



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	WEDNESDAY, 27 JULY 2022, 10.00 AM
Venue	COMMITTEE ROOM 4, COUNTY HALL - MULTI LOCATION MEETING
Membership	Councillor Michael (Chairperson) Councillors Kaaba, Driscoll, Ferguson-Thorne, Gibson, Gunter, Jenkins, Jones, Lancaster, Palmer, Sattar and Wood

1 Appointment of Chairperson and Committee

To note that Council on 26 May 2022, appointed Councillor Michael Michael as Chairperson and the following Members to the Committee:

Councillor Maliika Kaaba (Deputy Chair)
Councillor Sean Driscoll
Councillor Grace Ferguson-Thorne
Councillor Andrea Gibson
Councillor Helen Gunter
Councillor Peter Huw Jenkins
Councillor Jackie Jones
Councillor John Lancaster
Councillor Marc Palmer
Councillor Abdul Sattar
Councillor Ashley Wood

2 Terms of Reference

To note:

- (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.
- (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.

3 Apologies for Absence

To receive apologies for absence.

4 Declarations of Interest

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

5 Minutes (Pages 5 - 28)

To approve as a correct record the minutes of the meeting held on 8 February 2022.

To approve the minutes of the previous Public Protection Sub Committee meetings.

6 Hackney Carriage and Private Hire Licence Fees (Pages 29 - 36)

7 Urgent Items (if any)

Davina Fiore

Director Governance & Legal Services

Date: Thursday, 21 July 2022

Contact: Graham Porter,

02920 873401, g.porter@cardiff.gov.uk

This page is intentionally left blank

PUBLIC PROTECTION COMMITTEE

8 FEBRUARY 2022

Present: Councillor Mackie(Chairperson)
Councillors Asghar Ali, Derbyshire, Goddard, Hudson, Lancaster
and Robson

12 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jacobsen, Sattar and Wood.

13 : DECLARATIONS OF INTEREST

No declarations of interest were received.

14 : MINUTES

The minutes of the meeting held on 30 November 2021 were approved by the Committee as a correct record.

15 : CONTROL OF STREET TRADING IN WHITCHURCH

At the meeting of 30 November 2021, the Public Protection Committee authorised the Head of Legal Services to publish notice of its intention to pass resolutions to change the street designations of the following streets to 'prohibited' for the purpose of street trading, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 with effect from 8 March 2022:

- College Road, Whitchurch
- College Close, Whitchurch
- Tynewydd, Whitchurch
- Tynant, Whitchurch

In accordance with the statutory procedure, a Public Notice was published in the South Wales Echo on 7 December 2021 stating the Public Protection Committee's intention. Copies were also sent to South Wales Police, the Highways Department of Cardiff Council and notices were displayed in the streets affected. The notice invited representations relating to the proposed resolutions to be made in writing by 8 January 2022.

Members were advised that three responses were received to the public notice, all of which supported restricting street trading in the area. Copies of the responses received were appended to the report.

RESOLVED – That the streets listed in paragraph 1.1 of the report be designated as prohibited streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982, with effect from 8 March 2022.

16 : URGENT ITEMS (IF ANY)

No urgent items.

The meeting terminated at 10.07 am

PUBLIC PROTECTION SUB COMMITTEE

6 JULY 2021

Present: Councillor Mackie(Chairperson)
Councillors Sattar and Hudson

1 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Case 1

Deferred for 1 month

(2) Case 2

The Sub Committee heard representations from a driver who was involved in a confrontation with a member of the public. The driver explained the circumstances leading to the confrontation. The driver stated the he regretted his actions and he was aware of his responsibilities in terms of conduct.

RESOLVED – That the driver receives a written warning for unacceptable conduct.

(3) Case 3

Application for a Hackney Carriage / Private Hire Drivers Licence refused.

(4) Case 4

Application for a Hackney Carriage / Private Hire Drivers Licence granted.

The meeting terminated at 1.00 pm

This page is intentionally left blank

PUBLIC PROTECTION SUB COMMITTEE

10 AUGUST 2021

Present: Councillor Mackie(Chairperson)
Councillors Derbyshire and Goddard

1 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Case 1

The Sub Committee received representations from a driver who had received 6 penalty points and a fixed penalty for a driving offence. Members were advised that the driver had used a mobile telephone to receive a video call from his son. The driver was off-duty, there were no passengers in the vehicle and the device was being used 'hands free' at the time. The driver stated that he was unaware that an offence was being committed. The driver accepted that he made mistake and understood why it was considered to be a major traffic offence. There were no other offences to take into consideration and no complaints had been made against the driver.

