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AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	TUESDAY, 8 SEPTEMBER 2015, 10.30 AM
Venue	COMMITTEE ROOM 2 - COUNTY HALL
Membership	Councillor Parry (Chair) Councillors Manzoor Ahmed, Boyle, Bridges, Goddard, Hudson, Kelloway, Morgan, Murphy, Phillips, Simmons and Walsh

1 **Apologies for Absence**

To receive apologies for absence.

2 **Declarations of Interest**

To be made at the commencement of the agenda item in question, in accordance with the Members' Code of Conduct.

3 **Minutes**

(Pages 1 - 8)

To approve as a correct record the minutes of the previous meeting.

4 **Hackney Carriage/Private Hire Matters**

(Pages 9 - 10)

5 **Hackney Carriage/Private Hire Drivers Fees**

(Pages 11 - 22)

6 **Control of Street Trading - Whitchurch and Tongwynlais**

(Pages 23 - 26)

7 **Designation of Streets for the Purpose of Street Trading**

(Pages 27 - 32)

Marie Rosenthal

Director Governance and Legal Services

Date: Wednesday, 2 September 2015

Contact: Graham Porter, 029 2087 3401, g.porter@cardiff.gov.uk

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PUBLIC PROTECTION COMMITTEE

4 AUGUST 2015

Present: County Councillor Parry(Chairperson)
County Councillors Goddard, Kelloway, Morgan, Murphy,
Phillips and Walsh

76 Apologies for Absence

Apologies for absence were received from Councillors Hudson and Simmons.

77 Declarations of Interest

A declaration of interest was received from Councillor Georgina Phillips in respect of Item 5 as she was representing residents in her ward.

78 Minutes

The minutes of the meeting held on 7 April 2015 were agreed as a correct record and signed by the Chairperson.

79 Hackney Carriage/Private Hire Matters

RESOLVED:

- I. That the Citroen Berlingo be approved as a Prestige Vehicle with a ten year age restriction.
- II. That the Kia Sedona be approved as a Prestige Vehicle with a ten year age restriction.

80 Control of Street Trading - Working Street

Councillor Georgina Phillips declared an interest in this matter as she would be representing her constituents at the Committee meeting, therefore she left the committee table and sat with the witnesses.

Claire Hartrey provided Members with the background to the report and outlined the key issues. Members were advised that they were required to determine street designation for that part of Working Street.

Witnesses were invited to come forward and introduce themselves. Witnesses were: Mr Warton – Hayes Island Snack Bar (Objector); Harriet Davies New York Deli (Objector); Mr Tim Warton – Financial Interest in Hayes Island Snack Bar (Objector); Mr & Mrs Harries – Licence Holders and Councillor Georgina Phillips – Ward Member.

The Chairperson invited the witnesses to make their objections, which are summarised below:

Mr Warton

Mr Warton explained that he owns the Hayes Island Snack Bar along with his wife, he bought it two years ago when it was run down and has invested lots of money in it. It is a Grade II listed building, he is working with the Council and has offered to take over the Victorian public toilets which had previously been shut due to budget cuts; he now opens them free of charge and had renovated them, he also maintains and cleans them.

He explained that he has spent over £200k on the snack bar, based on knowing all of the business in the locality including corporate competition and businesses, all on long term arrangements, and overall he had spent over £400k in clear knowledge of what prevailed in that area, he had taken a financial risk in a long term projection.

Mr Warton stated that it had come to his attention that Highways were looking to relocate a unit similar to his main business a short distance away. He said that he employs 22 full time staff and felt forced to defend himself due to the huge variances in money paid to the Council. He said that he pays sixty times more than Mr Harris to the Council for the same core business and then rates on top also. He stated that Mr Harris pays £563 to the Council per year. In comparison he said that the stalls on the Christmas market pay £100 per day.

He said that the main objection was not being able to compete on a level playing field in the same core business; it would be unfair competition in a direct location; McDonalds and the likes pay commercial rates via valuations. He said he had been sent plans of where the unit would be placed and that the £563 charge would remain the same. Claire Hartery clarified that the £563 was the street license fee and that additional costs were charged to the Harris's.

Mr Warton informed Members that the unit had been made by the Council, and it was delivered to site during the consultation period and without any formal decision being made, he had photographs to this effect. He added that it was taken away again within three hours and is now in Council premises.

He stated that there were other city centre locations that haven't been investigated such as the Friary, Park Lane and Cathedral Walk and that he would have no objection to any of these locations, but he could not compete fairly and put 22 peoples jobs at jeopardy.

