



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	TUESDAY, 5 JUNE 2018, 10.30 AM
Venue	COMMITTEE ROOM 1 - COUNTY HALL
Membership	Councillor Mackie (Chair) Councillors Murphy (Deputy Chair), Davies, Goddard, Jacobsen, Lancaster, Robson, Taylor, Williams and Wood

1 Chairperson

To note that the Council on 24 May 2018 appointed County Councillor Mackie as Chairperson of this Committee

2 Appointment of Committee

To note that the Council on 24 May 2018 appointed the following Members to this Committee:

Councillors Davies, Goddard, Jacobsen, Lancaster, Mackie, Murphy (Deputy Chair), Robson, Taylor, Williams and Wood

3 Terms of Reference

- (a) Those functions listed in Sections B and C, and paragraph 10 of Section I, of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities)(Wales) Regulations 2007 (the Regulations), any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations, except to the extent that such matters fall to the Licensing Committee by virtue of Section 7 of the Licensing Act 2003 or the Gambling Act 2005.
- (b) In relation to those functions acting as Appeal Committee where appropriate.
- (c) The discharge of any function relating to the control of pollution or the management of air quality.

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

By receiving this Agenda Pack electronically you have saved the authority approx. £*** in printing costs

- (d) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.
- (e) Any function relating to contaminated land.
- (f) The service of an abatement notice in respect of a statutory nuisance.
- (g) Any function under a local Act of a licensing or regulatory nature.
- (h) Any function in relation to the making of an Alcohol Consumption in Designated Public Places Order under the provisions of the Criminal Justice and Police Act 2001.

4 Apologies for Absence

To receive apologies for absence.

5 Declarations of Interest

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

6 Minutes (*Pages 5 - 14*)

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

7 Hackney Carriage/Private Hire Vehicle Licence Fees and Charges
(*Pages 15 - 22*)

8 Prestige Vehicle Applications (*Pages 23 - 28*)

Davina Fiore

Director Governance & Legal Services

Date: Wednesday, 30 May 2018

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

PUBLIC PROTECTION COMMITTEE

6 MARCH 2018

Present: Councillor Jackie Parry(Chairperson)
Councillors Goddard, Jacobsen, Lancaster, Mackie, Robson,
Taylor, Wood and Williams

21 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hudson and Murphy.

22 : DECLARATIONS OF INTEREST

No declarations of interest were received.

23 : MINUTES

The minutes of the meetings held on 6 February 2018 were approved by the Committee as a correct record and were signed by the Chairperson.

24 : TAXI DRIVERS OF CARDIFF: APPLICATION FOR RECOGNITION

The Committee was advised that an application was received from an association of Private Hire and Hackney Carriage drivers call 'Taxi Drivers of Cardiff' requesting that they formally be recognised and acknowledged by the licensing authority as an authorised body representing licensed Private Hire and Hackney Carriage drivers in Cardiff. The association is newly formed and they have produced a copy of their constitution, which was attached to the report at Appendix A. Members were asked to consider and determine the application.

Claire Hartrey, Group Leader Licensing, presented the report. Members were advised that there were currently no formally recognised associations representing drivers operating in the City and, therefore, it is difficult to get a consensus view from the trade. In an attempt to engage with the trade, the authority has promoted the establishment of representative organisations, largely on an informal basis. Currently most communication is done through the quarterly Cardiff Taxi Driver Forums. Recognition as a properly constituted trade organisation would ensure that the body is able to make proposals to the authority on changes or amendments to policy; entitled to be consulted on proposals on changes or amendments to licensing policy; and be provided in advance with details of draft Public Protection Committee reports for comment.

A draft report on the application was made available for comments in the Licensing Offices at Sloper Road and City Hall. Draft reports were also sent to trade representatives and were published on the authority's Licensing webpages. Seven objections to the application were received. The main points of those objections were summarised in the report. Full details of the objections were included as Appendix B. The Taxi Drivers of Cardiff responses to the objections were set out in Appendix C.

