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## AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	TUESDAY, 8 MARCH 2016, 10.30 AM
Venue	COMMITTEE ROOM 1 - COUNTY HALL
Membership	Councillor Parry (Chair) Councillors Manzoor Ahmed, Boyle, Bridges, Goddard, Hudson, Kelloway, Morgan, Murphy, 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 - 12)*

To approve as a correct record the minutes of the meeting held on 9 February 2016; to approve an amendment to the minutes of 12 January 2016; and to approve the minutes of the Sub Committees held on 9 February, 22 February and 23 February 2016.

### 4 Prestige Vehicle Application

*(Pages 13 - 14)*

### 5 Application for the Approval of the Fitting of Roof Mounted Dual Sided LCD Advertising on TX4 Hackney Carriage Vehicles

*(Pages 15 - 20)*

**David Marr**

**Interim Monitoring Officer**

Date: Wednesday, 2 March 2016

Contact: Graham Porter, 029 2087 3401, [g.porter@cardiff.gov.uk](mailto:g.porter@cardiff.gov.uk)

PUBLIC PROTECTION COMMITTEE

9 FEBRUARY 2016

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

28 Apologies for Absence

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

29 Declarations of Interest

No declarations of interest were received.

30 Minutes

The minutes of the meetings held on 12 January 2016 were approved by the Committee as a correct record and were signed by the Chairperson.

31 APPLICATION TO AMEND A STREET TRADING LICENCE

The Committee on 4 August 2015 approved the change in street designation for part of Working Street to a licence street to allow for a trader to relocate his street trading business from Central Square, due to the redevelopment of the Central Square area. The trader was permitted to sell bagettes, jacket potatoes, pre-cooked hotdogs and non-alcoholic drinks. The trader has applied to vary his licence so that he can also sell burgers.

Members were reminded that at the meeting on 4 August 2015, following objections to the application from another business the trader had agreed not to sell burgers. As a result, the trader has reported a loss of trade. The application to vary the licence was made as an attempt to bring back some of the trade which has been lost.

An objection to the variation was received on 26 January 2016. Members were advised that the letter of objection did not take into account the statutory grounds for objection and therefore, cannot be taken into consideration. There were no grounds on which the Committee could refuse the application.

During the meeting Members received representations from the trader and Councillor Georgina Phillips.

RESOLVED – That that application to vary the street trading licence be granted.

32 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE FEES 2016

The Committee received a report seeking approval for new hackney carriage and private hire vehicle licence fees. The current fees and charges were approved by the Committee in March 2014 and were implemented on 1 June 2014.

The report provided a summary of the current fees and the proposed new fees. Members

noted that all the new fees were lower than the current fees. Officer advised that in the 2014/15 financial year there was a surplus of £9,961 in respect of hackney carriage vehicle licences, and £12,786 in respect of private hire vehicle licences. The revised fees did not include the cost of the taxi marshal service.

The fees were calculated using the toolkit which has been developed by the Wales Licencing Expert Panel. The toolkit was used by all Welsh authorities. Further information regarding the methods used to calculate the fees and the details of the figures involved were appended to the report at Appendix A. Members were asked to note that the cost summary included a section on the cost of providing the service. This was calculated on the basis of an hourly rate set against each member of staff and included all overheads. The figures quoted were not the hourly rate of pay for each Member of staff.

Members of the Committee advised that they had received emails from a member of the public regarding the proposed increase in fees. The representations received which included accusations that Members were knowingly breaking the law as part of their consideration of this issue. Members requested the Legal Officer for guidance regarding this accusation. The Legal Officer advised that Members were not about to break any laws. If that were to be the case, the Legal Officer would advise them accordingly. The Committee was advised that there was no legal basis to prevent them proceeding with their consideration of the report and subsequent taking a decision.

RESOLVED – That

- (1) the Committee approve the proposed licence fees outlined in this Report with an implementation date of 1 April 2016
- (2) the Committee authorise the Head of Shared Regulatory 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 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.

### 33 AUTHORISATION OF OFFICERS AND DELEGATIONS

As a result of the restructuring of the Shared Regulatory Service Members were advised that there was a need to update the delegation arrangements to ensure that the officers involved in enforcement activities have the appropriate formal authorisation to act on the Council's behalf. The Committee received a report and Members were asked to consider delegating the appropriate powers to officers.

Members advised that they had received representation regarding the proposals set out in the report. The Legal Officer provided clarification on a number of issues raised in those representations.

RESOLVED – That the Committee

- (1) Authorise the Assistant Director for City Operations, and the Head of Shared Regulatory Services to act as authorised officers and undertake the roles identified

in 2.3 above.

