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AGENDA

Committee PUBLIC PROTECTION COMMITTEE

Date and Time of Meeting TUESDAY, 29 JANUARY 2019, 10.30 AM

Venue MEETING ROOM D, CITY HALL

Membership Councillor Mackie (Chair)
Councillors Dilwar Ali, Davies, Derbyshire, Goddard, Jacobsen,
Lancaster, Robson, Taylor and Wood

1 Apologies for Absence

To receive apologies for absence.

2 Declarations of Interest

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

3 Minutes (*Pages 3 - 18*)

To approve as a correct record the minutes of the meetings held on 6 November 2018, 4 December 2018 and 8 January 2019.

4 Hackney Carriage Full Livery Advertising (*Pages 19 - 28*)

5 Urgent Items (if any)

Davina Fiore
Director Governance & Legal Services
Date: Wednesday, 23 January 2019
Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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PUBLIC PROTECTION COMMITTEE

6 NOVEMBER 2018

Present: Councillor Mackie(Chairperson)
Councillors Goddard, Lancaster, Robson, Taylor and Wood

12 : APOLOGIES FOR ABSENCE

Apologies were received from Councillors Ali, Murphy and Williams

13 : DECLARATIONS OF INTEREST

No declarations of interest were received.

14 : MINUTES

The minutes of the meetings held on 7 August, 16 August, 4 September and 2 October 2018 were approved by the Committee as a correct record and were signed by the Chairperson.

15 : PRESTIGE VEHICLE APPLICATION

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

16 : PRESENTATION FROM DISABILITY RIGHTS ACCESS GROUP

The Chairperson welcomed Nathan Foy and Charlie Dale of Guide Dogs for the Blind, Stuart Parkinson, Trustee, Cardiff Deaf Centre and Rob Gravelle of the Infrastructure and Operations Team, Planning, Transport and Environment Directorate, Cardiff Council to the meeting. The attendees had been invited to address the Committee on general disability access issues and their experiences using taxis and private hire vehicles in the City.

Nathan Foy stated that he was attending not only in a personal role as a blind service user and he was also representing other blind and partially sighted service users in his role as Engagement Officer for Guide Dogs for the Blind. Members were advised that the largest single issue affecting blind and partially sighted people was the refusal of some drivers to take guide dogs in licensed vehicles.

Nathan considered that not all drivers were aware of their responsibilities regarding the transportation of guide dogs. It was suggested that some of these issues may be cultural or that some drivers may be unfamiliar with dogs being used to guide people and therefore don't make a connection. However, whatever the reasons, access refusals were all too common.

Further, Nathan stated that blind and partially sighted people may also need additional assistance getting into a taxi and also on arrival at their destination.

Members were advised that blind and partially sighted service users are recommended to indicate that they intend to bring guide dogs with them when booking private hire vehicles. However, in many people's experience, this leads to long delays and as a result many people do not give advanced notice. Similarly, with taxi apps, if a service user gives notice that they are bringing a guide dog with them then drivers do not accept the job.

There have also been instances where drivers claim to have an allergy to dogs but they do not provide any medical evidence to prove this. Members were advised that this happened recently in Cardiff. Another car was despatched.

Nathan stated that on a recent journey whilst accompanied by his wife a driver put an additional £2 charged on the metre. His wife questioned why the additional charge was made. The driver was under the impression that he was permitted to do this. Concerns were expressed that blind or partially sighted people who travel unaccompanied will be unaware when additional charges are levied. Furthermore, Nathan Foy stated that he knows of one blind service user who regularly uses private hire vehicles to regularly make the same journeys. This person knows when she is overcharged but she decides not to challenge the drivers because she needs the service and doesn't wish to cause an issue. In this instance Guide Dogs for the Blind contacted the private hire company concerned to remind them about their obligations.

Members heard that the Welsh Government has given a commitment that all drivers will be required to complete disability equality training. This is something that Guide Dogs for the Blind has been campaigning for a long time and it was considered that this would make a big difference for those affected. Nathan felt that under the BTEC qualification that Cardiff drivers are required to undertake, there is insufficient focus on disability equality issues and that bespoke training is necessary.

Responding to a question from a Member of the Committee, Nathan advised that in Wales taxi and private hire access issues are most prolific in Cardiff, but Cardiff has the highest population. In his experience most incidents are not reported.

