

PUBLIC PROTECTION COMMITTEE

4 MARCH 2014

Present: County Councillor Marshall (Chairperson);
County Councillors Manzoor Ahmed, Boyle, Goddard, Howells,
Hudson, McGarry, Morgan, Murphy, Simmons and Benjamin
Thomas

PP61 : MINUTES

The minutes of the meetings held on 4 February were approved by the Committee as a correct record and were signed by the Chairperson.

PP62 : HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS

RESOLVED –That the application for a BMW 7 Series to approved as a prestige vehicle with a 10 year age restriction be granted.

PP63 : HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE FEES AND CHARGES FOR VEHICLES, DRIVERS AND PHV OPERATORS

At its meeting of 3 June 2013 the Committee authorised the introduction of the current license fees and charges for hackney carriage and private hire vehicle licences in respect of vehicles, drivers and PHV operators. The Committee's decision was challenged in the High Court and was the subject of two separate Judicial Review proceedings, due to be heard on 10 June 2014.

On 12 September 2013 the Committee received confidential legal advice in relation to the Judicial Review proceedings. The High Court had been advised that the Committee will re-determine the fees for each year from 1 May 2009 to 31 March 2014. The Committee received a report and were asked to determine fees for 2014/15.

In determining the fees for 2014/15 it was proposed that, in respect of hackney carriage licences, that any part of the cost of funding for taxi marshals would not form part of the calculations. It was also proposed to incorporate processes such as change of vehicle, vehicle transfer and the knowledge test, which were charged separately previously, in the calculations.

The Committee was further advised that it was not proposed to incorporate past surpluses and deficits into the calculations of new fees, as this would

affect the setting of fees in future years. The authority's preference would be to offer refunds as a measure to resolve the issue of past surpluses. From 2014/15 the fees levied would be in line with anticipated expenditure and with the intention of minimising the risk of significant surpluses and deficits occurring. Any small deficits or surpluses will be reflected in reduced or increased fees in the following years.

The report set out the level of overpayments and underpayments in respect of the financial year 2013/14. Reimbursements of overpayments will be made the new fee structure for 2014/15 is implemented.

The following fee structure was proposed to take effect from 14 April 2014:

<u>Licence</u>	<u>New Fee (£)</u>	<u>Existing Fee</u>
Private Hire Vehicles Grant		
Annual	140.00	104.00
6 Months	98.00	69.00
Hackney Carriage Vehicles Renewal		
Annual	163.00	303.00
6 Months	104.00	168.00
Private Hire Vehicles Renewal		
Annual	102.00	97.00
6 months	69.00	62.00
Hackney Carriage/Private Hire Driver's		
Grant	249.00	108.00
Renewal	43.00	37.00
Private Hire Operators	143.00	66.00

The Committee received further details of the basis of the calculations used to calculate the proposed fees in Appendix A to the report. The proposed fees were the subject of a statutory notice procedure. The authority is required to public a public notice of the proposed variation in a local newspaper for a period of not less than 28 days. If objections to the proposed fee structure are received, then the matter will need to be reported at a future meeting of the Committee.

In terms of calculating the level of overpayments made to the authority, the Committee was advised that a separate exercise has been undertaken to

calculate the generation of annual surpluses and deficits since 1 April 2009. Any surplus accrued under each of the hackney carriage and private hire licencing regimes was identified. Members were advised that any surplus from one regime may not be used to subsidise a deficit in the other. Table 3 in Appendix B to the report set out the level of re-imbusement due in respect of individual licences.

The Committee heard representations from Sharyn Donnaghie of behalf of the claimants in the Judicial Review proceedings. Ms Donnaghie stated that she had 3 concerns. Firstly, that the detailed costings which had been used to calculate the proposed fee structure for 2014/15 was not readily available. Secondly, that the information provided (e.g. numbers of licences) varied from information provided previously. Thirdly, that the trade were only afforded 5 days to consider the proposals and the information provided to the trade.

The Head of Regulatory and Supporting Services sought clarification on some of the issues raised. An offer to open further dialogue on the matters was made to Ms Donnaghie by the Head of Regulatory and Supporting Services.

At this point in the meeting the Chairperson requested legal advice from the Council's Legal Representative. Members of the public were asked to clear the room. The Committee received legal advice and the meeting then reconvened.

Members sought further clarification on how the estimated overheads and other non-specific licencing staff costs were arrived at. Officers advised that the costs were based on historic costs and expected expenditure. It was stressed that the figures were estimated. In terms of time spent by licensing staff on non-specific task it was often no possible to related these tasks to a specific licence.

RESOLVED – That:

- (1) the Committee approved the proposed licence fees outlined in the report with an implementation date of 14 April 2014;
- (2) the Committee authorised the Head of Regulatory and Supporting Services to carry out the necessary public notice procedure;
- (3) if objections are received within 28 days of the publication of the notice of the proposed changes to the fees, the matter will come back to the next appropriate Committee meeting so that any objections can be

considered, modifications be considered, and a new date for the introduction of the variations can be set;

- (4) overpayments made in respect of licence fees from 1 May 2009 to 31 March 2013 be reimbursed save where those fees have already been refunded;
- (5) overpayments made in respect of licence fees from 1 April 2013 to 31 March 2014 be reimbursed, save where those fees have already been refunded following the implementation of the 2014/15 fees.