RESOLVED – That the driver receive a written warning for a driving offence.

(2) Case 2

Deferred for 1 month

(3) Application 3

The Sub Committee was asked to consider a complaint received from a member of the public regarding a driver's conduct. Members were advised that a customer had booked a private hire vehicle and requested that the fare be paid on account at the time of the booking. When they reached the destination the driver advised the customer that the booking was coded as a cash fare. A dispute then occurred between the customer and the driver.

The Sub Committee received representations from the driver and his representative. Members were advised that the driver had accepted the booking as a cash fare. During the journey an amicable conversation was

held between the customer and the driver. The customer advised that she would like to pay for the fare by card and the driver therefore advised her to contact Dragon Taxis as he was unable to change the booking via the meter. At the destination the driver did not stop the meter as this would mean that only a cash payment would be accepted. The fare was approximately £8.50 at this point. The driver advised the customer to pay via the link sent to her from Dragon as quickly as possible as this would then stop the meter. The fare was increasing during this delay as the meter was still running and had increased to around £10.50. This led to a dispute.

At some point during the dispute the passenger tried to leave the vehicle. The driver attempted to explain to his passenger that she had locked the door from the inside. He reached into the back of the vehicle to explain how to unlock the door. At no point did he grab the passenger, or her handbag or phone. He did not lock the passenger in the vehicle. The driver stated that he asked the customer to leave the vehicle and he would not accept payment for the fare. The customer refused to do this. The passenger then got out of the vehicle and threw around £8.50 into the vehicle and left.

The Sub Committee also received representations from the customer. Members were advised that the customer often uses taxis and always pays by card. During the journey the customer stated that she advised the driver that she should be paying by card. Upon arrival at the destination the driver expected a cash payment.

The customer stated that the driver grabbed her hand and showed her the meter. She became frightened and phoned Dragon Taxis. During the phone call the driver locked the doors and refused to let her leave the vehicle. The Dragon operator asked the customer to give the driver her phone but she felt that this was not acceptable during a pandemic.

The customer confirmed that the driver then asked her to leave the vehicle without paying. But he was loud and intimidating. She tried to open the door and pay in cash from outside the vehicle as she considered this would be safer. At this point the driver grabbed her hand and tried to prevent her from leaving the vehicle. The driver then tried to grab her handbag.

After paying the driver the customer took photographs of the vehicle and the registration number. She then reported the matter to the police and made a complaint to the Council as she was concerned that same thing could happen to another passenger.

The Sub Committee heard the recordings of 5 telephone conversations between the passenger and Dragon Taxis, including a call made during the incident. The driver's representative sought to clarify details in relation to a number of points made by the customer during the telephone calls.

RESOLVED – That the Hackney Carriage / Private Hire drivers licence be suspended for 3 days for unacceptable conduct.

|

The meeting terminated at 2.00 pm

This page is intentionally left blank

PUBLIC PROTECTION SUB COMMITTEE

7 SEPTEMBER 2021

Present: Councillor Mackie(Chairperson)
Councillors Goddard and Lancaster

1 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Application 1

The Sub Committee were asked to consider an application for a hackney carriage/private hire drivers licence. The applicant was a former hackney carriage/private hire driver. The applicant's licence was revoked by a Sub Committee in 2018 due the driver's unacceptable behaviour.

Members were advised that since revocation the applicant completed the BTEC Course on carrying passengers. The applicant was now fully aware of his responsibilities, particularly in relation to the Data Protection Act.

The applicant still did not accept some of the accusations made against him by the complainant when the Sub Committee considered the previous matter. However, he did accept that he had made some mistakes with regard to his conduct and he was regretful.

RESOLVED – That the application for a hackney carriage/private hire drivers licence be refused as the Sub Committee did not consider the applicant to be a fit and proper person to hold a licence.

(2) Application 2

The Sub Committee were asked to consider an application for a hackney carriage/private hire drivers licence. Members were advised that the applicant had served a custodial sentence for perverting the course of justice.