Mrs Davies – New York Deli

Mrs Davies stated that the Castle Quarter consisted of Victorian arcades with sympathetic design and events often held around St John's Church, she considered that the unit being placed there would compromise the natural ambience of the area. Mrs Davies explained that the council had built the unit and that the unit was charged no rates just a licence fee; whereby her business pays over £500 a month in rates plus tens of thousand of pounds in rent per year. She added that there was disruption when the Christmas markets were there and this would now worsen and there would be issues for pedestrians.

Mrs Davies added that there was no equity and no fair playing field; she had no issue with the re-location but she took issue with the actual location chosen.

Mr Trevor Warton

Mr T Warton stated that the Committee had a responsibility to look after the City

commercially and preserve its character in the long term. He added that the process had not seemed to be open, fair, democratic/co-operative so far, with cavalier judgements and pre determined judgements taken. He had been told there were no plans available and there were, he had been told that that no rates had been paid and apparently now this was also not the case; the Council had made and located the cabin, all with no legal obligation to do so. He stated that the Committee had the chance to redress what has happened and to listen to genuine concerns from traders and to consider the wider impact on the City, rather than take the easy option of the first site or take the intimidation of the process so far. He did want this relocation to jeopardise the character of the streets.

Mr T Warton added that the Hayes Island Snack Bar had fully demonstrated commitment to enhance and preserve the character of the area including the Victorian toilets, which are cleaned regularly by the owner of the snack bar; there are clean heated canopies for customers and they have received very favourable comments from visitors; it was a favourable destination for TV shoots and charitable events such as Marie Curie. He stated that if the decision is made to relocate the cabin there it would be difficult to redress. Councillor Sam Knight had sent in a letter of support too.

Mr & Mrs Harries

Mrs Harries stated that she was seeking support for the relocation from Central Square to Working Street; she has worked on her stall for the past 20 years selling jacket potatoes and baguettes. When she was told of the Central Square redevelopment she and her husband were devastated, their business had closed on 31 May 2015 and they had received no income since then and were now desperate to relocate and open back up. The Council had identified Working Street as the new location as part of it was a designated street trading area and it was a 5 minute walk away from the old site. They agreed to the relocation and dropped their objection to the relocation.

Mrs Harries stated that many letters of objection had been sent most of which were generated from the Hayes Island Snack Bar. She added that she pays £4556.44 per year to the Council and not the £536 that had been stated. Mrs Harries explained that the Hayes Island Snack Bar had arranged a petition, she claimed that the petition was based on incorrect facts which had misled people. It was explained that the new location would be 100 metres away from the Hayes Island Snack Bar, which had quadrupled in size over the past 18 months; she added that per foot she pays more money to the Council.

Mrs Harries considered that the new Cabin was sympathetic to the area, it was 12x7 feet in size and would only have herself and her husband working in it, offering a small intimate service. Mrs Harries stated that two thirds of Mr Warton's extensions to the snack bar had had to have retrospective planning permission, yet he was complaining about lack of consultation of the proposed relocation of her cabin. The new site offered by the Council would be next to a fruit and veg stall in a designated street trading part of Working Street; the new Cabin would match that stall and would match the Church, there would be no seating and she would have hoped to have been welcomed to the area.

Mr Harries explained that their core business was baguettes and jacket potatoes which would not interfere with the Hayes Island Snack Bar.

Councillor Georgina Phillips

Councillor Phillips stated that Mr and Mrs Harries had happily traded at their site on Central Square for the past 20 years, they had had no choice in the relocation, they had been forced to move due to the Council's redevelopment of the area; the Council had allocated Working Street; the couple had been unable to trade since the end of May had had experienced a great financial loss. Councillor Phillips said that she had no understanding of the objections, it was a small business with no impact on the Hayes Island Snack Bar and she saw no reason for them to relocate to the suitable and reasonable site and return to work.