Rob Gravelle confirmed that there is a forum for service users and licensing officers often consult with them. Rob stated that, despite his best efforts, he had failed to get a wheelchair user to attend the meeting and engage. All the wheelchair users he approached indicated that they no longer use taxis because of the problems they have experienced. Rob considered that an economic opportunity existed for private hire companies, as a significant number of people in the City identify themselves as having a disability. There was also a customer service issue that may need to be addressed centred around a lack of knowledge, perhaps for cultural or religious reasons, that guide dogs are working dogs and are not pets.

The Committee received representations from Stuart Parkinson of the Cardiff Deaf Centre. Members were advised that Stuart's main form of communication was sign language and although he could speak he was profoundly deaf. Stuart recounted a taxi journey when the driver took a longer route than was necessary and which resulted in him paying more for the journey. He was unable to address the matter with the driver due to communication problems – insofar as the driver did not speak English well and did not know sign language. Stuart stated that he finds travelling by taxi a stressful and expensive mode of public transport. Members also received an

anecdote about the time when the Chair of a nationally recognised sign language representative body arrived in Cardiff and he was unable to find a taxi to take him to the YHA and subsequently had to walk there. Stuart considered that such incidents do not reflect well on the city

The Dragon Taxi app was well received and works well because it is not necessary to speak. Stuart suggested that perhaps technology such as QR codes could be better utilised. He still encounters problems when no wifi is available, resulting in him having to ask strangers to order him a taxi on the telephone. He considered this to be a negative experience as he likes to be independent.

Members asked how the Committee and the Council are able to assist improve access to the service for disabled people. Stuart felt that drivers were in need of basic deaf awareness training, particularly in relation to the communication barriers facing deaf people. Rob Gravelle and Nathan Foy commended the Taxi Marshalls, who it was said provide a fantastic service and act as a lynchpin in terms of engagement between drivers and visually impaired services users. Nathan agreed that the use of improvements in technology may also be a useful tool. However, more needs to be done to remove barriers at source by improving customer service focus in the trade.

Members thanks the attendees for an enlightening presentation. Members asked whether there was a role for a Scrutiny Committee report or a Scrutiny Task and Finish Group to look into this matter in greater detail. Members also asked whether the Disability Rights Access Group share a platform with the Taxi Drivers Forum. Officers confirmed that whilst operators have been invited to discuss the topic with members of the Disability Rights Access Group, but more work remains to be done.

On behalf of the Committee, the Chairperson thanked the attendees for appearing at the meeting and relaying their experiences to Members of the Committee.

17 : CONSIDERATION OF THE USE OF DARKENED GLASS IN RESPECT OF LICENSED VEHICLES

On 3 July 2018 the Committee considered a report on whether the vehicle licence condition restricting the use of darkened glass should be removed. The Committee resolved to allow the use of darkened glass provided a Council approved CCTV system was installed in the vehicle

A subsequent report was considered by Committee at its meeting of 7 August 2018. The report explained the need to ensure that any approved CCTV system complies with all legal requirements. The Committee resolved to delay implementation of the change of vehicle licence condition until approval of a CCTV specification criteria.

Members were advised that having reviewed Information Commissioners Office (ICO) and Home Office guidelines on the use of CCTV, Officers recommend that further consideration of the condition requiring a CCTV system to be installed in order to ensure the condition was lawful.

The ICO's 'Data Protection Code of Practice for Surveillance Cameras and Personal Information' was developed to explain the legal requirements affecting the use of

CCTV systems and to promote good practice. The Code states that a privacy impact assessment should be undertaken and that the assessment should be based on reliable evidence and show whether the proposed CCTV can be justified as proportionate to the needs identified.

At its July meeting the Committee considered that the potential increased risk to the safety of the public/driver by removing the darkened glass restriction warranted the use of mandatory CCTV. The July Committee report that there was no evidence available to indicate that removing the darkened glass condition would increase safety concerns. An Inspector from South Wales Police was quoted saying:

'I don't believe that we have any evidence based/analytical work done on offences or safety concerns around darkened glass. I think because of this and that it will be fitted during the manufacturing stage it would be difficult to raise any valid objections.'