The applicant was asked to explain the circumstances leading to his conviction. The applicant stated that he had committed two driving offences for speeding. Upon receipt of the notification letters he did not advise the proper authority that he was driving the vehicle at the time of the offences. The applicant stated he provided a 'false address' for the first

offence. The letter was sent to his previous address and therefore he did not advise the authority who was driving. However, for the second offence he falsely claimed that his friend was driving the vehicle.

He was subsequently summonsed to court. The court received evidence that he was driving the vehicle at the time of the second offence. He received a four month custodial sentence for perverting the course of justice as a result.

Members noted that the driver had not declared both driving offences or any other convictions on the licence application form.

RESOLVED – That the application for a hackney carriage/private hire drivers licence be refused as the Sub Committee did not consider the applicant to be a fit and proper person to hold a licence.

(3) Application 3

The Sub Committee was asked to consider the circumstances that led to a licenced driver receiving 9 penalty points for driving offences.

The driver stated that he received 6 penalty points for driving without insurance and 3 penalty points for having a defective tyre. The driver was asked to explain the circumstances leading to his first conviction. The driver stated he was driving a private vehicle at the time of the offence. He was fully aware that he was not insured to drive that vehicle. However, he was not aware that he needed to advise the licencing authority of the driving offences. Responding to a question from the Sub Committee the driver stated that whilst he was aware that he was uninsured to drive the vehicle his was only travelling a short distance to a local shop.

The driver was asked why he had not appeared before the Sub Committee when invited to do so on two previous occasions. The driver stated that he was in hospital at the time but he emailed the licensing authority to advise them that he was unable to attend. The licensing officer stated that there was no record of any email being received. Officers had attempted to contact the driver on numerous occasions.

RESOLVED – That the hackney carriage/private hire drivers licence be revoked for driving offences.

PUBLIC PROTECTION SUB COMMITTEE

5 OCTOBER 2021

Present: Councillor Mackie(Chairperson)
Councillors Sattar and Goddard

1 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Case 1

Application for the grant of a Hackney Carriage/Private Hire Drivers Licence refused.

(2) Case 2

The Sub Committee were asked to consider a report regarding the conduct of a driver. Members were advised that the driver had continued to work for a number of different operators after testing positive for coronavirus and being instructed to self-isolate.

The driver confirmed that he received a PCR test for coronavirus on 16 July 2021. On 17 July 2021 he was contacted by Track and Trace who confirmed that his test result was positive. He was instructed to self-isolate for 10 days. The driver stated that he did not self-isolate and he continued to work continuously throughout the period, accepting fares and transporting passengers.

Officers also raised concerns that driver was not living at the address he provided to the Licensing Authority. He had used a false residential address for both his Hackney Carriage/Private Hire application and his DVLA licence. He subsequently confirmed that was living at a different address with another person. This was contrary to the information he provided to Track and Trace who were advised that he lived alone.

RESOLVED – That the Hackney Carriage/Private Hire Drivers Licence be revoked for unacceptable conduct.

The meeting terminated at Time Not Specified

PUBLIC PROTECTION SUB COMMITTEE

1 FEBRUARY 2022

Present: Councillor Mackie(Chairperson)
Councillors Goddard and Lancaster

1 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Case 1

Members were advised that a complaint had been received regarding the conduct of a driver. It was alleged that the driver gave to passengers a lift from Barry to Cardiff as a favour. The passengers were then collected from Cardiff and returned to Barry. The complaint related to the conduct of the driver during the return journey. Concerns were raised that the driver made inappropriate sexually explicit comments, invited the passengers to take drugs and had acted in an aggressive manner.

The driver's representative raised concerns that the witnesses were not present to be questioned on their statement. The driver stated that he was not working on the day in question. He had given his personal mobile number to one of the passengers as a friend. He gave them a lift as a favour. As his friend's companion was from London he decided to go sightseeing on the return journey. No money was exchanged.

The Committee was concerned that the driver had given his personal number to an individual who he was had not previously been associated with and proceeded to transport them in his private hire vehicle. Members considered this to be highly unusual and concerns were raised at how this may be perceived. Members were also very concerned that the driver had, by his own admission, undertaken two journeys in a private capacity with two individuals who were not in his 'bubble' in contravention of the requirements of the Covid-19 safety measures.

RESOLVED – That the driver receive a written warning for unacceptable conduct.

(2) Case 2

Members were advised that a complaint had been received regarding alleged overcharging and refusal to use the meter during a fare. Members were asked to consider the circumstances that resulted in the complaint being received.