The Chairperson thanked everyone for the comments to the Committee and invited questions and comments from Members:

- Members sought clarification of the two sites on a map. A copy of the map was provided so that Members could clearly see where the proposed site was in relation to the Hayes Island Snack Bar.
- Members asked if Mr & Mrs Harries had been offered any other sites to relocate to. Mrs Harries explained that the Council had looked at other sites but they had been told that Working Street was the only suitable one and already had an electricity box located there. Officers added that other sites including Cathedral Walk had been looked at, licencing officers had said that they weren't viable options, either for planned redevelopment or highway reasons. Members considered they would have liked the information as to why the sites were not deemed suitable.
- It was noted that the redesignation of Working Street would only be for the space for the one stall.
- A discussion took place about what would be sold on the stall, Mr Warton stated that he would not object if the stall only sold baguettes and jacket potatoes. Mrs Harries explained that her licence would entitle her to sell hot food and drinks but she would not be selling burger just jacket potatoes and baguettes with healthy fillings from locally sourced food producers. Officers advised that this committee could not stipulate what was and was not sold, this would be determined at the licensing stage. Members considered that some agreement could be found and that if the two businesses were not in direct completion they could co-exist happily.
- Members discussed water supply to the new Cabin but officers advised that this was not the basis of any objection it should not be discussed further.
- Members discussed the costs paid to the Council by the Cabin; Mrs Harries explained that the costs were the street trading licence and street trading permit; she added that she had bought the old cabin themselves and had invested in its refurbishment; the Council had paid for the new Cabin so that it blends well into the area and with other stalls. Mrs Harries stated that she would have to pay the costs of disposing of the old unit themselves; she would also have to fit out the new Cabin and would never actually own it, they would be residents trading from it.

The Chairperson thanked everyone for their contributions to the Committee.

RESOLVED That:

- i. With effect from 8 September 2015, all previous resolutions designating the area of 6 square metres on Working Street's south west side from a point 5 metres from its junction with the footpath known as Dead Man's Walk for a distance of 3 metres south east as a Prohibited Street, for the purposes of Part III of the Local Government (Miscellaneous Provisions) Act 1982 are rescinded.
- ii. With effect from 8 September 2015, that area of 6 square metres on Working Street's south west side from a point 5 metres from its junction with the footpath known as Dead Man's Walk for a distance of 3 metres south east be designated a Licence Street, for the purposes of Part III of the Local Government (Miscellaneous Provisions) Act 1982.

81 Control of Street Trading - Bangor Street

Members were advised that on the 9th June 2015 an application was submitted by Mr Neil Clark. Mr Clark is applying for the grant a licence to operate the currently vacant site at Bangor Street, Roath, Cardiff, to trade in fruit, vegetables and flowers.

Part of Bangor Street has been licensed to trade in fruit, vegetables and flowers for over thirty years. The last licence holder Mr Salem Omar operated the site since 1998. The site has been very popular with shoppers and local residents who would purchase fruit, vegetables and flowers from Mr Omar. Mr Omar surrendered the licence and ceased trading with effect from 8th June 2015.

The applicant Mr Neil Clark has worked with Mr Omar for approximately five years helping collect goods from the market and, for the last year and a half, on the stall at Bangor Street. (Mr Clark has been listed as a named assistant on the last licence application form.)

Jenny Rathbone AM has sent a letter of support of Mr Clark's application, local residents have also contacted the Licensing Section to show support for the application and attention was drawn to a letter in the South Wales Echo on 29th June 2015 requesting the return of the stall. In addition a petition supporting the application containing 2619 signatures was received by the Licensing Section on 17th July 2015.

Councillor De'Ath attended the Committee and spoke in support of Mr Clark's application, emphasising the strength of local feeling in wanting the stall to return.

RESOLVED – to agree the application made by Mr Neil Clark for the grant of a Street Trading licence in Bangor Street.

82 iCabbi GPS Taxi Management and Despatch System

At its meeting of 6 March 2012 the Committee approved the Autocab GPS taxi management and dispatch system for use in private hire vehicles. As a result the following condition was added to the City of Cardiff Council's Private Hire Vehicle Licence Conditions:

Condition 14: 'A GPS taxi management & dispatch system consisting of a mobile vehicle data head and a central dispatch system manufactured by Autocab UK may be fitted in accordance with the manufacturer's instructions to private hire vehicles.'

An application has been made by Dragon taxis to approve the use of a similar system manufactured by iCabbi, for use in private hire vehicles.

The iCabbi system consists of a mobile data head (PDA) and a central dispatch system. The PDA in the vehicle displays the fare calculation.

RESOLVED:

- I. To approve the iCabbi management and dispatch system for use in private hire vehicles.
- II. To recommend that Private Hire Vehicle Licence Condition 14 be amended to read as follows:
'A GPS taxi management & dispatch system consisting of a mobile vehicle data head and a central dispatch system, of a type approved by the City of Cardiff Council, may be fitted in accordance with the manufacturer's instructions to private hire vehicles.'
- III. That the Head of Regulatory Services is authorised on behalf of the City of Cardiff Council to approve GPS taxi management & dispatch systems for use in private hire vehicles.
- IV. That the Head of Regulatory Services is authorised to make minor administrative changes to the Taxi Licensing Policy and Conditions.

