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AGENDA

Committee PUBLIC PROTECTION COMMITTEE

Date and Time of Meeting TUESDAY, 11 MAY 2021, 1.00 PM

Venue REMOTE MEETING VIA MS TEAMS

Membership Councillor Mackie (Chair)
Councillors Sattar, Asghar Ali, Derbyshire, Goddard, Hudson, Jacobsen, Lancaster, Dianne Rees, Robson 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 - 14)

To approve as a correct record the minutes of the Public Protection Sub Committees of 3 November 2020, 1 December 2020, 5 January 2021, 2 February 2021 and 2 March 2021.

4 Green Fleet Taxi Pilot: A Request for Full Livery (Pages 15 - 24)

5 Review of Cardiff Council's Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators (Pages 25 - 30)

6 Urgent Items (if any)

Davina Fiore
Director Governance & Legal Services
Date: Wednesday, 5 May 2021
Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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PUBLIC PROTECTION SUB COMMITTEE

3 NOVEMBER 2020

Present: Councillor Mackie(Chairperson)
Councillors Jacobsen and Robson

- 1 : EXCLUSION OF THE PUBLIC
- 2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Application 1

The Sub Committee considered an application for the grant of a Hackney Carriage/Private Hire licence. Members noted that the applicant's DBS indicated a number of convictions. The convictions had taken place between 2001 and 2002. The Sub Committee received representations from the applicant. The applicant stated that the offences were committed over a short period during his youth. A number offences were committed whilst under the influence of alcohol. Members were advised that the applicant regretted his behaviour at the time. He was now married with 3 children and he has been conviction free for over 18 years. A full employment history was provided.

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

(2) Application 2

The Sub Committee considered an application for a Hackney Carriage/Private Hire Driver Licence. Members were advised that the applicant formerly held a licence, but the licence was revoked following convictions, one of which related to an offence involving violence. The Sub Committee received representations from the applicant. The applicant explained the circumstances which resulted in the convictions. Members also asked the applicant to comment on a recent speeding offence.

RESOLVED – That the application for the grant of a Hackney Carriage/Private Hire driver licence be refused as the Sub Committee did not consider the applicant to be a fit and proper person. Members considered that the application should be refused in accordance with the Sub Committee guidelines relating to previous convictions.

(3) Application 3

The Sub Committee received representations from an applicant for a Hackney Carriage/Private Hire drivers licence. The applicant has a number of convictions for offences committed between 2009 and 2013. Members were advised that the offences were committed during a turbulent period after the applicant had lost both his parents and was homeless. The applicant was now

settled. He had been employed as a delivery driver and was currently working in a warehouse. The applicant indicated that he was free from driving convictions. However, Members noted that the applicant had received 3 driving penalty points for contravention of pedestrian crossing regulations. When asked to comment the applicant indicated that he had overtaken another vehicle on a pedestrian crossing whilst responding to a family emergency.

RESOLVED – That the application for the grant of a Hackney Carriage/Private Hire driver licence be refused as the Sub Committee did not consider the applicant to be a fit and proper person. Members considered that the application should be refused in accordance with the Sub Committee guidelines relating to previous convictions.

(4) Application 4

The Sub Committee considered an application for the grant of a Hackney Carriage/Private Hire drivers licence. Members were advised that the applicant was convicted of an offence involving violence during 2014. The applicant explained the circumstances resulting in the conviction. Members were advised that whilst working in a shop the applicant was attacked. The assailant used a bottle to injure the applicant. The applicant punched his attacker in self-defence. The applicant stated that he received legal advice to accept a guilty plea. However, he had not been living in the country for long at that time and he did not fully understand the implications. The applicant stated that he has been employed since the conviction. He had no prior convictions or further convictions.

RESOLVED – That the application for the grant of a Hackney Carriage/Private Hire driver licence be refused as the Sub Committee did not consider the applicant to be a fit and proper person. Members considered that the application should be refused in accordance with the Sub Committee guidelines relating to previous convictions.

The meeting terminated at 3.30 pm

PUBLIC PROTECTION SUB COMMITTEE

1 DECEMBER 2020

Present: Councillor Mackie(Chairperson)
Councillors Derbyshire 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 Action 1972. RESOLVED – That the public 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 received representations from a driver who had received 6 driving penalty points for driving a vehicle without insurance. Members were advised that the driver had assisted a neighbour collecting a vehicle purchased in Barry. The driver had agreed to drive the car back to Cardiff after being advised by the vendor that he was insured to drive if he had fully comprehensive vehicle insurance. The driver was stopped by a Police officer. The Police officer advised him that he was not insured and he was subsequently asked to appear in court.