The Chairperson welcomed Mr Paul O'Hara of Taxi Drivers of Cardiff (TDC) invited to address the Committee. Mr O'Hara stated that the group was initially formed by a group of drivers working for Dragon Taxis. However, the association has since evolved and now it represents both Private Hire and Hackney Carriage drivers working for every company in the City. The association is open to all drivers who wish to join. Elections have been held to appoint members of a Steering Group and the steering group has gone on to make representations at a national level during recent Welsh Government consultations on its proposals for legislative changes in the taxi trade. Mr O'Hara indicated that the association was looking to foster a close working relationship with the licensing authority as it was the view of TDC that a well organised trade organisation would benefit drivers, the licensing authority and the city.

The Chairperson invited Members to comment, seek clarification or put questions to Mr O'Hara. Those discussions are summarised as follows:

- TDC has approximately 150 official members and another 100 unofficial associates.
- Members noted that TDC amended its constitution to remove the requirement that members join the GMB union and instead its members are 'actively encouraged' to join the GMB instead. Members suggested that the constitution be amended further to remove reference to GMB and, instead, to suggest that the association's members join any trades union. Mr O'Hara (PH) stated that association encourages union membership and he welcomed the comments from the Committee.
- PH confirmed that there has been no re-election to the Steering Group since the removal of the requirement that all members join GMB. The four members of the Steering Group are all members of GMB also. The Committee considered that as the GMB is politically affiliated whilst the TDC constitution should be amended, there should also be a new set of elections to the Steering Group.
- Members noted that TDC has no membership fee and that its members pay to attend meetings, including the AGM where the Steering Group is elected. Members asked whether that means members are effectively paying to be able to vote. PH stated that the entry fee covers the costs of booking venues for meetings only. A Members suggested that TDC consider asking for donations or otherwise introduce alternative fundraising methods.
- The Committee sought clarification on how membership is taken and how meetings are conducted. PH stated that memberships are received via email and drivers provided details of their hackney carriage/private hire badge. All correspondence is via email or social media, in the main. Members suggested that TDC consider introducing more formalised arrangements for its meetings and that social media was not the best medium to allow all members to have an opportunity to put their views across.
- PH considered that ideally all taxi drivers would be members of a trade union, but trade unions operate at a national level and TDC as a body formally recognised by the authority, would give Cardiff taxi drivers a voice and a conduit by which

they will be able to comment on the issues affecting Cardiff and Cardiff's drivers.

- Members asked how the authority would consult with drivers who are not members of TDC. Officers advised that the quarterly Taxi Forum meetings would continue. The licensing authority also has an email distribution list of licensed drivers and it would also continue to consult with private hire operators. The Chairperson commented that since the TDC was formed attendance at the Taxi Forum has increased markedly.
- A Members referred to paragraph 9.C of the TDC constitution – Notice of General Meetings. It was suggested that TDC seek legal advice in order to ensure that the wording of that section of the constitution is not open to challenge.
- It was suggested that reference to the GMB union be removed from paragraph 4 of the Constitution – Subscriptions.
- Members asked what TDC intended to do in order to increase its membership. PH advised that whilst relying on word of mouth and activity on the ranks, consideration was also being given to TDC introducing collective bargaining arrangements on behalf of TDC members. For example, discussions have taken place with an insurance broker with a view to introducing some sort of 'cashback' scheme for TDC members who purchase vehicle insurance from the broker.

Members of the Committee discussed the application. The Committee formed the view that, whilst Members were supportive of the application, there were a number of issues that TDC would need to address before the association can be formally recognised as a representative trade body in Cardiff. The Committee requested that officers itemise those issues and the Chairperson should formally write to TDC, on behalf of the Committee, requesting a response addressing the issues of concern. The Committee further requested that TDC should bring forward its AGM or hold an EGM in order to hold fresh elections to the Steering Group.