Members were advised that the ICO had recently reviewed policies in a number of Councils where CCTV systems have been mandated as part of the conditions of a licence. It has been made clear that there needs to be a strong evidential base to justify the Policy and that the Policy must be reviewed regularly, especially where audio recording is being used in addition to cameras. The law is also clear that the use of CCTV and audio in taxis must be proportionate to the risk presented, and councils will need to set out a clear justification of why they believe there is a need for visual and audio recording if applicable.

Detailed work looking at the use of CCTV across all licensed vehicles is yet to be undertaken. Any such work would require an evidential basis as part of the privacy impact assessment. However, there is no evidence at present to support the mandatory requirement of CCTV in vehicles with darkened glass. This requirement could result in the use of CCTV in these circumstances as being viewed by the ICO as disproportionate and open to legal challenge.

The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. Details of consultation responses were appended to the report at Appendix B.

Members were asked to consider the replacing the condition with a revised wording or retaining the original condition. The Committee debated that matter.

Members asked which authorities operate with similar condition. Officers stated that few authorities have such a condition but amongst them were Manchester, Leeds and Caerphilly. Members noted that Cambridge Council have mandatory CCTV and asked whether officers have received evidence from them. Officers stated that they have not consulted Cambridge Council but they had considered the ICO Guidance on CCTV which stated there must be an evidential basis when mandating its use.

Officers confirmed that service users have not been surveyed and no investigation was done in relation to the perception of safety and whether passengers felt less safe in vehicles with darkened glass. Officers stated that there are vehicles operating in the City that are licensed by other authorities. There was no evidence to suggest that members of the public feel less safe in those vehicles. Indeed, Premier Taxis reported that NHS wheelchair users prefer vehicles with darkened glass.

The Legal Officer stated that legal implications as detailed in the report make it very clear that the authority cannot proceed with the decision to make CCTV a mandatory requirement in vehicles using darkened glass. Members were therefore asked to consider whether they wished to permit the use of darkened glass or not and there was risk of legal challenge should the Committee decide on the status quo.

The Committee were asked to consider removing or retaining the existing vehicle licence condition. A vote was taken. Three Members supported retaining the existing condition, 2 Members supported removing the condition and 1 Member abstained.

RESOLVED – That the authority retain the hackney carriage and private hire vehicle licence condition detailed in paragraph 1.1 of the report.

18 : CARDIFF HACKNEY CARRIAGE ALLIANCE - APPLICATION FOR RECOGNITION

Members were advised that an association called the Cardiff Hackney Alliance has requested to be acknowledged by the licensing authority as an authorised body representing licensed hackney carriage drivers in Cardiff. The association was newly formed and a copy of its constitution was appended to the report at Appendix A. Members were asked to determine the application.

Officers stated that it was often difficult to get a consensus view from the trade as it is comprised of many individuals who have their own views on how the trade operates. In an attempt to engage with the trade the Authority has attempted to promote the establishment of representative organisations. Most current communication is done via the quarterly Cardiff Taxi Driver Forums.

Recognition as a properly constituted representative trade organisation would ensure that the association is able to make proposals to the authority on changes and amendments to licensing policy; entitled to be consulted on proposals on changes or amendments to licensing policy; and provided with advanced details of draft Public Protection Committee reports for comment.

The report was made available for comments and copies were sent to trade representatives and published on the Council's webpages. Details of the responses received were appended at Appendix B to the report.

The Chairperson welcomed Tariq Majid, Vice Chairman; Abdul Hassan; Deputy Chairman; Eva Dukes, Secretary; Yusef Jama of Unite; and Mohammed Hassan, Unite; to the meeting. The association representatives were invited to address the Committee.

Tariq Majid acknowledged that communication between the trade and the authority could be improved. There were also issues that the trade consider need to be addressed and there is no vehicle for doing that at present. Therefore, an association representing all drivers was needed. The Cardiff Hackney Alliance (CHA) have approached the various communities and asked them to nominate a

representative to become a member of CHA so that everyone is represented and 'has a seat at the table'.

Responding to questions from the Committee, Mr Majid confirmed that CHA currently has 212 members. CHA will represent any licence driver not just hackney carriage drivers. CHA was formally recognised as a branch of Unite but membership of Unite or any other union was not mandatory.