The driver stated that he pleaded guilty in court. He respected the law and he accepted that he had driven the vehicle without insurance. However, there was some confusion as to whether he was insured and his oversight had resulted in a mistake. The driver's representative stated that other than this incident he was a model driver with an unblemished record.

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

(2) Application 2

Members were asked to consider the case of a driver who was charged with two counts of battery. The driver stated that the charges stemmed from a single domestic incident between himself, his partner and his stepson. The driver stated that there was no physical harm done to the parties during the incident.

RESOLVED – That the driver receive a 10 day suspension for battery.

(3) Application 3

The Sub Committee received representations from a driver who was convicted with overcharging customers and refusing to use the taxi meter. Members were advised that during a planned operation two student police officers asked to be taken from the City Centre to a location in Cardiff Bay. The customers were charged a £15 flat rate and the driver had refused to use the taxi meter when asked to do so. A Member asked the driver what the fare would normally be, the driver replied that it would usually be around £4-5.

The driver accepted that he has made a mistake and gave assurances that it would never happen again. He was willing to retrain and was already suffering financial hardship as a result of the Covid-19 pandemic.

Members were asked to consider a number of previous serious disciplinary issues involving this driver that resulted in appearances before the Sub Committee. The Sub Committee received a summary of those incidents.

RESOLVED – That the Hackney Carriage / Private Hire Driver Licence be revoked for overcharging and refusing to use the taxi meter.

The meeting terminated at 12.00 pm

PUBLIC PROTECTION SUB COMMITTEE

5 JANUARY 2021

Present: Councillor Mackie(Chairperson)
Councillors Goddard and Dianne Rees

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 Action 1972. RESOLVED – That the public 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's legal representative. The driver did not attend the hearing.

Members were advised that the driver had been given 8 driving penalty point in court for driving a vehicle without valid insurance. The penalty points were declared upon renewal of the driver's licence.

The representative outlined the circumstances which resulted in the offence being committed. The driver had dropped off a fare at the coach station in Sophia Gardens. After he dropped off his passengers, as a favour to another driver he had agreed to take a family to the airport because they had missed their bus. The driver did not expect to be paid but the family had reimbursed him £160 to cover the cost of fuel and his expenses. The representative stated that the driver acknowledged that he has committed an offence, he did not intend to ply for unlawful fares. The representative stated that the driver did have insurance for his vehicle, it was only as a result of the offence that his insurance was invalid. He was aware of his responsibilities in terms of the law and the conditions of his licence and he adhered to these at all times.

The Sub Committee asked why the driver was not present at the hearing. The representative stated that the driver was advised by the Licensing Office he was not obliged to attend and therefore he decided not to. Members considered that, in these circumstances, it would have been beneficial for the driver to have been present in order to give his version of events, to provide clarification and answer questions from the Sub Committee.

A Member of the Sub-Committee asked the representative which airport that the driver had taken on this journey that was not pre-booked. The

representative replied that he took the passengers to Heathrow Airport. A Member of the sub-committee commented that she felt that this was a serious breach and had there been an accident during this journey, the passengers would not have been insured.

RESOLVED – That the driver's Hackney Carriage/Private Hire drivers licence be revoked for receiving convictions for plying for hire without a licence under the Town Police Clauses Act 1847 and for having no insurance under the Road Traffic Act 1988. The decision was made in accordance with paragraphs 5.39 and 5.40 of the Council's Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades.

(2) Application 2

Members were advised that a complaint had been received from a Cardiff resident regarding the conduct of a driver. The complaint alleged that a driver had parked his car outside a resident's home and had urinated in the lane at the side of the house. The resident had noted the vehicle registration number and provided photographic evidence of the incident.

The Sub Committee received representations from a driver regarding this incident. The driver accepted that the vehicle was his and that no other drivers use the vehicle. The driver also confirmed that he was working at the time of the incident. He had checked with his employer and he had dropped a fare off in the locality at around the time this incident was alleged to occur. The driver also said that he had checked the vehicle's internal CCTV system but any footage from the date in question had been overwritten. The driver denied urinating in public. He stated that he would normally go home, go to a mosque or use another public convenience if he needed to use the toilet whilst on duty.

RESOLVED – That the hackney carriage / private hire drivers licence be suspended for 2 days for unacceptable conduct.

