

PUBLIC PROTECTION COMMITTEE

8 FEBRUARY 2011

Present: County Councillor Bridges (Chairperson);
County Councillors Ali, Goddard, Grant, Griffiths,
Derrick Morgan, Elgan Morgan and Smith

Apologies: County Councillors Cox and Singh

PP99 : MINUTES

The minutes of the meeting held on 11 January 2011 were approved by the Committee as a correct record and signed by the Chairperson.

PP100 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following applications be dealt with as indicated:

- (1) Mr B Parfitt: Ford Mondeo (New Shape)

Application to have the Ford Mondeo (New Shape) approved as a prestige vehicle granted.
- (2) Mr S Ali: Vauxhall Omega: Registration No. X248 LGJ

Application to extend the licensing period of Vauxhall Omega, Registration No. X248 LGJ for a further period granted.
- (3) Mr F Malik: Rover 620: Registration No. V148 EJU

Application to extend the licensing period of Rover 620, Registration No. V148 EJU for a further period granted.
- (4) Mr S Shahid: Rover 620: Registration No. V746 EFT

Application to extend the licensing period of Rover 620, Registration No. V746 EFT for a further period granted.
- (5) Mr M M Khan: Audi A4: Registration No. V685 EHY

Application to extend the licensing period of Audi A4,
Registration No. V685 EHY for a further period granted.

- (6) Mr B R Varsani: Volkswagen Sharan: Registration No. M12 BRV

Application to extend the licensing period of Volkswagen Sharan,
Registration No. M12 BRV for a further period granted.

- (7) Mr S Ahmed: Volvo S80: Registration No. X903 PJO

Application to extend the licensing period of Volvo S80,
Registration No. X903 PJO for a further period granted.

PP101 : APPLICATION FOR A HACKNEY CARRIAGE FARE INCREASE 2011

On 30 December 2010 an application for a fare increase was submitted by the Cardiff Hackney Association. Members received a report providing details of the request for a fare increase in order that they may be able to determine the application. Members were advised of the proposed amendments to the existing fees and charges. The proposal would increase the cost of a three mile journey by 5.88% during the day and by 5.13% during the night. An average journey up to 10 miles would increase by 5.35% during the day and 4.83% during the night. Waiting time would increase by 6.67% per hour.

In support of their application the Cardiff Hackney Association made the following observations:

- Fares have not increased since December 2008.
- Since December 2008 there have been many substantial cost increases in providing the service, mainly arising from increases in fuel costs, VAT and inflation.

The Committee heard representations from Mr Khan, Chairman of the Cardiff Hackney Association. Mr Khan stated that at the time of the previous fare increase the cost of a litre of diesel was approximately 97p; it is currently £1.33 per litre. This equated to an average increase in overheads of around £41 per week.

The Committee also received a comparison of fares in other Authorities.

Members were advised that the Hackney Carriage Rate of Fare Index indicated that the cost of operating a taxi had increased by 2.53% during the previous year.

Members were asked to determine the application on its merits.

RESOLVED – That the application for an increase in the Taxicab Rate of Fare received from the Cardiff Hackney Association be refused.

**PP102 : APPLICATION FOR THE APPROVAL OF ROOF
MOUNTED ILLUMINATED ADVERTISING ON HACKNEY
CARRIAGE AND PRIVATE HIRE VEHICLES**

An application was received from Mr Lewis Smith for approval to fit a roof mounted advertising boxes to Hackney Carriages and Private Hire Vehicles in the City. The Committee received a report providing details of the application.

Mr Smith was proposing to use two straight sided pyramid boxes on private hire vehicles and a triangular top box on Hackney Carriages. Mr Smith suggested that using the two different types of signs would help members of the public differentiate between Hackney Carriage and private hire vehicles.

The Committee heard representations from Mr Smith. The Committee was advised of the benefits of vehicles carrying advertising, including additional income for the driver and taxi operators. Mr Smith also described the various methods by which the illuminated roof signs can be securely fitted to the roofs of vehicles.