- (2) Delegate authority to the Assistant Director for City Operations, and the Head of Shared Regulatory Services to appoint and authorise appropriately qualified staff to act on the Council's behalf under each of the functions listed in Schedule 1 and any relevant future enactments determined to be the responsibility of the Public Protection Committee.

Such officer authorisations to be for the administration of the requirements of the functions in Schedule 1 and to enable entry onto premises, inspection, sampling, recovering of evidence and any other related operational purposes.

The meeting terminated at 11.15 am

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## PUBLIC PROTECTION COMMITTEE

12 JANUARY 2016

Present: County Councillor Parry(Chairperson)  
County Councillors Manzoor Ahmed, Goddard, Kelloway,  
Murphy and Walsh

### 23 Apologies for Absence

Apologies for absence were received from Councillors Boyle, Bridges, Hudson, Morgan and Simmons.

### 24 Declarations of Interest

No declarations of interest were received.

### 25 Minutes

The minutes of the meeting held on 6 October 2015 and the Sub Committee meetings held on 6 October, 3 November and 1 December 2015 were approved by the Committee as a correct record.

### 26 Hackney Carriage/Private Hire Matters

RESOLVED – That the Mercedes GL registration number MIW1998 be approved as a prestige vehicle with a 10-year age restriction.

### 27 Application for the Citroen Berlingo to be Approved as a Type of Vehicle Suitable for Use as a Purpose Built Hackney Carriage in Cardiff

RESOLVED – That

- (1) the Citroen Berlingo Taxi be approved as a purpose built hackney carriage
- (2) The Head of the Shared Regulatory Service is authorised on behalf of the City of Cardiff Council to approve applications for purpose-built vehicle approval.

The meeting terminated at 11.00.

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PUBLIC PROTECTION SUB COMMITTEE

9 FEBRUARY 2016

Present: County Councillor Parry(Chairperson)  
County Councillors Kelloway and Murphy

19 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

- (1) Application 1  
10 day suspension for the unreasonable refusal of a fare.
- (2) Application 2  
3 week suspension for the unreasonable refusal of a fare.
- (3) Application 3  
Deferred for 1 month
- (4) Application 4  
Deferred for 1 month
- (5) Application 5  
Driver to receive a written warning for traffic offences.
- (6) Application 6  
Deferred for 1 month
- (7) Application 7  
1 week suspension for battery
- (8) Application 8  
Licence revoked for not submitting a valid DRB certificate.
- (9) Application 9  
Licence revoked for not submitting a valid DRB certificate
- (10) Application 10  
Application refused as the Sub Committee did not consider the applicant to be a fit and proper person to hold a licence.

(11) Application 11

Application refused as the Sub Committee did not consider the applicant to be a fit and proper person to hold a licence.

The meeting terminated at 4.00 pm

PUBLIC PROTECTION SUB COMMITTEE

22 FEBRUARY 2016

Present: County Councillor Parry(Chairperson)  
County Councillors Kelloway and Walsh

20 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Application 1

Hackney Carriage/Private Hire Drivers Licence suspended for 14 days for the unreasonable refusal of a fare and for using a mobile phone whilst driving.

(2) Application 2

Hackney Carriage/Private Hire Drivers Licence suspended for 10 days for the unreasonable refusal of a fare.

(3) Application 3

Hackney Carriage/Private Hire Drivers Licence suspended for 10 days for the unreasonable refusal of a fare.

(4) Application 4

Hackney Carriage/Private Hire Drivers Licence suspended for 14 days for failing to use the taxi meter.

The meeting terminated at 1300 hours.

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PUBLIC PROTECTION SUB COMMITTEE

23 FEBRUARY 2016

Present: County Councillor (Chairperson)  
County Councillors Goddard, Kelloway and Murphy

1 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Application 1

No further action

(2) Application 2

Hackney Carriage/Private Hire Drivers licence suspended for 14 days for comments made to passenger and failing to use the meter.

(3) Application 3

This matter was adjourned until Friday 26<sup>th</sup> February 2016.

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CARDIFF COUNCIL  
CYNGOR CAERDYDD

PUBLIC PROTECTION COMMITTEE: 8<sup>th</sup> March 2016

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

**HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS**

The Committee is requested to determine the following application:-

**1. Mr Robel Weldeab Volkswagen Jetta Registration FT12 UEX**

Application to have the Volkswagen Jetta approved as a prestige vehicle with a ten year age restriction.

FAO RUTH



Date ...16/02/16.....

For the Attention of Public Protection Committee

Dear Sirs/Madam,

**CONSIDERATION FOR THE VOLKSWAGEN JETTA TO BE LISTED AS A PRESTIGE VEHICLE**

I would like the Public Protection Committee to consider the above vehicle to be classed as "Prestige"

Yours sincerely,

A handwritten signature in black ink, appearing to be "Ruth".



