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## CORRESPONDENCE FOLLOWING THE COMMITTEE MEETING

**Committee** ENVIRONMENTAL SCRUTINY COMMITTEE

**Date and Time of Meeting** TUESDAY, 3 OCTOBER 2017, 4.30 PM

Please find below correspondence send by the Committee Chair following the meeting, together with any responses received.

For any further details, please contact [scrutinyviewpoints@cardiff.gov.uk](mailto:scrutinyviewpoints@cardiff.gov.uk)

10 **Correspondence Following the Committee Meeting** (Pages 3 - 28)

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Ref: RDB/RP/MM/03.10.2017

17 October 2017

Councillor Michael Michael,  
Cabinet Member for Clean Streets, Recycling & Environment,  
County Hall,  
Atlantic Wharf,  
Cardiff CF10 4UW.



Dear Councillor Michael,

### **Environmental Scrutiny Committee – 3 October 2017**

On behalf of the Environmental Scrutiny Committee I would like to thank you and the officers from Shared Regulatory Services for attending the Committee meeting on Tuesday 3 October 2017. As you are aware the meeting considered items titled 'Managing Food Hygiene in Cardiff' and 'Cardiff's Taxi Services'. The comments and observations made by Members following these items are set out in this letter.

#### **Managing Food Hygiene in Cardiff**

- The Committee acknowledge that the resources available to Shared Regulatory Services for managing food hygiene in Cardiff are limited given the scale of the task. At the same time, the targets set by the Welsh Government for food hygiene are very high for this important public safety issue; for example, there is currently a 93% target for PAM/023 that measures the percentage of food establishments which are broadly compliant with food hygiene standards. Having considered the challenges faced and range of important tasks that they undertake Members feel that Shared Regulatory Services deserve to be congratulated for the work and results that they deliver. I would, therefore, ask that you pass on our appreciation and thanks to the service.
- **Income Generation** - Members support the approach taken by Shared Regulatory Services in generating income from some food hygiene related

services. The Committee understands that the approach is relatively new and that it is not realistic for the income raised to fully offset any future funding cuts, however, every pound helps and this is very much a step in the right direction. Moving forward the Committee supports this approach and would encourage the service to continually review best practice across the food hygiene industry so that it is able to identify any new potential income streams.

- **Joined Up Working** - During the item the Committee felt that food hygiene monitoring standards could be improved by adopting a 'joined up' approach for sharing Council information. For example, every time a catering related change of use application is submitted to Planning the information should be forwarded to Shared Regulatory Services so that they are aware of the change and can take appropriate action. This the Members felt would help ensure improved food safety compliance for new food businesses which are generally viewed as a higher risk. A member of the Committee made the point that Members were automatically informed by email of any new change of use applications (including for catering establishments) within their wards and that extending this email to include Shared Regulatory Services should be a very simple thing to do. I would ask that you look into introducing this small change as it could help boost food hygiene standards, particularly for new food businesses.
- **Extending the Food Hygiene Rating Scheme** - It is clear that the Food Hygiene Rating Scheme has had a really positive impact in terms of raising public awareness and food hygiene standards in Cardiff. Businesses now view a good Food Hygiene Rating Score as an asset while the public seems to use the score as a determining factor when deciding where to eat. During the meeting Members explored the idea of placing Food Hygiene Rating Scores onto takeaway menus and websites. They were told that there is no current statutory requirement for this to happen at the moment, however, it is something that the Welsh Government has considered. Opinion as to whether Food Hygiene Rating Scores should be added to websites or takeaway menus was divided, with

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- **Targeted Food Hygiene Events** - Members were pleased that Shared Regulatory Services were running food hygiene events; in particular they were impressed that approximately 180 businesses had recently attended an event at the Principality Stadium. The Committee felt that this approach could be further developed to support some harder to reach food catering establishments by having targeted events in specific geographical areas, for example, the idea of running an event targeted at food businesses on City Road was suggested. The Committee would support such a targeted approach and would encourage the service to develop the idea.