PUBLIC PROTECTION COMMITTEE

18 AUGUST 2015

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

83 Apologies for Absence

Apologies were received from Councillor Goddard and Simmons.

84 Declarations of Interest

No declarations of interest were made.

85 Private Hire Operator Licence Fees

Claire Hartrey, Group Leader, Licensing briefed the Committee.

The Deregulation Act 2015 amends the sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the duration of private hire vehicles and operators' licences for private hire vehicles. The present practice in Cardiff is to grant these licences for a period of one year only. The amendments made by the Deregulation Act establish a standard duration for a private hire operator's licence of five years. The commencement date for these measures is 1 October 2015. The purpose of this Report was to recommend new licence fees for private hire operators to reflect the change in the duration of a licence. The local authority's policy will have to be changed to reflect the changes. The plan is to set new fees for drivers in September and then review all fees again in April 2016, when the local authority will have a better idea of the impact of the changes. The recommendation being made to the Committee was to approve the proposed fees.

During discussion the following points were made by the Committee:

- This could be a retrograde step as a significant minority of taxi drivers fail to disclose criminal offences they have committed, offences which only come to light at their annual review. The changes will mean that the review period is being extended. The Committee was advised that this point has been made to the Home Office during the consultation, and a number of other local authorities have the same concerns. Disclosure & Barring checks are made on drivers every three years.
- The changes will mean that there is a reduction in fees received by the Council of about 30%. The Committee was advised that the figures have been checked by accountants and that the local authority should be able absorb the reduction in income. If it is found that the fees have been incorrectly set, then there will be an opportunity to recalculate them next year.
- As part of the changes, private hire operators will be able to sub-contract work to other operators. The Committee enquired whether this has been discussed with operators. The Committee was advised that discussion has been held with some

operators and they have said that they will be unlikely to sub-contract. The local authority is still uncertain how often this will occur but there will be built in compliance checks for sub-contractors.

- The Committee asked how the local authority would know whether or not a driver working for a sub-contractor had criminal convictions. The Committee was advised that checks on drivers would have been made by their respective local authorities so the Council is relying on those authorities to make sure that that has been done.
- The Committee asked whether there are any benefits in moving to a five-year licence and was advised that the local authority has no choice on whether or not to move to the new licence period. Other local authorities that at the moment are issuing licenses of a different duration will also have to change to the five-year license.

RESOLVED –

- i. That the Committee approves the proposed licence fees outlined in this Report with an implementation date of 1st October 2015.
- ii. That the Committee authorise the Head of Regulatory Services to carry out the necessary public notice procedure.
- iii. That if objections are received within 28 days of the publication of the notice of the proposed changes to the fees, the matter must come back before the next appropriate Committee meeting so that any such objections can be considered, modifications be considered, and a new date for the introduction of the variations can be set.
- iv. That on 1 October 2015 paragraph 4 of the Taxi Licensing Policy be amended to: 'The Committee considers licences in respect of operating premises within the City and County of Cardiff and issues licences for a maximum duration of 5 years.'
- v. That on 1st October 2015 Condition 1 of the Private Hire Operator Licence Conditions be amended to: 'On payment of the necessary fee, the licence remains in force for a maximum of years.'

The meeting terminated at 11.00 am

AGENDA ITEM

CARDIFF COUNCIL
CYNGOR CAERDYDD

PUBLIC PROTECTION COMMITTEE: 8th SEPTEMBER 2015

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS

The Committee is requested to determine the following application:-

1. **Mr N Patel Nissan Leaf Registration No CU64 VVD**

Application to have the Nissan Leaf approved as a prestige vehicle with a ten year age restriction.

2. **Mr J Allen Fiat Ducato Registration No LD61 PAO**

Application to have the Fiat Ducato approved as a prestige vehicle with a ten year age restriction.

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1401CITY OF CARDIFF COUNCIL**Agenda No.
CYNGOR DINAS CAERDYDD****PUBLIC PROTECTION COMMITTEE: 8th September 2015****Report of the Head of Regulatory Services****HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE FEES****1. Background**

- 1.1 The Deregulation Act 2015 amends the section of the Local Government (Miscellaneous Provisions) Act 1976 that deals with the duration of drivers' licences for hackney carriage and private hire vehicles. The present practice in Cardiff is to grant these licences for a period of one year only.
- 1.2 The amendments made by the Deregulation Act establish a standard duration for a driver's licence of 3 years. A licence may be granted for a shorter period where there is a justifiable reason. This reason would be related to the circumstances of an individual case and could not flow from a blanket policy. The commencement date for these measures is 1st October 2015.
- 1.3 The purpose of this Report is to recommend new licence fees for hackney carriage and private hire drivers to reflect the change in the duration of a licence.

