

## PUBLIC PROTECTION COMMITTEE

1 NOVEMBER 2016

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

### 14 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

### 15 : DECLARATIONS OF INTEREST

No declarations of interest were received.

### 16 : MINUTES

The minutes of the meetings held on 4 October 2016 were approved by the Committee as a correct record and were signed by the Chairperson.

### 17 : PRESTIGE VEHICLE APPLICATION - TOYOTA VERSO

RESOLVED – That the application for a Toyota Verso to be approved as a prestige vehicle with a 10-year age restriction be refused.

### 18 : LOCAL AIR QUALITY MANAGEMENT PROGRESS REPORT

The Committee received a report providing an update on Air Quality Management in Cardiff. Members were advised that the authority has a statutory obligation to review and assess air quality under the Environment Act 1995. The Act requires local authorities to monitor, review and report on seven pollutants. In Cardiff the pollutant of greatest concern is Nitrogen Dioxide, which is mainly derived from road transport emissions.

The Council reports annually to the Welsh Government with the latest data, changes and developments which may be significant. There are four Air Quality Management Areas (AQMAs) cleared in Cardiff. These are located at City Centre, Ely Bridge, Stevenson Court and Llandaff. All four AQMAs have been declared in respect of high Nitrogen Dioxide levels.

To combat the air quality issues identified in each area Air Quality Action Plans (AQAPs) have been created which set out the Council's response to addressing the problem. Details of the four AQAPs were appended to the report.

The Chairperson welcomed Helen Picton, Jason Bale and Craig Lewis from the Joint Regulatory Service to the meeting. The officers were invited to deliver a presentation providing an overview of the air quality issues in Cardiff. Members were invited to raise questions, seek clarification or comment on the information received. These discussions are summarised as follows:

- Officer provided clarification of the system used to classify the ultrafine particles produced during combustion processes.
- Officer confirmed that discussions are taking place with bus operators in the City with a view to using electric buses. Officers had met with colleagues from Planning and with developers. A number of scenarios had been modelled. Consideration was also being given to providing incentives to operators using electric vehicles.
- Members asked how the measure of particulate in Cardiff compared with other cities. Members noted that London had established a 'low emission zone' into which certain categories of vehicle were not permitted. Members were advised that the results in Cardiff were below the air quality objectives and at present the annual trend indicates that air quality in the City is improving. Members noted that Cardiff was the fastest growing city in UK and it is likely that traffic and emissions in the City would increase. London intends to 'raise the bar' by increasing the standards of vehicles permitted entry to the low emission zone to Euro 2 Standard.
- Officers welcomed the view of the Committee. Officers considered that developers should be encouraged to include charging points for electric vehicles in new housing developments and the Council should be considering providing charging points also, as there were currently no parking spaces that would allow an electric vehicle to charge whilst parked. Furthermore, public transport providers should also be encouraged to use vehicles which have lower emissions, such as hybrid and electric vehicles.
- Officer confirmed that, in terms of strategy planning, Pollution Control are consultees and has an input. Whilst the current Transport Plan was introduced prior to the Joint Regulatory Service, Pollution Control provided data to planners, who are aware of the pinch points on the transport network. Colleagues in Planning try to balance all relevant interests. Members ask which interests were given the highest priority. Officers stated that political policy decisions would dictate which interests are prioritised, but areas such as the environment and the economy are given due consideration.
- The Committee noted that planning applications include advice from internal consultees and in the overwhelming majority of planning applications no objections are received from Pollution Control and, therefore, Members of the Planning are unable to consider issues such as air quality management when planning applications are being considered. Members considered that more comments on planning applications, and in particular more clarity on pollution issues, would be welcomed. Officers stated that Pollution Control are involved at the early stages of planning applications. Air quality assessments are brought forward using the best quality guidance. If the air quality assessments show that there would be negligible impact on air quality as a result of a planning application, the Pollution Control cannot object to the planning application. If it was demonstrated that there would be an impact, then Pollution Control can ask for mitigation measures to be implemented.
- Members asked whether the increase in traffic as a result of the new developments planned for the north west of the City would have an adverse effect

on the Llandaff AQMA. Officers stated that developers would have been asked to consider the impact of increased traffic. Officers agreed to provide a more detailed reply if requested to do so.

- Members asked whether air quality was monitored in schools. Officers advised that across the 3 Council under the Joint Regulatory Service, on 1 school, in Dinas Powys, is monitored. However, a review of air quality monitoring sites was being undertaken and schools had been flagged as potential sites in the future. Members were asked to note that the air quality monitoring currently undertaken using diffusion tubes only provides a monthly average figure. AM and PM peaks at schools can only be monitored by using automated monitoring which is expensive.