### **Cardiff's Taxi Services**

- **Fixed Penalty Notices** - During the meeting Members expressed an interest in finding out how many fixed penalty notices were issued in Cardiff against taxi drivers for the misuse of bus lanes. I would be grateful if you could confirm the number fixed penalty notices issued along with the reasons for issuing for 2016/17 and 2017/18 to date.
- **Blocking Bus Lanes** – Some Members of the Committee were concerned by the frequency with which bus lanes were blocked by taxis in the city centre. Officers explained that taxis are currently allowed to use Cardiff's bus lanes and that dropping off and picking up is permitted, however, this needs to be done within a 'reasonable' timescale and that using the bus lanes as extended layover spots or unofficial taxi ranks was not allowed. The Committee feel that the bus lanes need to be kept clear as

unnecessary blockages delay bus journeys. Ultimately delayed bus journeys discourage people from using bus services and, therefore, have an impact on Cardiff's 50:50 modal shift target. Members acknowledge that it is a minority of taxi drivers who actually cause bus lane disruption, and so the Committee would urge you to take the strongest possible enforcement action against persistent offenders. The hope is that if enforcement action is taken against one or two drivers then the message will quickly spread that the Council does not tolerate taxis blocking bus lanes.

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- At the meeting a Member expressed some concern at how the Council had dealt with a complaint made by him about a taxi related incident. He felt that the whole reporting process was overcomplicated and that it would put most people off fully following through with genuine complaints. I would be grateful if you could provide the Committee with a summary of the full complaints reporting process along with some suggestions around what could be done to improve complainant support during the process.
  
- **Taxi Spot Checks** - The Committee strongly supports the use of regular taxi spot checks to ensure that licensing conditions and standards are followed in Cardiff. At the meeting one of the Members stressed the importance of checking the individual's details against the actual vehicle and taxi driver licensing scheme to establish that they are an authorised driver. The Committee agreed with the idea of having a more thorough driver validation check as a part of the spot check process – this they feel would help improve taxi safety and standards in the city. A suggestion was made that taxi drivers should in future display a larger photo than the one on the badge currently used, and that this should be displayed in a prominent part of the vehicle. I would ask that you look into how we and our partners (for example, South Wales Police) currently undertake taxi spot checks and provide feedback on what is / or can be done to ensure that taxi drivers are thoroughly validated as a part of this process. In addition to this, the Committee supports the continued use of using secret shoppers in Cardiff. They feel that this is an excellent monitoring tool to help establish what taxi standards are really like in Cardiff.
  
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in the Westgate Street area of the city might divert taxis from blocking off bus lanes opposite the castle, improving the flow of buses and safety. The conclusion that the Members came to was that now might be an appropriate time to review the provision of taxi ranks in the city centre, therefore, I would ask that you look into the option on undertaking a taxi rank review and provide feedback on your findings to the Committee.

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a similar badge camera system and provide a summary of your findings back to the Committee.

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Ref: RDB/RP/JP/03.10.2017

17 October 2017

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Fy Nghyf / My Ref: CM38622

Dyddiad / Date: 7th November 2017

Councillor Ramesh Patel  
C/O Member Services  
County Hall  
Atlantic Wharf  
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Annwyl/Dear Councillor Patel

### **Environmental Scrutiny Committee - 3rd October - Cardiff Taxi Services**

Thank you for your correspondence regarding the above matter addressed to Councillor Parry and myself. We would respond as follows:-

#### **Fixed Penalty Notices**

Taxis are allowed to drive in bus lanes in Cardiff and therefore there are no fixed penalty notices associated with this offence.

In relation to parking, no taxi has been enforced in 2016/17 and 2017/18 for parking in the bus lane as there needs to be a 5 minute observation period for the offence and taxi drivers are in their vehicles so drive off when approached.

#### **Blocking Bus Lanes**

Blocking of bus lanes is a concern. There are a number of options that could be taken:

- a. Stop allowing taxis to utilise bus lanes in areas of concern.
- b. Create red routes as part of a wider City Centre strategy to keep bus lanes and roads free of vehicles dropping off. These roads could then be enforced by the camera car.