Members were advised that the Committee had approved a similar application in January 2006 in respect of roof mounted advertising signs. The Authority would approve the use of the triangular signs applied for by Mr Smith, provided that they were affixed to the car by means of fixed nuts and bolts and the advertising did not concern alcohol, smoking or sexual issues. This form of advertising had not proven to be popular with the trade and their use had not been adopted by the trade.

Officers recommended that the signage not be approved for use on private hire vehicles. Private hire vehicles may not resemble Hackney Carriage Vehicles or give the appearance that they are available for hire. Private hire vehicles can only be used for private hire and must be pre-booked through an operator. Officers considered that allowing signage on private hire vehicles was likely to increase the public's confusion on the issue.

RESOLVED – That the application to allow illuminated signs in the proposed format be refused.

PP103 : REPRESENTATION BY THE UNION OF TAXI DRIVERS

The Licensing Authority has received a request from an Association known as the Union of Taxi Drivers requesting recognition of their Association as a body representing taxi drivers in Cardiff. The Association has 49 members and has produced a constitution. The report listed the officers of the Association and included a copy of the Union's constitution for Members information.

The application by the Union of Taxi Drivers was the first formal application for recognition of a representative body to be considered by the Authority. Officers advised that it was often difficult to get a consensus view from the trade on various issues. The Authority has attempted to promote the establishment of representative organisations. Recognition of the body as a properly constituted representative trade organisation would ensure that the organisation is:

- Able to make applications for fare increases.
- Consulted for views and comments on fare increase applications.
- Able to make proposals to the Authority on changes or amendments to licensing procedures and requirements.
- Entitled to be consulted on proposals on changes or amendments to licensing procedures and requirements.
- Provided with details of draft Public Protection Committee reports for comment.

The Committee heard representations from Mr Abdi Segulle, Chairman of the Union of Taxi Drivers. Mr Segulle informed the Committee that the Union of Taxi Drivers had been formed following discussions between a group of drivers who considered that their views were not being represented by the existing Trade Organisation. Mr Segulle emphasised

that the Union of Taxi Drivers was not an organisation exclusively for the Somali community. The Union of Taxi Drivers would represent the views of all drivers, both Hackney and private hire. Mr Segulle was elected as the Chairman of the Union. He stated that he was trying to give all drivers advice which would be of benefit to the public as the Licensing Authority would have a better picture of the trade.

Mr Khan of the Cardiff Hackney Association objected to the application. Mr Khan felt that having another trader organisation would be divisive for the industry.

RESOLVED – That the Union of Taxi Drivers be recognised as a representative organisation for taxi drivers in Cardiff.

PP104 : CODE OF CONDUCT

At its meeting of 3 February 2009 the Committee agreed in principle to support the establishment of a “Gold Star” project aimed at improving driver standards. A report on the establishment of the driver and passenger code of conduct was subsequently approved in principle, subject to consultation. The Committee received a report providing details of the Code of Conduct Scheme.

The report set out the background against which the Authority was seeking to introduce the Code of Conduct. The code was based on the existing licensing regime. The code will underline the behaviour already expected of drivers and operators. The code of conduct was included as an appendix to the report.

The report also included a complementary passenger code of conduct which reminded passengers how they should conduct themselves. A copy was provided for the Committee’s consideration.

Mr Khan commented on the report. Mr Khan felt that the code was not needed and he requested that more resources would be put towards enforcing the existing licensing regime.

RESOLVED – That the Taxicab Driver Code and Passenger Code be approved for publication.

PP105 : BTEC – CERTIFICATE IN INTRODUCTION TO THE ROLE OF PROFESSIONAL TAXI OR PRIVATE HIRE DRIVER

At its meeting of 3 November 2009 the Committee introduced the requirement that all applicants for the grant of Hackney Carriage and private hire drivers licences be required to successfully complete a Level 2 in BTEC Award in Transporting Passengers by Taxi and Private Hire.

