service Director, Public Health and Protection set out details of the applications received for Hackney Carriage/Private Hire Vehicle Driver Licences, which required consideration by the Committee.

In accordance with adopted procedures, the Committee received the following applicants each of whom confirmed their personal details (with the exception of Mr E C B of Cilfynydd, Pontypridd who wished to have it recorded that his middle name was incorrect in the report).

The following applicants confirmed the offences recorded against them were correct and outlined to Members the circumstances surrounding their individual convictions:-

- 1) Mr E C B of Cilfynydd, Pontypridd
- 2) Mr M D C of Rhydyfelin, Pontypridd
- 3) Mr J H of Bristol

Following consideration of the applications before them, Members **RESOLVED** –

- (1) To approve the application of Mr. EC B of Cilfynydd, Pontypridd subject to the imposition of the standard terms and conditions and a stern warning letter being placed on record.

(**Note:** Prior to the applicant leaving the meeting, the Chairman emphasised the need to have due regard to the warning issued by the Committee as failure to do so may affect determination of future applications)

- (2) To approve the application of Mr M D C of Rhydyfelin, Pontypridd subject to the imposition of the standard terms and conditions
- (3) To refuse the application of Mr J H of Bristol following consideration of his conviction relating to driving without insurance, as set out at 3.1 of the report, as Members were of the opinion that insufficient time had elapsed (less than 3 years) since the conviction and the restoration of the DVLA driving licence (in accordance with Policy Number 17.1 of the Guidance).

93 SUMMARY OF APPEAL/PROSECUTION DATA

In his report, the Service Director, Public Health and Protection provided Members with a summary of appeal information relative to the licensing and registration function during the period 5th March 2011 to the 15th April 2011 and it was **RESOLVED** to note the information.

94 SUMMARY OF LICENCES ISSUED UNDER THE PROVISION OF DELEGATED AUTHORITY

In his report, the Service Director, Public Health and Protection provided Members with a summary of licences issued under delegated powers during the period 5th March 2011 to the 15th April 2011 and it was **RESOLVED** to note the information.

**E. JENKINS
CHAIRMAN**

The meeting terminated at 6.15pm

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