RESOLVED – That:

- (1) The Chairperson formally write to the Taxi Drivers of Cardiff setting out the Committee's concerns and requesting a response addressing those concerns;
- (2) The Taxi Drivers of Cardiff hold new elections to its Steering Group;
- (3) Following the elections recommended in (2) above, a further report for determination of this matter be brought to a future meeting of the Committee.

This page is intentionally left blank

PUBLIC PROTECTION SUB COMMITTEE

6 MARCH 2018

Present: Councillor Jackie Parry(Chairperson)
Councillors Robson and Jacobsen

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

- (1) Application 1
Licence revoked following a criminal conviction for battery.
- (2) Application 2
Application refused as the Committee felt the applicant was not a fit and proper person to hold a licence.
- (3) Application 3
Application refused as the Committee felt the applicant was not a fit and proper person to hold a licence.
- (4) Application 4
Application refused as the Committee felt the applicant was not a fit and proper person to hold a licence.
- (5) Application 5
Application granted.

The meeting terminated at 12.30 pm

This page is intentionally left blank

PUBLIC PROTECTION SUB COMMITTEE

10 APRIL 2018

Present: Councillor Jackie Parry(Chairperson)
Councillors Goddard and Williams

3 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

- (1) Application 1
Licence suspended for 10 days for refusal of a fare.
- (2) Application 2
No further action.
- (3) Application 3
Written warning issued for refusal of a fare.
- (4) Application 4
Licence suspended for 45 days for failing to safely transport passengers and abandoning them in a dangerous situation.
- (5) Application 5
No further action.
- (6) Application 6
Application granted.

The meeting terminated at 2.00 pm

This page is intentionally left blank

PUBLIC PROTECTION SUB COMMITTEE

1 MAY 2018

Present: Councillor Jackie Parry(Chairperson)
Councillors Taylor and Murphy

1 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

- (1) Application 1
Licence suspended for 10 days for refusal of fare
- (2) Application 2
14 day suspension – unable to perform duties and comply with the requirements of the Equalities Act as vehicle was not fit for purpose
- (3) Application 3
7 day suspension for driving without due care and attention
- (4) Application 4
Deferred for 1 month
- (5) Application 5
Driver did not attend.
Suspended for 5 days for use of abusive language
- (6) Application 6
Consideration of this matter was deferred.
- (7) Application 7
Application refused as the Sub Committee did not consider the driver was a fit and proper person to hold a licence.

The meeting terminated at 2.15 pm

This page is intentionally left blank

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 5 June 2018

Report of the Head of Shared Regulatory Services

HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEES

1. Background

1.1 The Public Protection Committee authorised the current fees and charges for the taxi and private hire licences on the following dates:

- Hackney Carriage & Private Hire Vehicle Licence – 12 April 2016
- Hackney Carriage/Private Hire Driver's Licence – 8 September 2015
- Private Hire Operator Licences – 18 August 2015

1.2 The purpose of this Report is to seek approval of new fees for hackney carriage vehicle licences, private hire vehicle licences, private hire operator licences and hackney carriage/private hire driver licences.

2. Proposed Fees.

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

	Existing Fee	Proposed Fee	Difference
12 Month Hackney Carriage Renewal	£154	£160	+£6
6 Month Hackney Carriage Renewal	£86	£92	+£6
12 Month PH Grant	£103	£103	0
12 Month PH Renewal	£85	£86	+£1
6 Month PH Grant	£69	£70	+£1
6 Month PH Renewal	£51	£52	+£1
3 Years Driver Grant	£165	£159	-£6
3 Years Driver Renewal	£100	£89	-£11
1 Years Driver Grant	£124	£117	-£7
1 Years Driver Renewal	£60	£46	-£14
5 Year PH Operator Grant	£427	£434	+£7
5 Year PH Operator Renewal	£350	£350	0
1 Year PH Operator Grant	£98	£98	0
1 Year PH Operator Renewal	£76	£74	-£2

2.2 In calculating the proposed new fees, the full surpluses and deficits since the last fees were set for the have been taken into account.