2. Proposed Fees.

- 2.1 The table below shows the existing fees compared with the proposed new fees.

	Existing Fee	Proposed 1 Year Fee	Proposed 3 Year fee
Driver Grant	£249	£124	£165
Driver Renewal	£43	£60	£100

- 2.2 New drivers are required to undertake both a written and oral knowledge test before being granted a licence. The charges for these tests are **currently** included in the fee for the licence. However, a number of applicants fail the knowledge tests and are required to retake the test. The number of re-tests is difficult to factor into the fee so it is proposed to charge for knowledge tests **separately** before the grant of a licence.

The proposed charges for knowledge tests are:

- Written Knowledge Test £37
- Oral Knowledge Test £50 (1st and 2nd attempt)
- Oral Knowledge Test £91 (3rd attempt)

The fee for the 3rd attempt of an oral test is higher due to 2 Officers being present at the test to provide additional invigilation.

- 2.3 Although the legislation states that a driver's licence should be granted for 3 years there may be circumstances in which it may be appropriate to grant a licence for a shorted period e.g. where a driver requests a 1 year licence, or the licence holder has a pending conviction. Therefore a 1 year fee has also been calculated for approval.
- 2.4 It has been calculated that for the last financial year of 2014/15, in terms of income, there was a deficit of £8,876 in respect of drivers' licences. This is mainly due to procedural changes which have been introduced such as the introduction of DVLA checks and additional time spent ensuring DBS certificates are returned. The fee for undertaking a DVLA check has also been absorbed into the proposed licence fees rather than imposed as a separate £2.10 charge.
- 2.5 It is proposed that the full deficit will be taken into account when setting the new fees.
- 2.6 The fees have been calculated using a toolkit developed by the Wales Licensing Expert Panel. The toolkit is being used by all Welsh local authorities and has been approved for use by numerous accountants and licensing solicitors. The methodology used to calculate the fees and details of the figures are shown in Appendix A.

3. **Disclosure & Barring Service (DBS) Checks**

- 3.1 All new taxi drivers are required to produce an enhanced DBS certificate prior to grant of their licence. Once licensed, drivers are required to produce an enhanced DBS certificate on a triennial basis.
- 3.2 The Licensing Authority requires an enhanced DBS certificate to check for any criminal convictions/cautions in order to determine whether an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage/private hire driver's licence.
- 3.3 From 1st October 2015 drivers can be issued with a 3 year licence. This will result in the majority of drivers being required to produce a new DBS certificate at some point between licence renewals. This is considered to be costly and bureaucratic for both the driver and Licensing Authority.

- 3.4 Allowing all drivers to renew with a 3 year licence from October onwards will also produce 3 year peaks in income and resource demand. This will create difficulties in terms of financial budgeting and allocating resource.
- 3.5 In order to synchronise DBS checks with licence renewals and reduce costs for both drivers and the Licensing Authority it is proposed that drivers are offered a 3 year licence but must provide an enhanced DBS Certificate regardless of whether it is due. If drivers do not wish to pay for an additional DBS Certificate (currently £44) they can have a one year licence renewal until their DBS Certificate is due.

4. Changes to Policy & Conditions

- 4.1 The change in licence duration will require amendments to be made to the current Taxi Licensing Policy and Hackney Carriage and Private Hire Driver Conditions as both refer to a licence duration of 12 months.
- 4.2 Condition 1 of the Hackney Carriage and Private Hire Driver Licence Conditions will need to be amended to the following:

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

- 4.3 Paragraph 5.1 of the Policy will need to be amended as follows:

‘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.’

- 4.4 Paragraph 5.2 of the Policy will need an additional requirement. Following the statement ‘An applicant for renewal of a licence is required to:’, the following requirement needs to be added:

‘Authorise a check on their criminal conviction history’

5. Consultation

- 5.1 The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions. Responses to the consultation are detailed in Appendix B.

6. Achievability

This report contains no equality personnel or property implications.