**CARDIFF COUNCIL  
CYNGOR CAERDYDD**

**Agenda No.**

**PUBLIC PROTECTION COMMITTEE: 8 March 2016**

**Report of the Head of Regulatory Services**

**APPLICATION FOR APPROVAL FOR THE FITTING OF ROOF MOUNTED  
DUAL SIDED LCD ADVERTISING ON TX4 HACKNEY CARRIAGES  
VEHICLES.**

**1. Background**

- 1.1 An application has been made by Eyetease Limited for approval to fit roof mounted dual sided LCD advertising screens to TX4 Hackney Carriage vehicles. The Eyetease iTaxitop system is already approved for use in London by Transport for London.
- 1.2 The Committee approved a similar application from Open Taxi Tops Ltd at its meeting of 3 March 2015.
- 1.3 This report is to provide details of the application to enable the application to be considered by Committee.

**2. Details.**

- 2.1 The roof sign system is approved for use by Transport for London and is approved in 56 countries
- 2.2 The company has stated that the roof signs will be securely affixed to the vehicles roof struts on TX4 hackney carriages. The system is powered by the headroom power from the vehicle battery backed up by solar panels and an internal power storage system. The system continuously monitors vehicle battery health and will shut down if for any reason the vehicle has a poor battery performance.
- 2.3 The iTaxitop system has undergone the following testing and certification for use in the UK:
  - Distraction testing
  - Structural Engineering Assessment
  - IP 65 testing (ingress protection)
  - Environmental and temperature testing
  - Accelerated durability and Pave testing
  - E-marking (tested and manufactured in accordance with relevant EC directives)
  - Conformity of Production

- EMC testing (tests electromagnetic compatibility)
- 2.4 To support their application the company have stated that the roof light system could provide the following benefits:
- A revenue stream for taxi drivers and / or taxi fleet owners
  - local businesses would be utilised to fit the technology to vehicles (new revenue for local businesses)
  - There is the ability to utilise the technology to send local council / government messages (e.g. litter campaign)
  - Ability to utilise the technology to send important public messages (e.g. train station closed for engineering works)
  - Ability to promote local events and charities
  - The technology is 'greener' than traditional vinyl advertising (zero non-recyclable waste)

### 3. **Considerations**

- 3.1 At present all licensed vehicles are identifiable by an exterior licence plate issued by the Authority that must be displayed together with plate signs on the interior of the vehicle. The driver is also required to wear a numbered photo-identity badge and display a copy in the vehicle. The vehicle is also required by motoring law to display a registration plate. In addition to this, Hackney Carriages are immediately recognisable as are clearly marked as black with a white bonnet or all black in the case of vehicles which meet the Metropolitan Police Conditions of Fitness. All licensed drivers are vetted in respect of their criminal convictions and medically examined to ensure they are fit and proper persons.
- 3.2 In considering the appropriateness of the use of advertising equipment the Committee should consider the safety of the product and its suitability within a vehicle used for hire and reward and in particular may consider:
- Acceptability of the medium by fare paying passengers
  - Whether the medium will cause confusion in distinguishing between Hackney Carriage and private hire vehicles.
  - Whether such adverts will confuse passengers by distracting from the licence plate numbers displayed
  - Type, size and design of the equipment
  - Secure mounting and safety of the equipment
  - The safe storage of any necessary controls, and any implications of this storage e.g. reduction of luggage compartment
  - Effects on the suitability and comfort of the seating arrangement
- 3.3 The current Hackney Carriage Vehicle Licence Condition in respect of roof top advertising states:

“External advertising in the form of illuminated roof signs affixed to the vehicle in an approved manner is approved subject to the advertisement being approved by the Authority, in writing, prior to its use.”

#### **4. Consultation**

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.

#### **5. Achievability**

This report contains no equality personnel or property implications.

#### **6. Legal Implications**

- 6.1 As indicated in the Report, the Authority already permits the display of illuminated roof signs on hackney carriages.
- 6.2 Under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may impose such conditions upon hackney carriage licences as it may consider reasonably necessary.
- 6.3 In particular the Council may require any hackney carriage licensed by it to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

#### **7. Financial Implications.**

- 7.1 This report does not result directly in any additional financial implications.

#### **8. Recommendation**

- 8.1 It is recommended that:
  - a) The Committee determine the application made by Eyetease Limited in respect of the iTaxitop roof top illuminated signs on TX4 hackney carriage vehicles.
  - b) The Head of Regulatory Services is authorised on behalf of the City of Cardiff Council to approve roof top advertising signs for use on hackney carriage vehicles.

**Dave Holland**  
**HEAD OF REGULATORY SERVICES**

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

Background Papers: None



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