2.3 The proposed fees have been calculated using a toolkit developed by the Wales Licensing Expert Panel. The toolkit is being used by all Welsh local authorities. The method used to calculate the fees and details of the figures are shown in Appendix A.

3. **Additional charges**

3.1 In addition to the licence fees, additional charges for driver knowledge tests have also been calculated using the same method. The proposed fees are as follows:

	Existing charge	Proposed charge	Difference
Written Test	£37	£42	+£5
1 st /2 nd Oral Test	£50	£55	+£5
3 rd Oral Test	£91	£99	+£8

4. **Legal Implications**

4.1 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge fees for the grant of licences in respect of hackney carriage vehicle, private hire vehicles and private hire operators. The Council must set the fees for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.

In respect of vehicle and operators' licences the Act states that the Council may charge such fees as may be sufficient in the aggregate to cover in whole or in part:

- The reasonable cost of inspecting Hackney Carriages and Private Hire vehicles to ascertain whether any such licence should be granted or renewed.
- The reasonable cost of providing Hackney Carriage stands (which has not been included in the proposed fees)
- Any reasonable administrative or other costs in connection with the above and with the control and supervision of Hackney Carriages and Private Hire vehicles.

4.2 The Act, which dates from 1976, also states that the fee for vehicle and private hire operator licences shall not exceed £25 or such other sum as the Council may from time to time determine. In the light of current costs, £25 is not seen as a realistic fee.

4.3 Section 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 statutorily entitled to recover.

- 4.4 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.
- 4.5 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 makes a deficit it may also take that into account. The calculations in respect of each type of licence issued by the Council should be kept separate.
- 4.6 When the Council proposes to set new fees for vehicles and private hire operator licences it is required by Section 70 of the 1976 Act to publish notice of the proposed variation in a local newspaper stating that objections may be made within a period of not less than 28 days. If objections are received and not withdrawn the Council must consider them and set a further date on which the variation shall come into force with or without modifications.

5. **Financial Implications**

The report sets out the proposed fee structure to take effect from 9 July 2018. The method adopted in calculating the fees is shown in Appendix A with all relevant costs having been included.

Should a surplus accrue as part of the final outturn position for 2018/19, this will be taken into account when setting the next fees.

6. **Recommendations**

- 6.1 That the Committee approve the proposed licence fees outlined in this Report with an implementation date of 9 July 2018.
- 6.2 That the Committee authorise the Head of Shared Regulatory Services to carry out the necessary public notice procedure.
- 6.3 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.

Dave Holland
Head of Shared Regulatory Services

9 April 2018

Background papers: Financial calculations

This page is intentionally left blank

Appendix B

Calculation Method:

The Hackney Carriage and Private Hire vehicle licence fees are 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 is utilised by many other local authorities.

Part 1 –Cost Summary

All general expenditure across the Licensing Section (based on 2016/17 figures) is documented and applied to each post to give an hourly rate of each member of staff.

Licensing Section General Expenditure:

Cardiff Support Services	£31,006
Cardiff accommodation	£52,600
Vale Departmental	£99,828
Office Equipment	£838
Employee related (ex salary)	£2,119
General Printing & Stationary	£5,322
Bank charges/Capita	£1,126
Staff training	£1,738
Phones	£4,853
ICT	£8,149
Insurance	£3,520

All figures have been rounded to the nearest £1

The total general expenditure (£211,100) is divided amongst each member of staff (16.6 in total) to give an hourly rate.

Licensing Support Assistant (x3)	£31
Licensing Assistant (x3)	£33
Licensing Enforcement Officer (x6)	£45
Senior Enforcement Officer	£49
Senior Technical Officer	£49
Policy Officer (0.6)	£49
Team Manager	£57
Operational Manager	£69

Part 2 – Application Costs

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

The total costs for additional officer time (based on 12 months) are:

Private Hire vehicles: £108266

Hackney Carriage vehicles: £125701

Drivers: £62057

Private Hire operators: £2639

Any other licence specific costs are also applied. For example, in the case of vehicles, the cost of advertising the fees in the paper is applied.