The driver addressed the Sub Committee. The driver stated that he was interviewed about the complaint approximately 6 or 7 weeks following the alleged incident and therefore he could not recall much detail. Members were advised that on the evening in question the driver was stopped to assist at a 'hit and run' incident on Cathedral Road. When he returned to work he picked up four females from a marshalled rank. The driver stated that he normally asks for a deposit however he denied that he asked the customers for £40 in advance of the journey but there may have been an misunderstanding.

The Sub Committee also received representations from the complainant. The complainant stated that she was not intoxicated and she had a clear recollection of the event. The complaint stated that the driver asked each of the passengers for £10 in advance of the journey. The driver was requested to use the meter and refused. At that point the journey was terminated and the customers asked to be let out of the vehicle.

RESOLVED – That the driver receive a 7-day suspension for overcharging and refusing to use the meter.

(3) Case 3

Members were asked to consider an application for a hackney carriage / private hire drivers licence. Members were advised that the driver was previously licenced but his licence was revoked when the driver was charged with a notifiable criminal offence.

The Sub Committee received representations from the driver's representative. Members were advised that an allegation was made but no charges were brought and the matter was discontinued. Prior to the incident the driver had an unblemished record. He was also a prominent member of his community.

The Sub Committee was concerned that although no criminal charges were brought the driver had not acted appropriately at the time of the incident.

RESOLVED – That the application for a hackney carriage / private hire drivers licence be refused.

(4) Case 4

Members were advised that a driver had received 6 penalty points for driving without valid insurance. The driver was asked to explain the circumstances.

The driver's representative stated that the driver went to a local supermarket in his wife's car. He was unaware that his wife's insurance policy had changed and he was no longer insured to drive the vehicle. The driver accepted that this was his responsibility and was an oversight.

Responding to questions from the Sub Committee the driver stated that he did not declare the offence at the time of the incident or disclose the offence on his application for as he did not realise that it amounted to a driving offence.

RESOLVED – That the driver receives a 7-day suspension for a driving offence and non-disclosure of the offence.

(5) Case 5

Members were advised that a licenced driver had accumulated 15 penalty points for driving offences. The Sub Committee received representations from the driver.

The driver stated that he received the penalty points for 5 speeding offences were committed when he was working as a delivery driver during the pandemic. He was not working as a taxi driver at the time. He was unaware that he was required to declare the offences.

RESOLVED – That the hackney carriage / private hire drivers licence be revoked for driving offences.

(6) Case 6

A complaint was received regarding the conduct of a driver. The driver was alleged to have overcharged for a journey.

The driver stated that he had responded to a call and arrived at the location quickly. However, he was unable to see his passenger so he contacted the despatch office and asked for a description of the customer. He saw the customer in his rear view mirror, turned the vehicle and collected his passenger.

During the journey the passenger called home and asked his partner to pass £10 through the window to pay the fare. The driver parked his vehicle as close as possible to the property in question as he was aware that the passenger had mobility issues. The driver stated that as the vehicle was parked on a slope the passenger may have had difficulty opening the

passenger door.

The complainant had complex mental health issues. The complainant stated that the driver was at first hiding his vehicle and refused to pick him up. It was alleged that that taxi was cancelled and another vehicle was ordered. The complainant said that upon arrival at his home the driver had locked the vehicle and refused to let him get out. He then panicked. There was also a disagreement a discrepancy about the fare for the journey.

RESOLVED – That no further action be taken.

(7) Case 7

Members were advised that a driver had received 9 penalty points for driving. The driver's representative stated that the driver had been working nights throughout the pandemic, primarily transporting passengers on behalf of the NHS. The offences had occurred when there were no passengers in the vehicle but the driver was under a great deal of pressure to pick up his next passenger urgently.

The Sub Committee was advised that the driver accepted the offences and regretted his actions. He also accepted that he unintentionally did not disclose the offences.

RESOLVED – That the driver receive a 7-day suspension for driving offences.

The meeting terminated at 1.30 pm

PUBLIC PROTECTION SUB COMMITTEE

1 MARCH 2022

Present: Councillor Mackie(Chairperson)
Councillors Goddard and Lancaster

1 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Case 1

The Sub Committee received representations from a driver who had received a police caution for carrying a bladed instrument in a public place. Members were advised that the applicant had visited the Citizens Advice service. He was searched by door security on the way in to his appointment and handed over all the possessions he was carrying. Police were called as there was a pen knife on his keyring. The driver stated that he used the pen knife to peel and eat fruit. He was unaware that it was an offence to carry such an item.