The meeting terminated at 11.30 am

PUBLIC PROTECTION SUB COMMITTEE

2 FEBRUARY 2021

Present: Councillor Mackie(Chairperson)
Councillors Hudson and Jacobsen

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 Action 1972. RESOLVED – That the public 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 were asked to consider circumstances in which a licenced drive became involved in an altercation with another driver, resulting in South Wales Police issuing a caution for assault by battery. Members received representations from the driver concerned and their legal representative.

Members were advised that the driver had been waiting outside a public house to collect a fare. Another taxi pulling in behind his vehicle effectively forming a queue. Customers came from the public house and got into the second vehicle. The driver considered that the driver of the second vehicle should have directed the customers to his vehicle as he was first in the queue and had been waiting longer. The driver got out of his vehicle in order to remind his colleague of the etiquette followed by all drivers.

The exchange became heated. The driver admitted putting his hand through the window and touching the other driver. The customers were concerned and called the Police. The driver was taken to the Police Station and subsequently received a caution for assault by battery.

The driver stated that he accepted he should not have acted in this manner and apologised for his actions. He regretted the incident had taken place and said that in future he would not repeat those actions. Members were asked to take into consideration that this incident had taken place during the pandemic at a point when drivers were not receiving any financial support. The driver was under some pressure personally and this may have affected how he reacted during the incident because every fare was precious.

Members were also asked to note that the driver has been working as a taxi driver for 20 years. He previously had a clean criminal record,

although he had appeared before the Sub Committee on a disciplinary matter in 2010. The driver did not report the caution to officers of the Council because he understood that South Wales Police would be making a report to the authority.

RESOLVED – That the driver receive a 10 day suspension and be required to complete the SQA qualification in taxi driving within 12 months for unacceptable conduct.

(2) Application 2

The Sub Committee received representations from a driver who had accumulated 9 penalty points on his DVLA driving licence.

Members were advised that the driver received 6 points and a fine for not disclosing the identity of this driver of the vehicle for a speeding offence.

The driver stated that he was unaware of the offence as he had moved address. The driver accepted that he was at fault and he should have advised DVLA of his change of address but there were mitigating circumstances.

Members were advised that the driver's son has autism. When the family moved to their new home the son had great difficulty adjusting to their new surroundings. The driver was under considerable strain at the time and was suffering sleepless nights. He neglected to advise DVLA of the family's change of address and he was therefore unaware that correspondence had been sent to his former address in relation to a speeding offence. The driver confirmed that he did ask for mail to be forwarded to his new address but only for 1 month. He only became aware that the matter had been taken to court when bailiffs arrived at his new address.

The driver also received 3 penalty points for failure to comply with a traffic signal. Members were advised that after receiving the 6 penalty points for his previous offence the driver was very cautious when driving. He approached an amber traffic signal on Newport Road at 25mph but by the time he had cleared the junction the signal had turned to red.

The driver stated that he had learned from this experience. He had to pay over £800 in costs and he would never repeat his mistake. Members were asked to consider that the taxi profession offers enough flexibility to allow for the driver's family commitments. He had left his previous job with Tesco because it was not flexible enough for him to take care of his son when needs arise.

RESOLVED – That the driver receive a written caution for driving offences.

(3) Application 3

Deferred

The meeting terminated at 12.00 pm

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PUBLIC PROTECTION SUB COMMITTEE

2 MARCH 2021

Present: Councillor Mackie(Chairperson)
Councillors Lancaster and Wood

1 : EXCLUSION OF THE PUBLIC

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2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Case 1

The Sub Committee were advised that in November 2020 a driver was convicted in Magistrates Court for plying for hire without a licence and for not having valid insurance. The driver had carried out a journey that was not pre-booked. He had transported officers of the Shared Regulatory Service as part of a planned operation. The vehicle was not insured for the journey.

The driver's representative advised Members that the driver had been operating has a hackney carriage driver for 10 years and there were no previous complaints regarding his conduct. The driver accepted that he has made a serious mistake and pleaded had pleaded guilty in Court. The driver was given an opportunity to explain the events on the night in question. In mitigation, Members were advised that the driver usually hired a hackney carriage vehicle. However, the owner of that vehicle sold the car and replaced it with a similar saloon-type vehicle that was only licenced as a private hire vehicle. The driver stated that he had forgotten that the new vehicle was only licenced for private hire. The drivers representative considered that these were exceptional circumstances and therefore a warning about his future conduct may be warranted.

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

The meeting terminated at 11.00 am

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CARDIFF COUNCIL
CYNGOR CAERDYDD

Agenda No.