The Committee and the representatives of CHA discussed some amendments made to the constitution which sought to address comments received during the consultation exercise. Those amendments related to the quorum for meetings and matters of discipline.

The CHA representatives also stated that they were moved by the comments made in relation to disability awareness issues under the previous agenda item. An undertaking was given that CHA would work in partnership with the Disability Rights Access Group, and others, to address some of the issues facing disabled service users and to raise awareness of those issues amongst CHA members.

RESOLVED – That the application by the Cardiff Hackney Alliance for recognition as a representative organisation for licensed drivers in Cardiff be approved.

19 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 12.00 pm

PUBLIC PROTECTION SUB COMMITTEE

6 NOVEMBER 2018

Present: Councillor Mackie(Chairperson)
Councillors Derbyshire and Lancaster

5 : EXCLUSION OF THE PUBLIC

Item 2 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 Schedule 12A of the Local Government Act 1972. The public may be excluded from a meeting by resolution of the Committee pursuant to Section 100A (4) of the Local Government Act 1972 during discussion of this item.

RESOLVED: That the public be excluded for item 2.

6 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

- (1) Application 1
10 days suspension of licence for refusing a fare and requesting an excessive upfront payment.
- (2) Application 2
10 days suspension of licence for refusing a fare.
- (3) Application 3
Complaint withdrawn.
- (4) Application 4
No further action.
- (5) Application 5
Written Warning for failing to notify the Licensing Authority of a conviction.
- (6) Application 6
Application for a Hackney Carriage/Private Hire Drivers Licence granted.
- (7) Application 7
Application for a Hackney Carriage/Private Hire Drivers Licence refused.

(8) Application 8

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

The meeting terminated at 5.07 pm

PUBLIC PROTECTION SUB COMMITTEE

4 DECEMBER 2018

Present: Councillor Mackie(Chairperson)
Councillors Robson and Wood

7 : EXCLUSION OF THE PUBLIC

Item 2 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 Schedule 12A of the Local Government Act 1972. The public may be excluded from a meeting by resolution of the Committee pursuant to Section 100A (4) of the Local Government Act 1972 during discussion of this item.

RESOLVED: That the public be excluded for item 2.

8 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Disciplinary Hearing 1

The driver requested an adjournment as he said he had not received the other witness statements. Officers had provided the statements to the driver and his representative and they were allowed time to consider these, an adjournment of the meeting was not granted.

The witness explained that she had wanted to take her mother in the taxi in her electric wheelchair, the driver had refused the fare as he said that the wheelchair would break his ramp, the lady said she would report him as he was refusing a fare. The lady claimed the driver became aggressive towards her.

A further witness was another driver in the rank, he stated that the lady approached him asking to take her and her mother in the wheelchair, he asked why she hadn't taken the first taxi and she explained the situation to him. He then approached the first driver to say he shouldn't refuse a fare and he would get into trouble, the first driver became aggressive so the second driver took the fare.

The driver then gave his version of events and stated that he was approached to take a fare, he got out of the cab and when he saw the wheelchair, he thought it was one that was driven on the road, it was one he hadn't seen before and he was unsure if he could safely take it in his cab, he stated that safety of the passenger was paramount, he also stated that he had been driving from 20 years and never been before the Sub - Committee previously.

The Sub Committee carefully considered all of the information provided and noted that the driver had not completed the BTech, and that his Disability

Awareness Training had been undertaken over 15 years ago, they considered it was his duty to keep up to date with his training on wheelchairs and safety and that he had refused a fare.

Decision: 14 days suspension of licence and driver instructed to attend the BTech course within 3 months.

- (2) Disciplinary Hearing 2
Application postponed.

- (3) Disciplinary Hearing 3

Sub-committee heard the statement from the driver with his recount of events, as provided in the paperwork.

Sub-Committee questioned the driver as to why he hadn't been concerned about the passenger's behaviour earlier on in the situation, and that he could have informed the police or the taxi office. The driver stated that when he told the passenger to stop the behaviour it had stopped until he was driving on the Link Road where he then had nowhere to stop.

Sub-Committee were concerned that the driver didn't slow down or stop on the link road and the driver stated that he did slow down and that he wanted to get the passenger home safely.