7. Legal Implications

- 7.1 Sections 53 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge fees in respect of hackney carriage and private hire drivers' licences. The Council must set the fees for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.
- 7.2 In respect of drivers' licences the Act states that the Council may charge such a fee as it considers reasonable with a view to recovering the costs of issue and administration associated with the grant of Hackney Carriage and Private Hire drivers' licences. Consequently enforcement costs in relation to drivers' licences cannot be recovered through the licence fee.
- 7.3 Case law has established that when the Council makes a surplus in respect of licence fees it should give account for that the next time that the fees are set; and if it incurs a deficit it may also take that into account.

8. Financial Implications.

- 8.1 The report sets out the proposed fee change to take effect from 1st October 2015.
- 8.2 Should a surplus or deficit accrue as part of the final outturn position for 2015/16, this will be taken into account when setting the fees in the next financial year.
- 8.3 As detailed in paragraph 2.3 above, a deficit of £8,876 from the 2014/15 financial year has been taken into account in the calculation of the proposed driver's licence fees.

9. Recommendation

- 9.1 That the Committee approve the proposed licence fees outlined in this Report with an implementation date of 1st October 2015
- 9.2 That 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.'

- 9.3 That 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’

- 9.4 That 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.’

Dave Holland
HEAD OF REGULATORY SERVICES

13 August 2015

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None

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Appendix A

Calculation Method: - Drivers Fees

The licence fees have been calculated using a toolkit produced by the Wales Licensing Expert Panel. The purpose of the toolkit is to provide a consistent and robust mechanism to setting licensing fees.

The toolkit has been approved for use by numerous accountants and licensing solicitors across the UK and is utilised by all other Welsh authorities and many English authorities

Part 1 –Cost Summary

All general expenditure across the Licensing Section (based on 2014/15) is documented and applied to each post to give an hourly rate of each member of staff.

Licensing Section General Expenditure:

Support Services:	£86990
Accommodation Costs	£46000
Capital Financing	£2950
Employee Related (Excl salary)	£13721
Transport	£2733
Supplies & Services	£23199

The total general expenditure (£161872) is divided amongst each member of staff (15 in total) to give an hourly rate.

Licensing Support Assistant (x3)	£29.08
Licensing Assistant (x2)	£29.08
Licensing Enforcement Officer (x6)	£41.53
Senior Enforcement Officer	£44.75
Senior Technical Officer	£44.75
Group Leader	£50.47
Operational Manager	£71.87

Part 2-Other Charges

Officer time spent on tasks relating to the licence type are calculated in minutes such as dealing with enquiries, general admin, meetings, project work and training.

The total costs for additional officer time are £58791. The additional staff time is multiplied by 3 in respect of 3 year licences apart from the cost of general administration completed by staff at the Public Carriage Office which relates to end of day admin such as banking, filing, payment reconciliations etc. and will generally only be completed once across the course of a licence.

Any other licence specific costs are also applied such as the cost of producing replacement badges throughout the course of the licence

General taxi expenditure is £30726 and comprises of:

Taxi office rent	£7,000
Equipment	£791
Materials/Stationery	£4602
Bank charges	£725
Phone	£1098
ICT	£13046
Internet	£191
Security	£3273

The general taxi expenditure is then apportioned across the licence costs and 40% (£12308) is apportioned to driver licences.

The total specific costs (for 1 year licences) are £2708 and are also multiplied by 5 in respect of 3 year licence to give a figure of £8124

In 2014/15 it has been calculated that there was a £8876 deficit in terms of driver's licences. This figure is added to the total specific costs to give a figure of £23769 for 1 year licence and £53552 for a 3 year licence

These costs (officer time and specific costs) are then divided by the total number of relevant applications to give a 'total other charges' of £38.22 for 1 year licences and £78.99 for a 3 year licences

Part 3 Process steps

The process steps of the licence are inserted into the spreadsheet with the time (in minutes) of each officer being applied to each process step. The cost of an annual officer visit is included in the process steps.

This gives a cost of the administration of the licence (based on the hourly rates calculated in Part 1) and are added to the 'total other charges'.

Cost of 1 year licence:

Admin cost of grant & issue of licence:	£85.81
Total other charges	<u>£38.22</u>
<u>Total 1 Year Grant Fee</u>	<u>£124</u>

Cost of 1 year licence renewal:

Admin cost of grant & issue of licence:	£21.49
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Total other charges	<u>£38.22</u>
<u>Total 1 Year Renewal Fee</u>	<u>£60</u>

Cost of 3 year licence:

Admin cost of grant & issue of licence:	£85.81
Total other charges	<u>£78.99</u>
<u>Total 3 Year Grant Fee</u>	<u>£165</u>

Cost of 3 year licence renewal:

Admin cost of grant & issue of licence:	£21.49
Total other charges	<u>£78.99</u>
<u>Total 3 Year Renewal Fee</u>	<u>£100</u>

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Appendix B

Dear Ms Hartrey,

Re: Your report to the Licensing & Public protection committee with regards to deficit of almost £9,000 for year 2014-15 and proposal to increase the licence fees for driver's licence.