PUBLIC PROTECTION COMMITTEE: 11 MAY 2021

Report of the Head of Shared Regulatory Services

Green Fleet Taxi Pilot: A Request for Full Livery

1. Background

- 1.1 A request has been made by Welsh Government for full livery on entirely electric, wheelchair accessible, Nissan Dynamo hackney carriage vehicles as part of a Green Fleet Pilot scheme. The scheme seeks to encourage the taxi trade to switch to zero-emission vehicles.
- 1.2 Currently the authority only permits full livery on hackney carriage vehicles that meet the London Metropolitan Conditions of Fitness e.g. London style taxis such as TX1s, FX4s etc.

2. Issue

- 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 The Welsh Government are introducing a Green Fleet Pilot scheme in three areas across Wales. The scheme will operate a 'try before you buy' initiative, allowing taxi drivers to try a fully electric, wheelchair accessible vehicle for 30 days free of charge. The trial will include free electric charging, insurance, vehicle licensing and breakdown cover funded by Welsh Government.

- 2.4 On completion of the trial, drivers will be asked to complete an evaluation survey and be provided with information on schemes/assistance available for long term ownership/lease of zero-emission vehicles.
- 2.5 The pilot is intended to assist Welsh Government in achieving its target of de-carbonising the taxi fleet entirely by 2028 as it is hoped it will help taxi drivers to realise the financial and environmental benefits of zero-emission vehicles and in turn contribute to the transition from diesel/petrol vehicles to zero-emission vehicles. The scheme will run for 2-3 years.
- 2.6 A full livery has been requested for the hackney carriages involved in this pilot scheme to ensure the initiative is advertised across the area and to encourage others to be a part of the scheme. A copy of the requested livery is detailed in **Appendix A**.

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 a full livery 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 Over the last few years there has been a large increase in the number of vehicles licensed by other local authorities legitimately working in Cardiff.

The black with a white bonnet colour scheme adopted in Cardiff is unique in Wales, 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 the Green Fleet Pilot Scheme will be operating in multiple areas in Wales, it is acknowledged that there may be confusion if several authorities license similar looking vehicles. In order to minimise confusion for the public, it is proposed that vehicles licensed under this scheme will also be required to display door stickers identifying them as a Cardiff Hackney Carriage.
- 3.6 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.
- 3.7 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.
- 3.8 A comparison of full livery restrictions in some other local authorities is detailed in the table below:

Local Authority	Full Livery Restrictions
Swansea	Advertising allowed on the bottom of the rear doors. No full livery allowed.
Bridgend	All vehicles to be white from new except wheelchair acceptable vehicles which can be sprayed white. No full livery.
Vale of Glamorgan	Rear wing advertising only. No full livery.
Birmingham	London type taxi's can be any colour as they are instantly recognised as taxis so full livery is allowed as it would not affect any colour code. All other vehicles must be black.

Manchester	Full livery permitted on hackney carriages.
Oxford	Full livery permitted on purpose-built vehicles only.
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.

- 3.9 If the Committee are 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.
- 3.10 It should be noted 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. Achievability

- 4.1 This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 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.
- 5.2 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.

- 5.3 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.

6. Consultation

- 6.1 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.

7. Financial Implications

- 7.1 There are no financial implications arising directly from this report.

8. Recommendation

- 8.1 It is recommended that the Committee determine the request by Welsh Government to allow full livery on all the fully electric, wheelchair accessible hackney carriage vehicles involved in the Green Fleet Pilot scheme.
- 8.2 It is recommended that the committee give delegated authority to an Operational Manager of the Shared Regulatory Services to approve door stickers that will be used to identify Cardiff Hackney Carriages.
- 8.3 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 on the whole of the vehicle subject to the advertisement being approved by the authority, in writing, prior to its use. This condition applies to purpose-built vehicles which meet the Metropolitan Police Conditions of Fitness, along with fully electric vehicles involved in the ‘Green Fleet Pilot’ scheme’ that also display approved door stickers identifying them as a Cardiff Hackney Carriage.”

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

Background papers:

None.

Golley Slater



TRANSPORT FOR WALES
VEHICLE LIVERY OPTIONS DEVELOPMENT 2

**Half Wrap**

This option takes into account that the base colour of the 50 vehicles is black but it could easily be any colour.

This option adopts a simple name with a type treatment.

The icons 'eco' and 'accessibility' sit towards the rear of the vehicle.





