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AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	WEDNESDAY, 13 MARCH 2024, 11.00 AM
Venue	CR 4, COUNTY HALL - MULTI LOCATION MEETING
Membership	Councillor Michael (Chair) Councillors Kaaba, Bridgeman, Driscoll, Ferguson-Thorne, Gunter, Jenkins, Lancaster, Palmer and Shimmin

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 - 6*)

To approve as a correct record the minutes of the previous meeting.

4 **Proposal to Introduce Mandatory Card Payment Facilities in Hackney Carriages (Taxis)** (*Pages 7 - 28*)

5 **Variation of a Sex Establishment Licence - Lovecraft, Cowbridge Road East** (*Pages 29 - 38*)

6 **Urgent Items (if any)**

D Marles

Interim Monitoring Officer

Date: Thursday, 7 March 2024

Contact: Graham Porter,

02920 873401, g.porter@cardiff.gov.uk

PUBLIC PROTECTION COMMITTEE

25 OCTOBER 2023

Present: Councillor Michael(Chairperson)
Councillors Kaaba, Driscoll, Ferguson-Thorne, Gunter,
Lancaster, Palmer and Shimmin

6 : APOLOGIES FOR ABSENCE

Apologies were received from Cllr Jenkins.

7 : DECLARATIONS OF INTEREST

There were none.

8 : MINUTES

The minutes of the meeting held on 20th September 2023 were approved by the Committee as a correct record and signed by the Chair.

9 : APPLICATION TO PERMIT THE USE OF CORPORATE BRANDING ON PRIVATE HIRE VEHICLES ON VEHICLES OWNED BY VEEZU

The Committee received a report on an application from Veezu to permit them to use corporate branded livery on vehicles that were owned by the Veezu Group.

The Chair requested Dan Cook, Licensing Manager, to present the report.

Members were advised that the current Private Hire Vehicle Conditions of Licence related to advertising stated:

“6. Display of signs and advertisements

No signs or advertisements, except those approved by the Council shall be attached to the inside or outside of the vehicle. The following conditions apply: -

2 a) Exterior advertising is permitted on the outside rear door panel provided it does not exceed the dimensions of the panel and is restricted to one advertisement only with no other form of advertising displayed on the exterior of the vehicle.”

As the proposed Veezu livery would cover a larger proportion of the vehicle than the rear door, they sought an exemption from the above condition. Veezu presented a vehicle to Members in order to provide a representation of the livery.

Members were advised that at present, private hire vehicles licensed in Cardiff were permitted to have one advertisement on the rear door panel of the vehicle. The advertisement could not be larger than the size of the rear door panel, and was primarily used to display the private hire operator the vehicle was connected to.

Private hire vehicles in Cardiff were also required to display a yellow plate on the rear of the vehicle and a yellow square in the vehicle’s windscreen, to identify it as a

private hire vehicle. It was not mandatory for private hire vehicles to advertise or display the operator for whom they were connected to, and they were able to choose not to display an operator.

Members heard that under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may impose such conditions upon private hire licences as it may consider reasonably necessary. Under Section 48 of the same Act, a private hire vehicle could not be of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage. Officers did not consider that the proposed livery would result in the public mistaking those vehicles with a hackney carriage.

Members heard that 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.

Members were asked to consider the request and determine whether to permit corporate livery on vehicles that were owned by Veezu.

The Chair drew Members' attention to an additional representation received from Unite, which had been circulated just before the committee. The Licensing Manager note that the uniformity referred to in the Unite representation did not really exist with taxis in Cardiff, as there were no requirements on private hire vehicles, and permitting this application might actually have the effect of increasing uniformity.

Reference was made to the point in the Unite representation regarding community consultation. The Licensing Manager clarified that there hadn't been a consultation as such, just as there wouldn't have been when a hackney carriage changed its livery. This was not part of the Licensing Committee's role.

The Chair welcomed Kirsty Oram to address the meeting on behalf of the Veezu Group. She emphasised that wrapped vehicles were more easily identifiable and reassured passengers that they were getting into a licensed vehicle, which they might not have easily been able to identify otherwise. Positive feedback had been received from drivers and passengers who currently used these vehicles in Swindon, South Gloucestershire and Bath.

The Chair invited comments or questions on the report.

Members discussed whether permitting the application could cause confusion amongst customers or an unfair market advantage, since branding cost money and larger companies would be more likely to use it. The Chair noted that other private hire vehicles could have similar livery.