The driver's representative explained the situation following the arrest to the Sub-Committee and also stated that the driver fully cooperated with the police, answered all questions and was released without charge following the bail period. He added that the driver had not had any previous complaints. He had informed the taxi office when he returned home and had explained the events to his wife.

Sub-Committee discussed all the information received and considered that the driver had failed to heed the warning signs at the beginning of the journey and there had been a serious error of judgement.

Decision: Revocation of licence due to driving without due care and attention and allowing sexual activity to take place in a licensed vehicle whilst driving.

- (4) Disciplinary Hearing 4
Adjourned for 1 month – driver did not attend.

- (5) Application 1

Sub Committee considered all the evidence before them. The applicant explained that all endorsements were now spent and that in relation to the information on the DBS check, these were all when he was very young, he was now married and settled and lives a very different life now.

Decision: Application for the Grant of a Hackney Carriage/Private Hire

| Driver's Licence approved.

The meeting terminated at 1.10 pm

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PUBLIC PROTECTION SUB COMMITTEE

8 JANUARY 2019

Present: Councillor Mackie(Chairperson)
Councillors Jacobsen and Robson

9 : 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 Schedule 12A of the Local Government Act 1972. The public may be excluded from a meeting by resolution of the Committee pursuant to Section 100A (4) of the Local Government Act 1972 during discussion of this item.

RESOLVED - That the public be excluded.

10 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Disciplinary Hearing 1

The Committee received representations from two complainants and a hackney carriage/private hire driver. The complainants alleged that the driver had refused a fare and had indicated that the journey was too short. The driver was also alleged to have driven off with the passenger door of the vehicle still open.

The complainants stated that they had approached a taxi on the rank outside the House of Fraser store. CR opened the door and asked if the driver was free and he nodded, but when the destination was provided the driver laughed, and said 'that is too short'. CR said that she then advised the driver that he was not permitted to refuse the fare. He then drove away with the passenger door open. AR took a photo of the vehicle driving away. The photograph was included in the report. Members were advised that there were only two female passengers in the group and they were not intoxicated.

The driver's representative stated that both passengers were intoxicated and abusive so the driver pulled away and he felt that they may soil his vehicle. The driver left the area and joined another rank. The driver stated that when the complainants became abusive he advised them that he would not take the fare as they should not speak to him like that.

CR stated that no abusive language was used. The driver pulled away with the door still open only when the destination was provided. The next taxi in the rank, who had witnessed the incident, took them to their destination without any problem.

During summing up CR stated that it was not fair that the driver refused to take them. It was not safe for two females to walk home at that time of night and they were entitled to expect to be protected. The driver's representative stated that an issue has been identified by the taxi trade and drivers are wondering where their judgement lies when they consider passengers to be intoxicated. The driver has a right to refuse a fare in certain circumstances and he has exercised that right in this instance.

The Sub Committee considered the witnesses to be credible and on the balance of probabilities the fare was refused without justification.

RESOLVED – That the hackney carriage/private hire drivers licence be suspended for 10 days for refusal of a fare without justification.

(2) Disciplinary Hearing 2

The Sub Committee received representations from two Gwent Police Officers regarding a number of allegations made against a hackney carriage/private hire driver. The officers provided details of the allegations made and the subsequent investigations into these matters. Members were advised that no prosecutions were brought as a result of those investigations.

The officers considered that all the alleged offences, which had all occurred in the Caerphilly area, were sexual in nature and demonstrated a pattern of behaviour that were a cause for concern. The incidents that were investigated were all linked to the individual's duties as a hackney carriage/private hire driver.

The Sub Committee received representations from the driver and his representative. Each incident was addressed in turn. The driver denied any wrongdoing.

The driver's representative stated that they were under the impression that the complainants for each incident were going to be present at the hearing. The Council's Legal Representative provided clarification. The driver and his representative were advised that the Sub Committee's role was to look at all matters relating to its duty to protect the public. If there is any doubt as to an individual's suitability then the civil test – the balance of probabilities – is to be applied. The Sub Committee will assess whether any person is fit and proper to hold a licence based on the information before it.

Both parties were invited to sum up. The Police Officers stated that the allegations have been discussed at length and although no further action was brought by the CPS, members were invited to form an objective, balanced view. The alleged incidents before the Sub Committee took place over a number of years and the complainants were independent of each other. A pattern of behaviour of similar actions and behaviour by the driver has been identified and ultimately this was the main concern for Gwent Police.