Members were advised that the BTEC Level 2 Award was due to be replaced by a new accredited version in January 2010. The new course is to be known as the BTEC Introduction to the Role of Professional Taxi and Private Hire Driver (L2). This new Certificate Level 2 Course has been accredited into the Qualifications and Credit Framework (QCF) for teaching from January 2011. New applicants for the existing BTEC course have been informed that they would not be able to complete the course in the interim period.

Following representations from the Trade that applicants who were taking the BTEC Course prior to December 2010 will be able to continue to be permitted to gain the qualification. After 31 March 2011 applicants will be required to achieve the new BTEC Accredited Certificate.

RESOLVED – That for the purposes of applying for the grant of a Hackney Carriage or Private Hire Drivers Licence the production of the BTEC Certificate in Introduction to the Role of Professional Taxi and Private Hire Driver be accepted as satisfactory evidence of the applicant having undertaken a suitable training course and that the Licensing Services Chief Officer be delegated authority to approve appropriate courses in future subject to a the Committee being subsequently notified.

PP106 : APPLICATION FOR THE RENEWAL OF A PET SHOP LICENCE – CARDIFF REPTILE CENTRE, 173 COWBRIDGE ROAD WEST, CARDIFF

An application for the renewal of a Pet Shop Licence was received from Cardiff Reptile Centre, 173 Cowbridge Road West. The premises have been licensed since 2007 and the existing annual licence expired on 31 December 2010.

An application for the renewal of the licence was submitted. However, complaints have been received about the premises and an investigation

and enforcement action were continuing in January 2011. The application for renewal was not determined so that these could be concluded and the application be placed before the Committee for consideration. The Committee was advised that there were concerns regarding the management of the premises.

The Committee received a report which provided details of the complaints received regarding the premises. Members were advised that an iguana had been purchased from the shop which was subsequently returned by the complainants as it appeared to have an injured tail. Mr Guzzeppi Tanti manipulated that tail and splinted it using two cotton wool buds and a sticking plaster. At that time Mr Tanti advised the customer that the iguana did not need the attention of a vet. Two days later the tail fell off. The complainants took the animal to the PDSA contrary to Tanti's advice. The iguana was then taken to Budget Vet in Risca where the tail was subsequently diagnosed as necrotic and was required to be surgically amputated. X-rays were also taken of the iguana's hind leg which showed the leg to be broken. The Committee was advised that the injury to the leg was an old injury and had occurred prior to the sale of the animal.

A report from a specialist reptile veterinarian who accompanied the Licensing Enforcement Officer and Animal Welfare Officer during an inspection of the premises was also appended to the report. The following animal welfare issues and concerns were identified during the inspection:

- Overstocking of livestock.
- Insufficient number of staff to manage basic husbandry.
- Inadequate and inappropriate water provision.
- Inadequate and inappropriate provision of hides.
- Dirty enclosures and strong ammonia smell present.
- Different species being housed in the same enclosure.
- Livestock purchase register unavailable on two occasions.
- Livestock register poorly managed and unable to be inspected due to different languages used.

A further complaint was received relating to a marmoset monkey being offered for sale when the premises was not licensed to do so.

On 3 December 2010 the licence holder, Leanne Carter and Mr Guzzeppi Tanti were interviewed under caution. Mr Tanti stated that he had an advisory role at the pet shop. Mr Tanti was the subject of a prosecution

by the RSPCA who charged him with cruelty and neglect to animals. He was found guilty of these offences and subsequently received a lifetime ban from keeping animals or from holding a pet shop licence. Miss Carter stated that she was not involved in the day to day running of the premises. She admitted not knowing the types of animals allowed to be kept on the premises. She also admitted three breaches of the conditions of the licence, namely:

- No staff have obtained a City & Guilds Pet Shop Management Certificate.
- No written training policy for permanent staff.
- A marmoset monkey was offered for sale at the premises.