PP64 : WATER QUALITY AT TEMPORARY EVENTS

The Private Water Supplies (Wales) Regulations 2010 require local authorities to carry out risk assessments of private water supplies in its area. The Regulations also require a risk assessment to be undertaken at temporary events that have a water supply. Pollution Control undertakes these duties in Cardiff.

The Committee received for information a report summarising the summarising the actions taken by officers relating to 14 temporary events which took place in the City during 2013. Keri Lewis of Pollution Control was in attendance to respond to any questions or comments made by the Committee.

The Committee noted the inspection results at the 14 temporary events held in the City. Of the 12 incidents listed at these events, Members questions whether there were a number of incidents at a single event or whether these were isolated incidents across all events. Officer explained that when issues of concern are identified officers advise event organisers of the appropriate corrective action. Officers usually undertake inspections a number of days prior to the start of the event so that any issues of concern can be corrected in sufficient time. Since 2012, when Pollution Control first undertook inspection, improvements have been achieved mainly as a result of providing event organisers with a Temporary Water Supply Checklist that is part of their Event Liaison Panel submission and through having meetings with event organisers. Subsequently, advanced planning of water supplies and knowledge of the potential risks has improved.

RESOLVED – That the report be noted.

PP65 : AUTHORISATION OF OFFICERS

The Committee received a report and were asked to consider delegating appropriate powers to officers. Members were advised that as a result of restricting in the Council and its services an update to these authorisations and delegation arrangements was required to ensure that the officers involved in enforcement activities have the appropriate formal authorisation to act on the Council's behalf.

RESOLVED – That the Committee:

- (1) Authorises the Assistant Director for Environment, Operational Manager Public Protection and Operational Manager Consumer Protection to act as an officer and to authorise appropriately qualified staff to act on the Council's behalf under each of the enactments listed in Schedule 1 of the report and any relevant future enactments determined to be the responsibility of the Public Protection Committee. Such officer authorisations to be for the purposes of meeting the requirements of the legislation and to enable entry onto premises, inspection, sampling, recovering of evidence and any other related operational purposes.
- (2) Authorises the Assistant Director for Environment, Operational Manager Public Protection and Operational Manager Consumer Protection to issue any necessary legal proceedings in respect of each of the enactments listed in Schedule 1 of the report and any relevant future enactments determined to be the responsibility of the Public Protection Committee.
- (3) Authorisation is given to the Assistant Director for Environment, Operational Manager Public Protection and Operational Manager Consumer Protection and Health and Safety inspectors who hold level 1 and 2 authorisations under the Act to authorise 'expert' assistants to accompany inspectors on a visit.

PP66 : SKIN PIERCING REGISTRATIONS

The Committee noted the actions taken by the Head of Regulatory and Supporting Services in respect of the following applications:

1. Mr A D Ryan
Tattoo Studio
Skin Piercing Personal Registration
2. Mr K R Price
SWYD Tattoo
Skin Piercing Person Registration

3. Mr D Tierney
Cardiff Strength and Conditioning Centre, Park Place
Skin Piercing Premises Registration
4. Mr M Pritchard
SWYD Tattoo, High Street Arcade
Skin Piercing Premises Registration
5. Mr J Oldman
Valkyrie Tattoo Studio
Skin Piercing Premises Registration

PP67 : STREET AND HOUSE TO HOUSE COLLECTION PERMIT APPLICATIONS

The Committee noted the actions taken by the Head of Regulatory and Supporting Services in respect of the following applications:

1. Cardiac Risk in the Young
Street Collection Permit
27/8/14
2. Cardiff University Students Union
Street Collection Permit
27/08/14
3. Student Volunteering Cardiff
Street Collection Permit
24/02/14
4. World Society for the Protection of Animals
Street Collection Permit
19/07/14
5. Against Breast Cancer
Street Collection Permit
31/01/14
6. Action Aid
Street Collection Permit
10/05/14

7. National Kidney Federation
Street Collection Permit
7/2/14
8. Christian Aid
Street Collection Permit
10/5/14
9. Oxfam
Street Collection Permit
21/3/14
10. National Kidney Federation
Street Collection Permit
28/2/14
11. Animal Aid
Street Collection Permit
5/7/14
12. Save an Orphan (Today)
Street Collection Permit
14/03/14
13. Tenovus
Street Collection Permit
31/10/14
12. Islamic Relief
Street Collection Permit
29/10/14

PP68 : ANIMAL LICENCE APPLICATIONS

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

1. Vonziu German Shepherds
Llantrisant Road, Capel Llaniltern
Dog Breeding Establishment Licence granted.

PP69 : SEX ESTABLISHMENT LICENCE

The Committee noted the actions taken by the Head of Regulatory and

Supporting Services in respect of the following applications:

1. Colin's Books
Caroline Street
Sex Establishment (Sex Shop) Licence renewed.

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Chairperson