The driver's representative stated that after a difficult period in Caerphilly the driver has moved to Cardiff for a fresh start. The complaints were all investigated and had resulted in no further action. All matters were denied.

The Sub Committee considered the incidents and pattern of behaviour. Members agreed that the incidents and pattern of behaviour were grave cause for concern and the driver was not a fit and proper person to hold a licence.

RESOLVED – the Hackney Carriage/Private Hire Drivers Licence be revoked.

(3) Disciplinary Hearing 3

Members were advised that a complaint has been received regarding the refusal of a fare. The complainant was unable to attend the hearing and Members considered the written statement provided.

The driver's representative addressed the Sub Committee. Members were advised that the fare was refused because the complainant was intoxicated, abusive and had no money. There were no independent witnesses and there were no complaints made against the driver previously.

RESOLVED – That no further action be taken.

(4) Disciplinary Hearing 4

The Sub Committee received a report and were asked to consider whether a driver was a fit and proper person to hold a hackney carriage/private hire drivers licence. Members were advised that the driver in question has repeatedly and consistently failed to produce proof that valid motor vehicle insurance was in place for his vehicles, despite reminders from the Licensing Team.

The driver addressed the Sub Committee and advised Members that he did have insurance policies in place. He had asked his insurance company to email proof of insurance through to the Licensing Team. However, there was some confusion regarding the correct email address. A number of other factors were said to have affected the driver's ability to provide proof of insurance not being provided, including a holiday between June 2007 and June 2008; the birth of a daughter and the passing of a disabled son.

Responding to questions from the Sub Committee, the driver confirmed that he was aware of his responsibilities and the need to comply with these requirements. Members were also advised that the driver was a proprietor for a number of vehicles.

RESOLVED – That the driver's Hackney Carriage/Private Hire Drivers Licence be suspended for 10 days.

(5) Application 1

The Sub Committee received an application for the grant of a Hackney Carriage/Private Hire Drivers Licence. The applicant declared a number of convictions and as part of the application process an enhanced DBS check was carried out. A copy of the DBS Certificate was circulated.

Members were advised that the applicant went through a troubled period during his early years which resulted in several convictions for a variety of offences. Members were given details of the applicants personal circumstances at that time.

Members were asked to note that the most recent offence was 2011. The applicant was now married and has two children. He also graduated from university with a degree in English. One of his children has special needs due to a health condition. The applicant has been her primary carer. Working as a taxi driver would offer the applicant a degree of flexibility in terms of those caring responsibilities.

Members considered the application. Members agreed that whilst there applicant's past criminal record was a cause for concern, he had sufficiently demonstrated that he was no longer at risk of offending further.

RESOLVED – That the application for the grant of a Hackney Carriage/Private Hire Drivers Licence be approved.

The meeting terminated at 1.45 pm

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 29 January 2019

Report of the Head of Shared Regulatory Services

HACKNEY CARRIAGE FULL LIVERY ADVERTISING

1. Background

- 1.1 An application has been received from Mr Karl Maresch of Ubiquitous Ltd for full livery advertising on wheelchair accessible hackney carriage vehicles (MPV style vehicles referred to in the Council's Policy as 'purpose-built'), such as the Peugeot Partner and Euro Cab etc.
- 1.2 Currently the authority only permits full livery advertising on hackney carriage vehicles that meet the London Metropolitan Conditions of Fitness e.g. London style taxis such as TX1s, FX4s etc.

2. Application.

- 2.1 Condition 5.2 (f) of Cardiff Council's Hackney Carriage Vehicle Licence Conditions states:
'Full external advertising livery for one product is permitted on the whole of the vehicle subject to the advertisement being approved by the authority, in writing, prior to its use. This condition applies only to purpose built vehicles which meet the Metropolitan Police Conditions of Fitness'.
- 2.2 Vehicles that meet the Metropolitan Police Conditions of Fitness include: London Taxis International FX4, London Taxis International TX1/2, London Taxis International TX4, Reliant Metrocab, and Mercedes Bens Vito Taxi.
- 2.3 In his application Mr Maresch has observed that there are now only a low number of vehicles licensed by Cardiff Council that the meet the Metropolitan Police Conditions of Fitness, and these are the only vehicles could display full wrap advertising.
- 2.4 At the time of writing this report, Cardiff Council currently licences seven TX4 vehicles and two TX2 vehicles, and these are the only licensed vehicles that meet the Metropolitan Police Conditions of Fitness.
- 2.5 To support his application, Mr Maresch states:

'Ubiquitous has been the UK's leading taxi advertising company for more than 10 years. We have the greatest national footprint of any taxi company, operating in more than 20 key cities outside of London.

