

PUBLIC PROTECTION COMMITTEE

8 SEPTEMBER 2015

Present: County Councillor Parry(Chairperson)
County Councillors Manzoor Ahmed, Boyle, Bridges, Hudson,
Kelloway, Murphy, Phillips and Walsh

11 Apologies for Absence

Apologies for absence were received from Councillors Goddard, Morgan and Simmons.

12 Declarations of Interest

No declarations of interest were received.

13 Minutes

The minutes of the meetings held on 4 August and 18 August 2015 were approved by the Committee as a correct record and were signed by the Chairperson, subject to the addition of Councillor Manzoor Ahmed to the list of those Members present on 4 August 2015.

14 Hackney Carriage/Private Hire Matters

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

1. N Patel, Nissan Leaf

Application to have the Nissan Leaf approved as a prestige vehicle granted.

2. J Allen, Fiat Ducato

Application to have the Fiat Ducato approved as a prestige vehicle granted.

15 Hackney Carriage/Private Hire Drivers Fees

Members were advised that the Deregulation Act 2015 amended the sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the duration of Hackney Carriage and Private Hire drivers licences. In Cardiff licences are granted for the period of 1 year. However, the amendments made by the Deregulation Act establish a standard duration of 3 years for a driver's licence. Licences may be granted for a shorter period where there is a justifiable reason. The revised measures were due to commence on 1 October 2015.

Members were asked to consider recommending new licence fees to reflect the changes in the duration of the licence. A summary of the proposed fees, and a comparison with existing fees was set out in the report.

Members were advised that for the 2014/15 financial year, in terms of income, there was a £8,876 deficit in respect of driver licence fees. This was mainly due to procedural changes around DVLA checks and DBS certificates. It was proposed that this deficit be

taken into account when setting the new fees.

The proposed revised fees were calculated using the toolkit developed by the Welsh Licensing Panel. This toolkit is used by all Welsh Local Authorities. The methodology used to calculate fees was appended to the report.

Members were asked to note that all new drivers are required to produce an enhanced DBS certificate prior to the granting of a licence. Once licenced, DBS certificates are produced by drivers on a tri-annual basis. From 1 October 2015 drivers can be issued with a 3-year licence. This will result in the majority of drivers being required to produce a DBS certificate at some point between licences renewals. This was considered to be both costly and bureaucratic for the driver and the Licensing Authority. Allowing drivers to review on a 3-year basis was also likely to produce peaks in income and demands on resources, and create difficulties in terms of financial business and allocating resources. In order to synchronise DBS checks and licence renewals therefore, it was proposed that drivers be offered a 3-year licence by must also provide an enhanced DBS certificate regardless of whether one is due. Drivers who do not wish to pay for an additional DBS certificate may renew their licence on an annual basis until their DBS is due.

The Committee was advised that the change in the duration of the licence would require amendments to the current Taxi Licensing Policy and Hackney Carriage and Private Hire Driver Conditions. Suggested amendments to those documents were set out in the report.

The trade consultation procedure was undertaken. One response was received. This response was appended to the report.

The Committee discussed the proposed changes. Members were concerned that the authority had no choice but to accept the introduction of a 3-year licence. Experience has shown that drivers fail to reveal convictions to the authority. After the introduction of a 3-year licence such offences would only come to light tri-annually. Members felt that this put the public at unacceptable risk. The Committee requested that their concerns and protests be recorded and reported back to the Government in Westminster. Officers shared the Committee's concerns. Officers advised that during the consultation phase representations were made to the Government on this very point from the All-Wales Licensing Panel. Most local authorities were said to share these concerns also.

RESOLVED – That:

1. the Committee approve the proposed licence fees outlined in this Report with an implementation date of 1st October 2015;
2. on 1st October 2015 paragraph 5.1 of the Taxi Licensing Policy be amended to:

‘The licensing authority requires both hackney carriage and private hire drivers to meet the same standard and issues a licence which permits the holder to drive both hackney carriage and private hire vehicles. Applicants will be expected to be a minimum of 21 years of age and a licence will be issued for a maximum of three years.
3. on 1st October 2015, following the statement ‘An applicant for renewal of a licence is required to:’ in paragraph 5.2 of the Taxi Licensing Policy, the following

requirement is added:

‘Authorise a check on their criminal conviction history’

4. on 1st October 2015 Condition 1 of the Hackney Carriage and Private Hire Driver Licence Conditions be amended to:

‘On payment of the necessary fee, the licence remains in force for a maximum of 3 years.’