RESOLVED – That the Committee:

- (1) Note the contents of the 2016 Air Quality Progress Report and continue to be advised on air quality in Cardiff and measures taken to improve it;
  - (2) Note that the 2016 Progress Report and its conclusions has been accepted by the Environmental Scrutiny Committee.
- 7.2 Approve the Detailed Assessment to be undertaken at the Kingsway/Duke Street/Castle Street link.
- 7.3 Note that detailed assessments may be undertaken for both Stephenson Court AQMA and Llandaff AQMA, if appropriate; Committee will be apprised of such action if assessments are undertaken.

## 19 : INTENDED USE POLICY

The Committee received a report on the introduction of an Intended Use/Remote Trading Policy for Hackney Carriages. Members were advised that a number of local authorities in the UK have been experiencing high numbers of applications for Hackney Carriage/Private Hire Drivers Licences from applicants who live in different local authorities. A test case in the North of England set a precedent that any person could apply for a licence and work anywhere in the UK as a Private Hire Driver.

The guidelines and conditions governing the suitability of the persons and vehicles issued with licences and how those licences operate are issued by each local authority and these conditions have regard to whether these conditions are proportionate and support a viable local fleet. It was considered that if a number of different types and colours of vehicles operated out of area then this may cause confusion to members of the public. There could also be a significant risk to public safety as the authority that the vehicle is operating from would not have enforcement powers against drivers and vehicles from outside the authority.

Members were advised that in order to address this issue the Licensing Authority in Shropshire, which was faced with a large number of its vehicles operating out of Birmingham, adopted an 'Intended Use' policy in February 2012. The policy was justified on grounds of public safety, as if vehicles were operating outside of the area in which they were licensed, then they were not available to be spot checked by licensing enforcement officers. A number of Welsh local authorities have also

adopted Intended Use policies as a result of identifying that their hackney carriage vehicles were operating in areas such as Bristol.

A proposed Intended Use Policy for Cardiff was appended to the report. The Committee debated the proposed policy and in particular whether the policy was necessary, and what liaison is there with other local authorities in terms of enforcement for Hackney Carriage/Private Hire vehicles and drivers from outside the area operating in the City. Officers advised that the policy was aiming to address an identified issue and bring about some consistency between local authorities in Wales. There were currently vehicles from all over the UK working in the City and Cardiff drivers were also working in other cities and, as a result, the policy was attempting to react to changes in the licencing trade.

The Committee received representations from Tim Mahoney, from Premier Cars. Mr Mahoney asked Councillor to consider the public safety issue.

Members were happy to support the introduction of the policy but the Committee considered the legislative changes were required to address these issues.

RESOLVED – That

- (1) the Committee notes the content of the report;
- (2) the Committee determines to adopt the policy in respect of intended use/remote trading of Hackney Carriages detailed in Appendix A.

## 20 : HACKNEY CARRIAGE/PRIVATE HIRE EXCEPTIONAL CONDITION POLICY

Local authorities have a duty to ensure that the vehicles it licences for the purpose of hire and reward are suitable to provide a safe and comfortable service. The Taxi Licensing Policy specifies the maximum age that vehicles can continue to be licensed. In *Sharp V Nottingham City Council* the Crown Court decided that there should not be a blanket policy with regard to age restrictions. However, an age restriction policy was considered lawful, subject to an exception for an exceptionally well-maintained vehicle.

Members were advised that in Cardiff the vehicle age restriction policy is applied flexibly and licenced vehicles are often permitted to operate beyond the maximum licensable age. The maximum licensable ages for vehicles are: Saloon Car: 6 years; prestige vehicle: 10 years; and purpose built vehicle: 10 years. Currently, 30% of the hackney carriage fleet and 8% of private hire vehicles are over the maximum licensable age.

The decision to allow vehicles to operate beyond the maximum age was, until recently, made by elected Members of the Public Protection Committee who undertook a brief inspection of the vehicle. Responsibility for this was delegated to officers in 2015.

In order to make the process of determining the suitability of vehicles more consistent and transparent officers have drafted an 'Exceptional Condition Policy' which sets out criteria against which vehicles can be assessed in order to determine whether they

are suitable to be licenced beyond maximum licensable age. The draft policy was appended to the report.

The policy was discussed at the Taxi Forum in November 2015 and again in September 2016. The attendees were broadly in favour of the policy. Members were asked to note that the proposal included plans for the inspection of vehicles to be undertaken by Cardiff Transport Services and for the costs of inspection to be paid by the vehicle proprietor. However, following objections from the trade the charge for testing was removed from the policy.

RESOLVED – That the Exceptional Condition Policy be approved and implemented from 7 November 2016.

The meeting terminated at 11.30 am

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