

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

**LICENSING COMMITTEE
30th January 2024**

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

<u>Item No. 5</u>
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 may be 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