16 Control of Street Trading - Whitchurch and Tongwynlais

The Committee was advised that a formal request had been received from the Ward Councillors in Whitchurch and Tongwynlais to designate a number of streets in the ward as prohibited for the purposes of street trading. The reason for the request was that the streets are in close proximity to schools in the area and the street trading of food such as burgers is not considered conducive to health eating and the health and well-being of pupils in the schools. Full details of the request were appended to the report.

Members were advised that Pedwyallt Road, Merthyr Road and Penline Road were already designated as prohibited streets and therefore it was an offence to trade within 35 metres of those streets.

The Committee received representations from Ms Sophie Rudolph of College Road, Whitchurch. Ms Rudolph was the co-owner and operator of ‘So Fresh it Hurts’ and currently trades from a pitch opposite Whitchurch Building Supplies in College Road.

Ms Rudolph stated that she had been trading since February and lived locally. The area around the pitch was kept litter free and she mows the grass. Ms Rudolph stated that the premises have a 5-star food hygiene rating. Her fiancée was a former head chef and the premises provided high quality take away food which was locally sourced and healthy cooked. Their policy was not to sell chips and greasy burgers.

Ms Rudolph said that she was brought up in the immediate area and she cared deeply about it. She had attended local PACT meetings and had been made welcome. No complaints about the premises had been received by the operators and the majority of their customers were local people or customers from the builders yard opposite. Ms Rudolph stated that she seldom serves school children and on the rare occasions when she does they are accompanying their parents. Members were advised that Ms Rudolph and her fiancée left good jobs to start their business. Their livelihood was been threatened by the proposal.

Members of the Committee commented on the proposal. The Committee considered that if the intention was to provide healthy food around schools then this should be a City-wide policy. Members also felt that the proposals, as it stands, was likely to harm local businesses and it was not for the Council to dictate.

Members raised concerns that the application had been put to the Committee following the receipt of a single email. Members felt that they were unable to make a decision on the issue as no evidence was put forward to support the application. Members considered that this was not how the Committee should be making decisions.

Members proposed to reject the application and suggested that the Chairperson write to the Ward Councillors concerned suggesting that they approach the Cabinet with a view to bringing forward a report on the issues that can be subject to scrutiny.

RESOLVED – That:

1. the application be rejected;
2. the Chairperson write to the Ward Councillors concerned suggesting that they approach the Cabinet with a view to bringing forward a report on a City-wide policy on the issue.

17 Designation of Streets for the Purpose of Street Trading

As part of its review of the Council's Street Trading Licensing Policy a number of licence streets were still in existence on sites that were no longer used for the purpose of street trading. It was considered appropriate to redesignate these areas as prohibited streets. At its meeting of 7 April 2015 the Committee authorised officers to publish a notice of its intention to pass the changes to street designations. The changes were intended to come into effect from 13 October 2015.

In accordance with the statutory procedure a Public Notice was published stating the Committee's intention in the South Wales Echo on 15 July 2015. Copies were also sent to South Wales Police and the senior officer for Highway and Transportation. Representations on the proposals were requested in writing by 12 August 2015. No representations were received.

RESOLVED – That:

1. With effect from 13th October 2015 the following parts of streets shall cease to be licence streets for the purposes of Part III of the Local Government (Miscellaneous Provisions) Act 1982 and all previous resolutions designating the same as licence streets shall be varied accordingly:

That part of Working Street of size 3.6 x 2.4 metres positioned against the boundary wall of St John The Baptist Church Gardens 10 metres to the south of its junction with Dead Man's Walk

That part of Bangor Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council

That part of Churchill Way which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council

That part of Donald Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council

That part of Guildhall Place which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently

designated as a street trader's permit bay by South Glamorgan County Council

That part of Arabella Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council

Tewkesbury Street – north-east side from a point 15 metres from the building line of Crwys Road for a distance of 3 metres

Ruby Street – north-east side from a point 15 metres from the building line of Clifton Street for a distance of 3 metres

2. With effect from 13 October 2015 the following parts of streets be designated licence streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

Working Street – On its south-west side in an area 6 square metres from a point 15 metres south-east of its junction with the footpath known as Dead Man's Walk for a distance of 3 metres south-east

Park Lane – From a point 2 metres north-west of its junction with Queen Street for a distance of 2 metres north-west and from a point 2.4 metres north-east of the south-western building line for a distance of 3 metres north-east.

Bangor Street – on the west side of Bangor Street from a point 7 metres north of its junction with Wellfield Road to a point 10 metres north of the same junction.

3. With effect from 13 October 2015 the following streets be designated prohibited streets in their entirety pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

Churchill Way,
Donald Street,
Guildhall Place,
Arabella Street,
Tewkesbury Street
Ruby Street

The meeting terminated at 11.30 am