No further action.

(2) Case 2

The Sub Committee considered an application for a licence. Member were advised that the applicant was charged with an offence of affray in 2015. The driver explained the circumstances. He was visiting a relative in Chelmsford when a large fight broke out. The applicant stated that he was now married with two children. He no longer drinks alcohol. He was unaware that he needed to declare his conviction on his application form as he considered the conviction to be spent.

RESOLVED – That the application for a Hackney Carriage / Private Hire drivers licence be granted.

(3) Case 3

The Sub Committee considered an application for a licence. The applicant did not attend. Members were advised that the applicant had been disqualified from driving after accruing penalty points on his DVLA licence for 5 driving offences.

RESOLVED – That the application for a Hackney Carriage / Private Hire Drivers licence be 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 3.30 pm

PUBLIC PROTECTION SUB COMMITTEE

5 APRIL 2022

Present: Councillor Mackie(Chairperson)
Councillors Lancaster and Wood

1 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Case 1

The Committee received representations from a driver who had received 6 DVLA penalty points for failing to disclose the identity of a driver. The driver stated that he was having some family problems and had moved out of the family home temporarily. Whilst living at another address he committed a speeding offence. He was unaware of the offence as the correspondence was sent to the family home address. He was also unaware that he was subsequently summonsed to court where he received a £660 fine, plus costs and 6 penalty points.

The driver accepted responsibility and asked the Sub Committee to consider that he has previously be driving for 21 years without committing any offences or having any complaints.

RESOLVED – That the driver receives a written warning for a driving offence.

(2) Case 2

Members were asked to consider an application in principle for a applicant who had a conviction for possession of a controlled substance with intent to supply.

Members were advised that at the time of the offence the applicant was an asylum seeker. He was unable to work legally and he was selling drugs to provide an income. The applicant accepted that he had made a serious error of judgement. He was now working as a delivery driver.

RESOLVED – That the application for a Hackney Carriage / Private Hire drivers licence be refused as the Sub Committee did not consider the application to be a fit and proper person to hold a licence.

|

The meeting terminated at 10.40 am

I'VE PUBLIC PROTECTION SUB COMMITTEE

7 JULY 2022

Present: Councillor Michael(Chairperson)
Councillors Lancaster and Wood

1 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Case 1

The Sub Committee was advised that complaints were received from two members of the public regarding the conduct of a driver. The complaints related to an incident when the driver was alleged to have refused to use the taxi meter.

Members received representations from the complainants. Members were advised that a lone female customer entered the vehicle in Castle Street. The passenger wanted to go to Fairwater. The driver asked for the postcode of the customer and, once the journey had started, requested payment in advance. The customer stated that she was not prepared to pay in advance and asked the driver to use the taxi meter, as required by regulation. The passenger stated that at that point she felt unsafe and anxious. She asked the driver to stop the vehicle so that she could get out. The driver slowed down but didn't stop. She got out of the vehicle whilst it was still moving.

Members also received representations from a witness to the incident. The witness was a friend of the passenger. They had enjoyed a night socialising in the city centre. The pair approached a taxi on Castle Street and the passenger asked to be taken to Fairwater. They checked in advance that the fare would be on the meter. The witness then took a photograph of the rear of the taxi and got into the taxi behind it with her partner. The witness realised that something was wrong when she saw her friend exit the vehicle whilst it was still moving.

Responding to questions from the Sub Committee, the passenger and the witness denied that they were carrying food at the time of the incident. The fare would normally cost between

£11 and £12 and the driver was asking for £15 in advance. The passenger knew that this was contrary to the regulations and she became worried that she would not get home safely.

The driver claimed that both the complainant and the witness were lying. They were carrying food and large fizzy drinks from McDonalds. When the passenger was asked not to eat food in the vehicle she became aggressive.

Members asked why the driver had not mentioned McDonalds food or food of any description in the extensive statement he had provided. The driver stated that he subsequently recalled the incident. The driver denied asking for payment in advance.

When questioned by Members of the Sub Committee, the driver stated that his first statement and his second statement were completely different because he was having to deal with some personal issues at the time.

In closing the complainant categorically denied carrying food and a drink at the time of the incident. Members were advised that she doesn't eat McDonalds food as she is lactose intolerant.