According to many trade members who has been in the trade for many years, the contributory cause of shortfall is purely due to unnecessary reduction of private hire operator's licence fees and private hire vehicle's licence fees, which was voluntarily and totally unnecessarily proposed by Dave Holland and Claire Hartrey and was implemented by Licensing committee in June 2013.

Hence instead of increasing £17.00 on driver's licence fees and charging £44.00 for DBS fees the Council should pay for DBS fees from general expenses account of the Council as it carried out for the protection of members of Public, similar to funding of enforcement exercise costs.

And the licence fees for private hire operators should be charged according to number of vehicles each private hire operator employs, i.e. there are many local authorities in England and Wales which charges as much as £50 for each private hire vehicle, for first 5 vehicles, and as much as £1,400 for employing more than 100 private hire vehicles.

Moreover also according to many taxi drivers, the vast majority of the local authorities in England and Wales charges exactly same amount of fees for private hire vehicle's licence as they do for Hackney carriage's licence fees, and it was exactly same in Cardiff until 26 March 2013 when Dave Holland and Claire Hartrey voluntarily decided to propose to the licensing & public protection committee to reduce it by 58% despite the fact that the private hire drivers affords/enjoys 60% of the trade according to the survey carried out in 2009

Hence on behalf of the taxi trade I would like to propose to the licensing and public protection committee to increase the private hire vehicle's licence fees in line with hackney carriage licence fees and introduce the system of charging private hire operators as described above, as it will not only help keeping down the licence fees right across the board but will also provide surplus funds to employ more efficient/qualified enforcement personnel.

Finally as I campaigned for last eight years to allow drivers to renew taxi driver's licence triennially based on the recommendation made by the Department for transport's best practice guidance and recently by deregulation Act 2015 your proposal to the licensing & public protection

committee to introduce it as a licensing policy from 1 October 2015 has been welcomed by all the trade members.

Yours sincerely

Mathab Khan (chair) Cardiff Hackney Carriage Association

PUBLIC PROTECTION COMMITTEE: 8 September 2015

Report of the Head of Regulatory Services

CONTROL OF STREET TRADING – WHITCHURCH AND TONGWYNLAIS

1. Background

- 1.1 Street Trading is controlled by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The Act provides that a district council may by resolution designate any street in their district as:
- i) a “prohibited street” where street trading is prohibited;
 - ii) a “consent street” where street trading is prohibited without the consent of the district council; and
 - iii) a “licence street” where street trading is prohibited without a licence granted by the district council.
- 1.3 This report requests consideration of the designation of streets in the Whitchurch and Tongwynlais area of Cardiff as Prohibited Streets.

2. Details.

- 2.1 The Licensing Section has received a formal request the Ward Councillors of Whitchurch and Tongwynlais to designate the following streets as prohibited for the purposes of street trading:
- College Road, Whitchurch
 - Erw Las, Whitchurch
 - Plas Newydd, Whitchurch
 - Pedwyallt Road, Whitchurch
 - Whitworth Square, Whitchurch
 - Merthyr Road, Tongwynlais
 - Penline Road, Whitchurch
- 2.2 The reason for this request is 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 healthy eating/the health and well being of the pupils of the schools. The full request is detailed in Appendix A.

- 2.3 Pedwyallt Road, Merthyr Road and Penlline Road are already designated as prohibited streets, which means it is already an offence to trade on or within 35 metres of those streets. The remaining streets are currently ‘undesigned’, which means that trading can take place legally on those streets without a street trading consent/licence provided it is not within 35 metres of a prohibited street.

3. Achievability

This report contains no equality personnel or property implications.

4. Legal Implications

- 4.1 If the Committee were minded to designate the streets mentioned in 2.1 above (excluding Pedwyallt Road, Merthyr Road and Penlline Street) as prohibited streets it would be necessary to follow the statutory public notice procedure set out in the Local Government (Miscellaneous Provisions) Act 1982. That requires the Committee to give notice of its intention to designate the street and invite representations. The matter would then come back to the Committee. Any representations received in response would have to be considered by the Committee before proceeding any further.
- 4.2 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council’s fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

5. Financial Implications.

- 5.1 The cost of advertising the designation as required by statute and the cost of enforcing the designation will be met from the current budget. Expenditure is considered annually as part of the review of licence fees.