General taxi expenditure is £33997 and comprises of:

Bank charges	£940
Courier	£650
Waste disposal	£71
General Expenses	£581
General Printing & Stationary	£2830
PCO ICT	£7736
Miscellaneous	£31
Courier/postage	£9894
PCO Rents	£6978
CCTV	£353
Securicor	£2824
Phones/broadband	£1768

The general taxi expenditure is then apportioned across the specific licence areas:

Hackney carriage vehicle: £9301

Private hire vehicle: £12747

Drivers: £11639

Private Hire Operators: £310

The cost of undertaking additional applications such as vehicle transfers, change of vehicles, and replacement /badges/licences/plates is also calculated and added to the specific costs. These additional and specific costs are £37121 for hackney carriage vehicle licences, £17526 for private hire vehicle licences, £16833 for driver licences, and £4050 for private hire operators.

Any surplus/deficit from the previous year(s) is also carried forward and added/subtracted to the costs above.

The licence specific costs are then divided by the total number of relevant applications for 12 month licences to give a cost of £142 for Hackney Carriage vehicle licences, £67 for Private Hire vehicle licences, £25 for driver licences, and £12 for private hire operator licences per application.

The officer time and specific costs for 6 month licences are halved, and multiplied for 3 and 5 year licences.

N.B. (1) In reference to expenditure the term 'taxi' refers to both hackney carriage and private hire vehicles

(2) All figures have been rounded to the nearest £1

Part 3 Process steps

The cost of the administration of the licence (based on the hourly rates calculated in Part 1) and are added to the application costs outlined in part 2 above resulting in the following fees:

**Cost of 1 year hackney carriage vehicle licence renewal:
£160**

**Cost of 6 month hackney carriage vehicle licence renewal:
£92**

**Cost of 1 year private hire vehicle licence Grant:
£103**

**Cost of 1 year private hire vehicle licence Renewal:
£86**

**Cost of 6 month private hire vehicle licence Grant:
£70**

**Cost of 6 month private hire vehicle licence Renewal:
£52**

**Cost of 3 year driver's licence Grant:
£159**

**Cost of 3 year driver's licence Renewal:
£89**

**Cost of 1 year driver's licence Grant:
£117**

Cost of 1 year driver's licence Renewal:

£46

**Cost of 5 year private hire operator's licence Grant:
£434**

**Cost of 5 year private hire operator's licence Renewal:
£350**

**Cost of 1 year private hire operator's licence Grant:
£98**

**Cost of 1 year private hire operator's licence Renewal:
£74**

CARDIFF COUNCIL
CYNGOR CAERDYDD

PUBLIC PROTECTION COMMITTEE: 5th June 2018

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS

The Committee is requested to determine the following application:-

1. Mahdi Al-Ashtari – Hyundai I30

Application to have the Hyundai I30 approved as a prestige vehicle with a ten year age restriction.

This page is intentionally left blank

PUBLIC PROTECTION COMMITTEE: 5th June 2018

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS

The Committee is requested to determine the following application:-

1. Mohammed Amjed Rafiq – Vauxhall Zafire

Application to have the Vauxhall Zafire approved as a prestige vehicle with a ten year age restriction.

This page is intentionally left blank

CARDIFF COUNCIL
CYNGOR CAERDYDD

PUBLIC PROTECTION COMMITTEE: 5th June 2018 10:15am

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS

The Committee is requested to determine the following application:-

1. Mohammed Shoheb Hussain – Lexus IS (2013-)

Application to have the Lexus IS approved as a prestige vehicle with a ten year age restriction. Please note the vehicle is being supplied by Lexus Cardiff.

This page is intentionally left blank