RESOLVED – That the driver be suspended for 14 days for refusing to use the taxi meter.

(2) Application 2

The Sub Committee was advised that a driver had received 6 penalty points for a driving offence.

The drivers representative stated the driver received 6 penalty points for using a mobile phone. The phone had fallen from its holder in the vehicle and the driver handled the phone when he picked it up. The driver accepts that this was a serious error of judgement and he regretted his actions.

The driver was unaware that he was required to report that he had received 6 penalty points to the Licensing authority.

Responding to questions from the Sub Committee, the driver confirmed that he was driving his taxi but there were no passengers in the vehicle at the time.

RESOLVED – That the driver receives a written warning for a driving offence.

(3) Application 3

The Committee was asked to consider an application for a new driver. During the renewal application the driver advised the

Licensing authority that he received 6 penalty points for using his vehicle without insurance.

The driver was asked to explain the circumstances. Members were advised that the driver, his friend and his young son were shopping in a supermarket. The driver asked his friend to drive the vehicle from the car park to the adjacent petrol station because he young son was crying and he was trying to settle him.

A customer was said to have complained to the police that child was unrestrained in the vehicle whilst it was moving. Police arrived at the petrol station and questioned the driver and his friend. It was subsequently established that the friend was uninsured to drive the vehicle and the driver was charged.

The driver apologised for his mistake and accepted that he was responsible for checking that anyone driving his vehicle is insured to do so.

RESOLVED – That the renewal application for a hackney carriage / private hire drivers licence be granted.

(4) Application 4

The Sub Committee was asked to consider whether a driver was a fit and proper person to hold a licence after he received a criminal conviction whilst licenced. The driver was asked to explain the circumstances.

The driver made a statement. The driver advised the Licensing authority of his conviction by email on 22 May 2020 and he had been waiting to be asked to appear before the Sub Committee since. He was honest and upfront and accepted that he had made a big mistake. However, the customer at the time was aggressive and after 39 years as a taxi driver he was acting in self-defence.

The driver's representative described the incident. The driver had picked up a fare on Churchill Way and had taken the passenger to Cardiff Bay. He had difficulty obtaining payment for the journey. An argument ensued and the driver thought that things could escalate. So, in self-defence, he pushed the customer away causing him to fall. He also took the customer's mobile phone and left the vicinity. He subsequently threw the phone into some bushes nearby.

The driver was interviewed by the police and charged. The customer had chipped a bone in his elbow.

The driver was remorseful. During 39 years of driving he had

completed over 250,000 journeys and he had never reacted in this manner previously, despite provocation. He accepted his actions were wrong and he could have handled the situation better. However, his actions were an isolated incident and there was no pattern of behaviour.

The driver was not a violent person and was always professional. As a result of this incident he no longer works nights.

RESOLVED – That the driver receives a written warning regarding his conduct and be required to complete the SQA qualification within 3 months.

The meeting terminated at 12.30 pm

PUBLIC PROTECTION COMMITTEE: 27 July 2022**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 taxi and private hire licences on the following dates:
- Hackney Carriage & Private Hire Vehicle Licence – July 2018
 - Hackney Carriage/Private Hire Driver's Licence – July 2018
 - Private Hire Operator Licences – July 2018
- 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.

Licence type	Existing Fee	Proposed Fee	Difference
12 Month Hackney Carriage Grant*	N/A	£201	N/A
12 Month Hackney Carriage Renewal	£160	£184	+ £24
6 Month Hackney Carriage Grant*	N/A	£115	N/A
6 Month Hackney Carriage Renewal	£92	£98	+ £6
12 Month Private Hire Grant	£103	£92	- £11
12 Month Private Hire Renewal	£86	£77	- £9
6 Month Private Hire Grant	£70	£66	- £4
6 Month Private Hire Renewal	£52	£51	- £1
3 Years Driver Grant	£159	£163	+ £4
3 Years Driver Renewal	£89	£97	+ £8
1 Years Driver Grant	£117	£123	+ £6
1 Years Driver Renewal	£46	£57	+ £11
5 Year PH Operator Grant	£434	£429	- £5
5 Year PH Operator Renewal	£350	£350	£0

1 Year PH Operator Grant	£98	£100	+ £2
1 Year PH Operator Renewal	£74	£80	+ £6

* Whilst we are not currently able to grant Hackney Carriage licences (due to the moratorium) should this position change the proposed fee is as stated.