The current Traffic Regulation Orders do not allow us to enforce the blocking of bus lanes by taxis apart from by manual parking enforcement.

To date no taxi drivers have had enforcement action taken against them for parking in bus lanes. Where appropriate, repeated traffic violations can be placed before the Public Protection Sub- Committee for review and action in accordance with the 'fit and

#### **ATEBWCH I / PLEASE REPLY TO :**

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proper person' criteria. Officers would consider this approach if the circumstances warrant it .

### **Taxi Complaints**

Road traffic complaints are taken into consideration by the Licensing Section and Public Protection Sub-Committee when making decision as to whether an applicant/existing driver is a 'fit and proper' person to hold a licence.

A section on motoring convictions included in the Council's 'Fitness Criteria for Drivers and Operators'

The Licensing section does not have the power to investigate road traffic complaints directly but can liaise with the police on such matters.

Clarification was sought regarding the complaints procedure. For matters concerning breaches of legislation or conditions the complaint will be investigated and where appropriate legal action will be taken against the driver, usually in the Magistrate's Court. This does require any witnesses involved to appear in Court in cases of a not-guilty plea. As these are legal proceedings the Licensing Section is constrained as to how it make any changes to the process as the collation of evidence and presentation of the case must be completed in a prescribed manner to ensure realisation of a successful prosecution.

Complaints that concern the driver's behaviour or conduct tend to be referred to the Public Protection Sub-Committee. Although the process is not quite as onerous as the prosecution process, there must still be the careful collation and presentation of evidence to ensure a fair hearing. Witnesses are required to attend Committee to give their evidence. However the Licensing Section has recently looked at other means of providing this such as live Skype when it is difficult for the witness to attend.

The driver has the right of appeal to the Magistrates Court in the event that their licence is suspended or revoked.

Little weight can be given to a witness's written statement if the witness does not attend the Committee hearing and it is likely that the Committee will not be able to take any further action against the drivers. In 2016 a driver successfully appealed the suspension of his licence as the Magistrates felt the Council's decision was unreasonable as the witness hadn't attended Committee and awarded costs against the Council.

Officers from the Licensing section would however welcome the opportunity to sit down with the Member concerned to discuss their experience and review processes where we can in light of his comments.

### **Taxi Spot Checks**

Licensing Enforcement Officers undertake checks of taxis drivers and vehicles 6 days a week, and this includes weekend and evening work.

The Licensing Team has recently invested in technology that allows Officers to check the Licensing database on site to compare the driver/vehicle licence with the information on the database, including the driver's photo. All licences are also now issued with a unique barcode to reduce fraud and aid the checking system.

There is currently no evidence to suggest that unlicensed drivers/vehicles are working in Cardiff.

The Licensing Section are also working towards providing a 'Public Access' system which will allow members of a public to check the Council's website to see whether a driver or vehicle is licensed.

Mystery shopper exercises will continue to be used to identify problems such as refusal of fares, overcharging and flimping (private hire driver's illegal plying for hire). It is however very expensive to run these exercises and the costs cannot be recovered by licence fees. The Licensing Section have limited budget for this type of work.

### **Common Taxi Policies**

It is confirmed that the Licensing section will wherever possible work towards employing standard policies across the Shared Regulatory Service area. The Licensing Service now employs a Policy Officer that works across all 3 areas and has so far introduced standard policies such as the Hackney Carriage Intended use policy.

In relation to the questions you have raised regarding the use of Taxi Marshals we are advised that a separate response is currently being prepared which will be forwarded directly to you by the Operational Manager, City Centre Management.

I trust the above is of assistance.

Yn gywir  
Yours sincerely



**Cynghorydd / Councillor Michael Michael**  
**Cabinet Member for Clean Streets, Recycling & Environment /**  
**Aelod Cabinet dros Strydoedd Glân, Ailgylchu a'r Amgylchedd**



**Cynghorydd / Councillor Jacqueline Parry**  
**Chairperson for Licensing & Public Protection Committee**  
**Cadeirydd y Pwyllgor Trwyddedu a Gwarchod y Cyhoedd**