On 3 December 2010 the Animal Welfare Officer served an Improvement Notice under Section 10 of the Animal Welfare Act 2006. A copy of the improvement notice was appended to the report. A written response to the notice was received from Mr Chris Newman of the Reptile & Exotic Pet Trade Association disputing the requirement of the notice. Mr Newman had not inspected the premises at that time.

On 7 December 2010 a Trading Standards Officer visited the premises. A large lizard was observed on the shop floor. Another lizard was being retrieved from the toilet area by a member of staff.

The premises was again visited on 7 January 2011. Many of the improvement notice requirements had been enacted. The vast majority of actions required by the notice were complied with. Details were included in Appendix D to the report.

Mr Chris Newman of the Reptile & Exotic Pet Trade Association addressed the Sub Committee. Mr Newman had responded to the Improvement Notice on behalf of Miss Carter. He opposed most of the alleged breaches to the licensed condition and requested a meeting with Council Officers. Mr Newman was disappointed that the Authority did not respond to his request.

Two breaches to the licensing conditions were accepted those being that no staff had obtained a BTEC Pet Shop Management Certificate and the Livestock Purchase Register was unavailable when requested.

The Committee expressed concern regarding the day to day management of the premises and the welfare of the livestock. Miss Carter was not present on a daily basis and the person employed in an “advisory role” was the subject of a lifetime ban from keeping animals or a pet shop licence. The Committee sought clarification as to exactly who was responsible for the management of the premises as Miss Carter was not always present and Mr Tanti was prevented from doing so.

RESOLVED – That the application for the renewal of the Pet Shop Licence be refused on the grounds that the premises were not being managed so as to properly ensure the welfare of animals and protect the public. The Committee were concerned in particular about the presence at the premises of an individual who had been banned from keeping animals or holding a pet shop licence and the fact that no suitably qualified person was available at the premises in accordance with the licence conditions and that no written staff training policy had been formulated.

PP107 : ANIMAL LICENCE APPLICATIONS

The Committee was advised of the action taken by the Chief Strategic Planning & Environment Officer in respect of the following applications:

- (1) Boarding Centre – Parkwall Road, Nr Lisvane, Cardiff

Renewal of Animal Boarding Establishment Licence.
- (2) Cardiff Riding School – Pontcanna Fields, Riverside, Cardiff

Renewal of a Riding Establishment Licence.
- (3) Koi Warehouse – Unit 6, Parklands Industrial Estate, East Moors Road, Butetown, Cardiff

Renewal of a Pet Shop Licence.
- (4) Clifton Pets – 10 Clifton Street, Adamsdown, Cardiff

Renewal of a Pet Shop Licence.
- (5) Dragon Reptiles at Pughs Garden Centre – Ty Nant Nurseries, Morganstown, Cardiff

Renewal of a Pet Shop Licence.

- (6) Briwnant Farm – Wenault Road, Rhiwbina, Cardiff

Renewal of Riding Establishment Licence.

- (7) Shampooch Groomers – 14 Penydarren Drive, Whitchurch, Cardiff

Renewal of Animal Home Boarding Licence.

- (8) City Aquatics Limited – Unit 11, Gripoly Mills Retail Park, Sloper Road, Grangetown, Cardiff

Renewal of a Pet Shop Licence.

- (9) Pampurred Pets Limited – Newport Road, Trowbridge, Cardiff

Renewal of a Pet Shop Licence.

- (10) El's Place – 16 Madoc Road, Splott, Cardiff

Renewal of Animal Home Boarding Establishment Licence (one animal only).

PP108 : SCRAP METAL DEALERS REGISTRATIONS

The Committee noted the action taken by the Chief Strategic Planning & Environment Officer in respect of the following application:

- (1) Sims Group UK Limited – 122-128 East Moors Road, Splott, Cardiff

Scrap Metal Dealers Registration granted.