2.2 During the financial year 2020/2021 the government placed restrictions on the public including the taxi trade and local authority due to the Covid 19 pandemic. Consequence to this, the Licensing Department operated at a reduced capacity in some areas for example, enforcement.

In calculating the proposed new fees, the full surpluses from the year 2020/2021 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	£42	£41	-£1
1 st /2 nd Oral Test	£55	£57	+£2
3 rd Oral Test	£99	£100	+£1

4. Legal Implications

4.1. 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 taxpayers; and (h) be reasonable and proper in all the circumstances.

4.2 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.

4.3 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.

4.4 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.

4.5 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.

4.6 The recent judgement *Rehman v Wakefield* has confirmed that enforcement costs associated with enforcing the behaviour of licensed drivers can be recovered in the driver's licence fees.

Prior to this judgement it was not thought that driver enforcement fees were recoverable and therefore the last time the driver licence fees were calculated costs associated with driver behaviour was not included in the calculations. This has led to a rise in the driver licence fees.

4.7 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.

4.8 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 12 September 2022. 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 2021/22, this will be considered 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 12 September 2022.
- 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.

Helen Picton
Head of Shared Regulatory Services

30 May 2022

Background papers: Financial calculations

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 2020/2021 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	£58,026
Cardiff Accommodation	£56,497
Vale Departmental e.g., IT costs, Communications, Hardware	£30,525
Transport	£1,758
Employee related (excluding salary)	£4,669
Support Services (Vale)	£6,296
Supplies and Services (Vale):	
General Printing and Stationary	£4,366
Phones	£8,765
Insurance	£1,741
Postages	£862
Miscellaneous	£60
Subscriptions	£295
Training	£625
Refreshments	£110
Services	£300

All figures have been rounded to the nearest £1

The total general expenditure (£174,897) has then been divided amongst each member of staff (17.6 in total) to give an hourly rate.

Licensing Support Officer (x3)	£30
Licensing Assistant (x3)	£33
Licensing Enforcement Officer (x6)	£45
Senior Enforcement Officer	£48
Senior Technical Officer	£48
Policy Officer (0.6)	£48
Team Manager	£54
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 enquires, 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: £116,000
Hackney Carriage vehicles: £121,148
Drivers: £95,593
Private Hire operators: £3,102

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

General taxi expenditure comprises of bank charges, printer charges and health and safety equipment and is apportioned across the specific licence areas as follows:

Hackney carriage vehicles: £1,122
Private hire vehicles: £1,258
Drivers: £918
Private hire operators: £68

The cost of undertaking additional applications such as vehicles, transfers, change of vehicles and replacement/badges/licences/plates is also calculated and added to the specific costs. These additional and specific costs are £7,525 for hackney carriage vehicle licences, £3,744 for private hire vehicle licences, £0 for operators and £1743 for driver licences.

The surplus/deficit which is calculated using the costs from the year 2020/2021 but taking into consideration the significant reduction in officer capacity in some areas e.g., enforcement (due to the pandemic) is 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 £163 for Hackney Carriage vehicle licences, £54 for Private Hire vehicle licences, £42 for driver licences and £21 for Private Hire operators.

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 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 grant: £201*

Cost of 1 year Hackney Carriage vehicle licence renewal: £184

Cost of 6 month Hackney Carriage vehicle licence grant: £115*

Cost of 6 month Hackney Carriage vehicle licence renewal: £98

Cost of 1 year Private Hire vehicle licence Grant: £92

Cost of 1 year Private Hire vehicle licence Renewal: £77

Cost of 6 month Private Hire vehicle licence Grant: £66

Cost of 6 month Private Hire vehicle licence Renewal: £51

Cost of 3 year Driver's licence Grant: £163

Cost of 3 year Driver's licence Renewal: £97

Cost of 1 year Driver's licence Grant: £123

Cost of 1 year Driver's Licence Renewal: £57

Cost of 5 year Private Hire Operator's licence Grant: £429

Cost of 5 year Private Hire Operator's licence Renewal: £350

Cost of 1 year Private Hire Operator's licence Grant: £100

Cost of 1 year Private Hire Operator's licence Renewal: £80

* *Whilst we are not currently able to grant Hackney Carriage licences (due to the moratorium) should the position change the proposed fee is as stated*

This page is intentionally left blank