6. Recommendation

- 6.1 That the Committee indicate its intention to designate the following as prohibited streets for the purpose of street trading:
- College Road, Whitchurch
 - Erw Las, Whitchurch

- Plas Newydd, Whitchurch
- Whitworth Square, Whitchurch

6.2 That the Director of Governance & Legal Services be authorised to publish legal notice of the Committee's intention and report to the Committee in due course so that it may consider passing the necessary resolution

Dave Holland
HEAD OF REGULATORY SERVICES

17 August 2015

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None

APPENDIX A

From: Groves, David (Cllr)

Sent: 10 August 2015 11:42

To: Hartrey, Claire; Parry, Jacqueline (Cllr); Goddard, Susan (Cllr); Davis, Chris (Cllr); Evans, Jonathan (Cllr); Thomas, Benjamin (Cllr)

Subject: Request for Street Trading restrictions in Whitchurch and Tongwynlais.

Dear All,

We write to formally request that College Road in Whitchurch is formally designated as a 'prohibited street' in terms of street trading in consequence of its proximity to Whitchurch Primary School and as the street retailing of burgers, Etc is occurring which is not conducive to the healthy eating, / health and well-being of the pupils of the school.

We would also please request the designation of prohibition of all street trading in all other roads proximate to the primary and secondary school in Whitchurch and Tongwynlais, as a pre-emptive and preventative measure.

We would therefore request that the following streets are thus designated as prohibited for street trading purposes through the deliberations and actions of the appropriate channels:

- Ysgol Gymraeg Melin Gruffydd - Glan-y-Nant Road;
- Whitchurch Primary School – College Road, Erw Las, Plas Newydd.
- Coryton Primary School – (feeder road Hollybush estate - Pendwyallt Road and Whitworth Square.
- Tongwynlais Primary School – Merthyr Road?
- Whitchurch High School - Merthyr Road for the lower school and Penlline Road for the upper school

With many thanks for your time in considering this important request.

Best wishes,

Cardiff County Cllrs: Davis, Evans, Groves and Thomas.
(Whitchurch and Tongwynlais.)

PUBLIC PROTECTION COMMITTEE: 8th September 2015

Report of the County Solicitor

DESIGNATION OF STREETS FOR THE PURPOSE OF STREET TRADING

1. Background

- 1.1 At its meeting of 7th April 2015, the Committee authorised officers to publish a notice of its intention to pass the following changes in street designation pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

To rescind the current designation of the following as licence streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

- 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

1.2 To designate the following as 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.

1.3 To designate the following streets in their entirety as prohibited streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

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

1.4 The intention is for the changes to have effect from 13th October 2015

2. **Details.**

2.1 As part of a review of the Council's Street Trading Licensing Policy, it had come to light that 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. It was also considered beneficial to reaffirm the designation of existing licence streets in line with the areas approved under the Traffic Regulation Orders to ensure the designations are consistent and accurate.

- 2.2 In accordance with the statutory procedure a Public Notice was published stating the Committee's intention in the South Wales Echo on 15th July 2015. Copies were also sent to the Chief Officer of Police, the Senior Officer for Highways and Senior Officer for Traffic and Transportation. The Notice invited representations relating to the proposed resolutions to be made in writing by 12th August 2015.

No representations were received.

3. **Financial Implications**

- 3.1 The Council is empowered to charge such fees as it considers reasonable for the grant or renewal of a street trading licence or consent. The current fee for an annual street trading licence is £563.00.
- 3.2 The cost of advertising the designation as required by statute and the cost of enforcing the designation will be met from the current budget. Expenditure is considered as part of the review of licence fees.

4. **Legal Implications**

- 4.1 The proposals are achievable provided the requisite statutory procedures are followed.
- 4.2 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the Body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Standing Orders and Financial Regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its tax payers; (h) be reasonable and proper in all the circumstances.
- 4.3 Anyone trading on a licence street would need to obtain a street trading licence from the Licensing Section.

5. **Recommendations**

- 5.1 It is recommended that the matters be considered.
- 5.2 Should, following consideration of the matter, the Committee wish to proceed with the designations then in accordance with the statutory provisions of the Local Government (Miscellaneous) Provisions Act 1982, the Committee must pass the following Resolutions:

5.2.1 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

5.2.2 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.

5.2.3 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, and
- Ruby Street

Marie Rosenthal
Director of Governance & Legal Services

13 August 2015

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None

