

## PUBLIC PROTECTION COMMITTEE

5 NOVEMBER 2019

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

### 7 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

### 8 : DECLARATIONS OF INTEREST

No declarations of interest were received.

### 9 : MINUTES

The minutes of the meetings held on 3 September 2019 and 9 October 2019 were approved as a correct record and were signed by the Chairperson.

### 10 : PRESTIGE VEHICLE APPLICATION

The applicant did not attend the meeting.

### 11 : DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES

The Committee received a report on proposed revised guidance for determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades.

In April 2019 the Institute of Licensing published a document titled 'Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades'. The guidance was published in conjunction with the Local Government Association, Lawyers in Local Government and the Association of Licensing and Enforcement Officers.

At a recent meeting of the Wales Licensing Expert Panel the document was endorsed and it was recommended that all Welsh Local Authorities approve and implement the guidance to replace their existing policies. A number of authorities have adopted the guidance and others are in the process of doing so.

Members were advised that the authority has a policy to provide guidance on the treatment of convictions, cautions and criminal charges in respect of new applicants and existing drivers and operators. The current policy has been in place since 2015. The Committee at its meeting on 9 April 2019 resolved to consult with the local taxi trade on the proposed guidance on determining the suitability of applicants and licensees. A copy of the proposed guidance was appended to the report.

Members were advised that two responses were received during the consultation period. Both responses were summarised in the report. Response 1 was from a

driver who considered the proposed motoring offences suggestions to be unreasonable. Response 2 was from the Cardiff Hackney Alliance who called for a full Equalities Impact Assessment (EIA) to be undertaken and the findings discussed before proceeding with the implementation. A copy of the EIA was appended to the report at Appendix D.

The Committee received representations from Alan McCarthy representing Unite. Mr McCarthy raised concerns that the proposed guidance was likely to have a detrimental effect on BAME communities. Concerns were also raised that, should the revised guidance be adopted, new applicants would 'shop around' in neighbouring authorities for those which apply lower standards. The authority will effectively lose the control of the enforcement of those drivers and vehicles when they are operating in the City as they will be licenced by other authorities.

Mr McCarthy requested the Committee to consider postponing the implementation of the new guidance until neighbouring local authorities have implemented it, or to consult with and agree a future date upon which all authorities could implement the guidance.

Delaying would not only address the issue of 'cross-bordering', it would also offer an opportunity to analyse whether or not BAME applicants are adversely effected. Members were asked to note that other local authorities do not have the same level of BAME representation as Cardiff.

Officers advised that the Law Commission and Welsh Government have consulted on proposals to introduce national standards. However, some uncertainty remains and no indication has been given regarding timescales.

Members considered that if an application is received the authority will consider whether the applicant is a fit and proper person. Policy Guidance will remain in place and each case will be considered on its merits. A Member stated that until a White Paper on National Standards is published Cardiff should be leading the way. The revised guidance offers improved and strengthened policy guidance. Other authorities will follow suit.

The Committee also considered the merits of delaying the implementation until a future date mutually agreed with neighbouring authorities.

RESOLVED – That the policy guidance document 'Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades' appended to the report at Appendix A be approved and implemented with effect from 6 November 2019.

12 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 11.00 am