A percentage of these City Councils will have specific requirements which need to be included in any Campaign design which is applying for approval in that region. Southampton as an example require that 60 percent of the livery is White in colour, Cambridge require that the Council crest is placed on both front doors and Norwich do not allow advertising on the boot. Leeds City Council require the Bumper area to remain White. All these requirements are easily included into the design and are incorporated onto any Taxi Type. If there are any requirements that Cardiff County Council require these can be introduced into any design for any Hackney Carriage Models. The majority of regional councils have a mixed fleet of HCV and will allow advertising on these vehicles when their requirements are included into the Campaign design.

As part of their clean air policy Nottingham City Council took a decision back 2017 to remove all Euro 5 type Taxis from the City by 2020. On the back of that policy change Nottingham City Council also relaxed their requirement on taxi advertising. The idea behind the change in policy on advertising is to give the driver additional revenue to help in purchasing new cleaner Euro 6 Taxis or the LEVC Electric taxi.'

- 2.6 Mr Maresch has provided the artwork showing samples of the type of advertisements provided. (see Appendix A).
- 2.7 Mr Maresch has confirmed that payment to the vehicle proprietor depends on the length of the advertising campaign, but most are for a minimum of either 6 or 12 months. He has stated that the average income for the vehicle proprietor for a 12 month advertising campaign is between £1000- £1,500.
- 2.8 Once full livery has been removed from the vehicle, Ubiquitous will respray the vehicle and repair any damage caused by the livery (excluding rust spots and dents).
- 2.7 As outlined in Mr Maresch's application in paragraph 2.5 above, different local authorities require slight differences to full livery specifications. It should be noted that although not included in their standard full livery design, full livery advertising can in some cases cover the rear windows. In such cases, the material used is partially transparent and is made from a material called Contra Vision (See Appendix B for photos). At its meeting of 6 November 2018 the Committee resolved to maintain the vehicle licence condition restricting darkened glass in the interests of protecting public safety. If the Committee were minded to grant the application for full livery advertising on all wheelchair accessible hackney carriages the Committee may want to consider specifying that the full livery advertising should not be permitted on the rear windows.

3. Considerations

- 3.1 In order to assist the public in identifying licensed vehicles, hackney carriages in Cardiff are required to be coloured black with a white bonnet, apart from vehicles that meet the Metropolitan Police Conditions of Fitness which can be all black without the white bonnet (other than subject to advertising as permitted by the Conditions)
- 3.2 When determining an application for full livery advertising in 2001, the Public Protection Committee gave consideration to the fact that vehicles that meet the Metropolitan Police Conditions of Fitness have a distinctive shape and are easily recognisable to the public as taxis. Therefore the colour of vehicles that meet the Metropolitan Police Conditions of Fitness is less of a significant factor in terms of identifying the vehicle as a licensed hackney carriage compared with standard saloons and other wheelchair accessible vehicles.
- 3.3 Wheelchair accessible vehicles that do not meet Metropolitan Police Conditions of Fitness such as Peugeot Partner and Eurocab etc are not as instantly recognisable as taxis from their shape, and these vehicles are commonly used as domestic vehicles. Due to a request from the licensed trade in 2001, the Committee resolved to further distinguish between appearance of hackney carriage and private hire vehicles of this type by approving a condition that required all licensed hackney carriages that do not meet the Metropolitan Police Conditions of Fitness to be black with a white bonnet.
- 3.4 In the last few years there has been a large increase in the number of vehicles licensed by other local authorities legitimately working in Cardiff. In Wales, the hackney carriage black with a white bonnet colour scheme is unique to Cardiff so vehicles are easily recognisable as Cardiff hackney carriages. Consideration should be given to whether allowing full livery would make Cardiff hackney carriage vehicles less recognisable to the public.
- 3.5 As full livery advertisements have been permitted in Cardiff since 2001, the public will be familiar with licensed vehicles that are completely covered by advertising slogans. It could be said that allowing this type of advertising on all wheelchair accessible vehicles would not have an impact of the identification of these vehicles. However commercial advertising of this kind on vehicles is not purely restricted to the taxi trade.
- 3.6 The Committee may also wish to consider the overall impact on the appearance of the licensed fleet. There are presently 9 licensed vehicles that meet the Metropolitan Police Conditions of Fitness which are the only ones permitted to display this form of advertising present, whereas there are around 500 wheelchair accessible hackney carriages in total.
- 3.7 A comparison of full livery restrictions in some other local authorities is detailed in the table below:

Local Authority	Full Livery Advertising Restrictions
Swansea	No full livery allowed. Advertising allowed on the bottom of the rear doors.
Vale of Glamorgan	No full livery. Rear wing advertising only.
Birmingham	Full livery permitted except in the case of Mercedes Eurocab, Peugeot Euro & Taxi or Fiat Eurocab vehicles.
Manchester	Full livery permitted on hackney carriages
Oxford	Full livery permitted on purpose built vehicles only.
Bridgend	No full livery.
Sheffield	Full livery allowed on any hackney carriage vehicle
Southampton	Full livery permitted but white body colour must predominate (no less than 65% of total area excluding windows and bumpers)
Newcastle	Full livery permitted on wheelchair accessible vehicles, but not saloon vehicles
Leeds	Full livery permitted on wheelchair accessible vehicles, but not saloon vehicles or private hire vehicles
Newport	No full livery
Bristol	Full livery permitted on hackney carriages
Guildford	No full livery
Cambridge	No full livery. Front doors only
Stoke on Trent	Full livery permitted on purpose built hackneys

- 3.8 If the Committee were minded to grant this application it is recommended that as with all other types of vehicle advertising, the applicant must submit details of the advert to the Licensing Section for approval prior to its use.
- 3.9 There is an intention to undertake a complete review of the Taxi Licensing Policy, including standardising and improving the appearance of licensed vehicles. The Committee may wish to take this into consideration when determining this application.

4. Previous Applications

- 4.1 The Committee have considered this matter twice previously in the last 5 years. An application made by Huge Media Advertising Ltd for full livery on wheelchair accessible vehicles was considered by Committee on 4 February 2014 and was refused.
- 4.2 At its meeting of 3 March 2015 the Committee resolved to refuse a similar application for full livery made by Ubiquitous Ltd. The Committee were concerned that all over livery would affect the appearance of the vehicle to such an extent as to put public safety at risk.

5. Consultation

- 5.1 The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions.

6. Legal Implications

- 6.1 Under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may impose such conditions upon hackney carriage licences as it may consider reasonably necessary.
- 6.2 In particular the Council may require any hackney carriage licensed by it to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- 6.3 It should also be noted that under Section 48 of the same Act a private hire vehicle cannot be of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage. It is considered that if the application for full livery advertising for hackney carriage vehicles is granted it would not then be possible to grant any future similar application for private hire vehicles.

7. Financial Implications.

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

8. Recommendation

- 8.1 It is recommended that the Committee determine the application made by Ubiquitous Ltd to allow full livery advertisements on all wheelchair accessible hackney carriage vehicles.
- 8.2 If the Committee resolve to approve the application, it is recommended that Condition 5.2 (f) of the Hackney Carriage Vehicle Licence Conditions is amended as follows:
'Full external advertising livery for one product is permitted subject to the advertisement being approved by the authority, in writing, prior to its use. The livery is limited to the body shell of the vehicle and must not extend onto the rear windows/windscreen.' This condition applies only to wheelchair accessible hackney carriage vehicles.

**Dave Holland
HEAD OF SHARED REGULATORY SERVICES**

10 December 2018

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

Background Papers: None

APPENDIX A

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Appendix A

Full Livery Examples provided by Ubiquitous Ltd

Southampton example



Cambridge example (with crest)



Leeds Example (White Bumper)



Appendix B

Rear Windscreen advertising example (Contra Vision)