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**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 11 MAY 2021

Report of the Head of Shared Regulatory Services

Review of Cardiff Council's Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators

1. Background

- 1.1 Cardiff Council's current Statement of Licensing Policy relating to Hackney Carriage (taxi) and Private Hire Vehicles, Drivers and Operators has been in place since 2008. With new statutory standards published by the Department for Transport (DfT) along with new recommendations published by the Welsh Government it is proposed that Cardiff Council review its policy to incorporate these new standards and recommendations.
- 1.2 In July 2020 the Department for Transport (DfT) published Statutory Taxi & Private Hire Vehicle Standards with the focus on protecting children and vulnerable adults. The DfT state that following a detailed consultation it's clear there is a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector.
- 1.3 The DfT standards have effect in Wales even though responsibility for taxi and private hire vehicle policy has been devolved to the Welsh Assembly. However, should the Welsh Government introduce legislation to regulate on these matters, the DfT standards would cease to apply.
- 1.4 In March 2020, the Welsh Government published the Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales. This document follows the Welsh Government's white paper 'Improving Public Transport' published in 2018. The aim of the recommendations contained in the document is to provide 'quick fixes' to improve the consistency of licensing standards and increase public safety across Wales. The recommendations form the basis for further development by Welsh Government into national standards.
- 1.5 There are 5 reasons outlined by Welsh Government to adopt the recommendations, public safety being the first. The public should be able to

expect a licensed driver to be competent, honest, safe and trustworthy. There have been numerous reports in recent years involving child exploitation which have made it clear that weak and ineffective arrangements for taxi licensing in England and Wales left the public at risk; these new recommendations hope to rectify this by improving public safety across Wales. This also includes the safety of vehicles, along with improving the standards set for private hire operators.

- 1.6 Other reasons for adopting the recommendations include better consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles in Wales and better standards of customer service.

2. Changes to Statement of Licensing Policy

- 2.1 It is proposed that the Statement of Licensing Policy becomes one large document encompassing all the other supplementary policies and conditions that relate to taxi and private hire licensing. This will hopefully simplify matters for applicants and licensees as all the necessary documents will be available in one place.
- 2.2 The DfT statutory standards and the Welsh Government's Harmonisation of Taxi and Private Hire Vehicle Licensing recommendations will bring about many changes to our current Statement of Licensing Policy. In summary, the main changes are as follows:

Drivers

- Requirement for drivers to join the Disclosure & Barring Service (DBS) Update Service and have a DBS check every 6 months.
- Overseas criminal record check for drivers.
- Adopting the Welsh Government's Driver Code of Conduct.
- Updating the Private Hire Driver Conditions in line with the Welsh Government's Recommendations

Vehicle

- Requirement for vehicle proprietors to have an annual DBS check.
- Overseas criminal record check.

- Adopting the Welsh Government's policy on CCTV and Video Point of Impact Systems (VIPS)/Dash Cams in taxis and private hire vehicles.
- Impose the Welsh Government's recommendations for accessibility conditions on vehicle proprietors of taxis and private hire vehicles.

General

- To commit to reviewing Statement of Licensing Policy every 5 years in accordance with the DfT's Statutory Standards.

3. Consultation

- 3.1 It is proposed that a 4 week consultation will take place on a draft Statement of Licensing Policy which incorporates the new Statutory Standards published by the DfT and the recommendations set out by Welsh Government.
- 3.2 Responses from the consultation will be taken into consideration and the final policy along with any comments received will be put before the Public Protection Committee for approval.

4. Achievability

- 4.1 This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 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.

- 5.3 The DfT Statutory Taxi & Private Hire Vehicle Standards state:

"1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.

1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Police and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would cease, to apply.

3.5 Licensing Authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually."

- 5.4 The Welsh Government's Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales document states:

"6. The recommendations in Part II of this guide are seen as a starting point for change in order to address some of the existing problems, and improve standards and consistency. In order to achieve this it is strongly recommended that each local authority in Wales adopt these recommendations on a voluntary basis (where they are not already in place) for the reasons outlined above)."

6. Financial Implications

- 6.1 There are no financial implications arising directly from this report.

7. Recommendation

- 7.1 It is recommended that the Committee consider the contents of the report and resolve to:
- a) Approve the review of its Statement of Licensing Policy relating to the Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators in line with the new DfT Statutory Standards and the Welsh Government's Harmonisation of Taxi and Private Hire Vehicle Licensing Recommendations.
 - b) Approve the need to consult with the trade and the wider public (including relevant local organisations for example; accessibility groups) on a draft Statement of Licensing Policy.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

1 April 2021

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

Background papers:

Department for Transport, Taxi and Private Hire Licensing Guide: Best Practice Guide

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf

Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales

[Taxi and private hire vehicles: licensing guidance | GOV.WALES](#)

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