PP109 : STREET AND HOUSE TO HOUSE COLLECTION LICENCE APPLICATIONS

RESOLVED – That the following applications be dealt with as indicated:

- (1) Mr S Quinn – Christian Lewis Trust

Application for the grant of a Street Collection Permit to collect in the City Centre (Site W1 Working Street) on Saturday 20 May 2011 on behalf of the Christian Lewis Trust granted.

- (2) Catherine France – Families of the Fallen

Application for the grant of a Street Collection Permit to collect in the City on Saturday 12 March 2011 on behalf of Families of the Fallen granted.

PP110 : STREET AND HOUSE TO HOUSE COLLECTION PERMIT APPLICATIONS

The Committee noted the action taken by the Chief Strategic Planning & Environment Officer in respect of the following applications:

- (1) House to House Permits 2011

National Deaf Children's Society
Noah's Ark Appeal
Little Treasures Children's Trust
Y Bont

- (2) Street Collection Permits 2011

Action Aid
Alexandra Rose Day
Animal Aid
Barnardos
Breakthrough Breast Cancer Care
Breast Cancer Campaign
British Red Cross
Cancer Research UK
Cardiff & Vale Rescue Association (CAVRA)
Catwel (Cardiff)
Cerebra
Childreach International
Compassion In World Farming
Follow Your Dreams

George Thomas Hospice
Guide Dogs for the Blind
Gwyl Ifan
Hope Rescue
John Hartson Foundation
Kids
League of Friends of Whitchurch Hospital
Link Community Development
Link Ethiopia
Macmillan Cancer Support
Marie Curie Cancer Care
Meningitis Research Foundation
Mind
Motor Neurone Disease Association
MS Society (Cymru)
Music in Hospitals
Noah's Ark Appeal
NSPCC (Cymru)
Pen Yr Enfys
Rescued Racers
Royal Air Forces Association
Royal British Legion Poppy Appeal
Royal National Institute for Deaf People (RNID)
Salvation Army
Society for the Protection of Unborn Children
South Wales Intercultural Community Arts (SWICA)
Sparks (Children's Charity)
Tenovus
The Safe Foundation
Ty Hafan
Voluntary Service Overseas
Winston's Wish

PP111 : EXCLUSION OF THE PUBLIC

RESOLVED – That the public be excluded for the following items of business on the grounds that if members of the public were present during the discussions, because of the nature of the business to be transacted, there would be a disclosure to them of exempt information as defined in Section 100(1) of the Local Government Act 1972 and categories 1 and 3 of the Local Authorities (accessing to information) (variation) (Wales)

order 2007 as described below;

“Information relating to the business affairs of any particular person (other than the Authority)”.

PP112 : HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS

RESOLVED – That the following matters be dealt with as indicated:

(1) B A Rostam

Three penalty points imposed for unprofessional conduct.

(2) M Miah

Four penalty points imposed for unprofessional conduct.

(3) K Shahjahan

Deferred for one month.

(4) G D Singh

Four penalty points imposed for driving offences.

(5) M S Afzal

Two penalty points imposed for having a defective tyre.

(6) U Singh

Two penalty points imposed for having a defective tyre.

(7) S A Adareh

Two penalty points imposed for having a defective tyre.

(8) H A Jama

Two penalty points imposed for having a defective tyre.

(9) M Constable

Deferred for one month.

(10) A Ismail

Licence suspended.

(11) N W Hawthorne

Application for the grant of a Hackney Carriage/Private Hire Drivers Licence refused as the Committee did not think the applicant was a fit and proper person to hold a licence.

(12) H Rahman

Application for the grant of a Hackney Carriage/Private Hire Drivers Licence granted.

(13) P Hydary

Application for the grant of a Hackney Carriage/Private Hire Drivers Licence granted.

(4) M A Khan

Application for the grant of a Hackney Carriage/Private Hire Drivers Licence granted.

PP113 : LEGAL PROCEEDINGS AND ENFORCEMENT ACTIONS

The Committee noted the legal proceedings and enforcement actions that had taken place during the period.

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Chairperson