Members asked whether officers would consider the branding to be a benefit to their enforcement work. The Licensing Manager responded that while the vehicles would become slightly more recognisable, it would not have a major impact.

In response to Member questions, Kirsty Oram confirmed that the advertising wrap was not reflective at night and that all their vehicles were white and would be

branded in the same way. She also confirmed that Veezu had made applications to other local authorities where it would have been an exception, as in this case, and these applications had been successful.

Members queried why Veezu was moving away from the more established and recognisable Dragon brand. Kirsty Oram explained that Veezu operated across the UK while Dragon was just in South Wales, and so the latter was gradually being replaced.

The Chair invited Members to vote on the recommendations in the report.

RESOLVED – That:

1. The application to permit corporate branded livery on vehicles owned by the Veezu Group be APPROVED.

10 : URGENT ITEMS (IF ANY)

The meeting terminated at 10.55 am

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CARDIFF COUNCIL

Agenda No.

CYNGOR CAERDYDD

PUBLIC PROTECTION COMMITTEE: 13 March 2024

Report of the Head of Shared Regulatory Services

Proposal to Introduce Mandatory Card Payment Facilities in Hackney Carriages (Taxis)

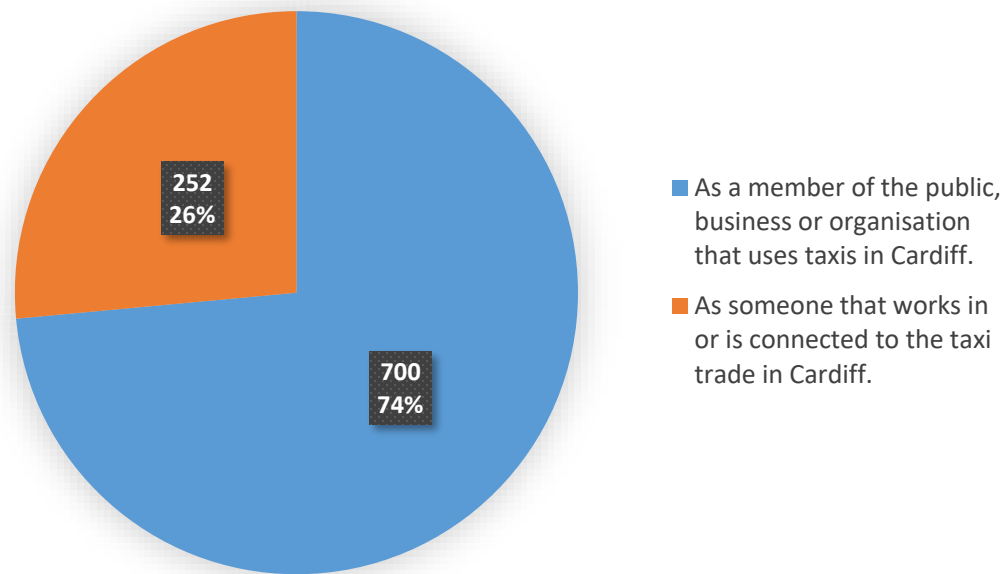
1. Background

- 1.1 At its meeting on 7 December 2022, the Public Protection Committee authorised the Licensing Department to carry out a consultation exercise, seeking the views of the trade and the public on a proposal to mandate all hackney carriages licensed by Cardiff Council to accept card payments. The purpose of this report is to update members on the outcome of that consultation and request a decision on whether to mandate card payment facilities in all hackney carriages.
- 1.2 Between 10 February and 4 April 2023, the Licensing Department conducted an online survey to gain the views of the public and the licensed taxi trade in relation to mandatory card readers. A copy of the survey questions asked to the public are contained in Appendix A, and the questions asked to the trade are contained in Appendix B.
- 1.3 There were 952 responses to the survey, of which 700 responses were received from members of the travelling public and 252 were received from those associated with the taxi trade. The survey was part of a larger piece of work that included questions in relation to the previous moratorium on issuing new hackney carriage licences.
- 1.4 Throughout this report, any reference to a taxi specifically relates to a hackney carriage. These are vehicles that can be hailed from the roadside or operate from designated taxi ranks.

2. Online Survey Responses

- 2.1 This section details the result of the online survey in relation to card payments. There were some questions asked solely to the public, others asked solely to the trade, and others asked to both groups.
- 2.2 The chart results represented in blue relate to the public response, and those in orange represent the trade response.

2.3 Question - How are you responding to this survey?

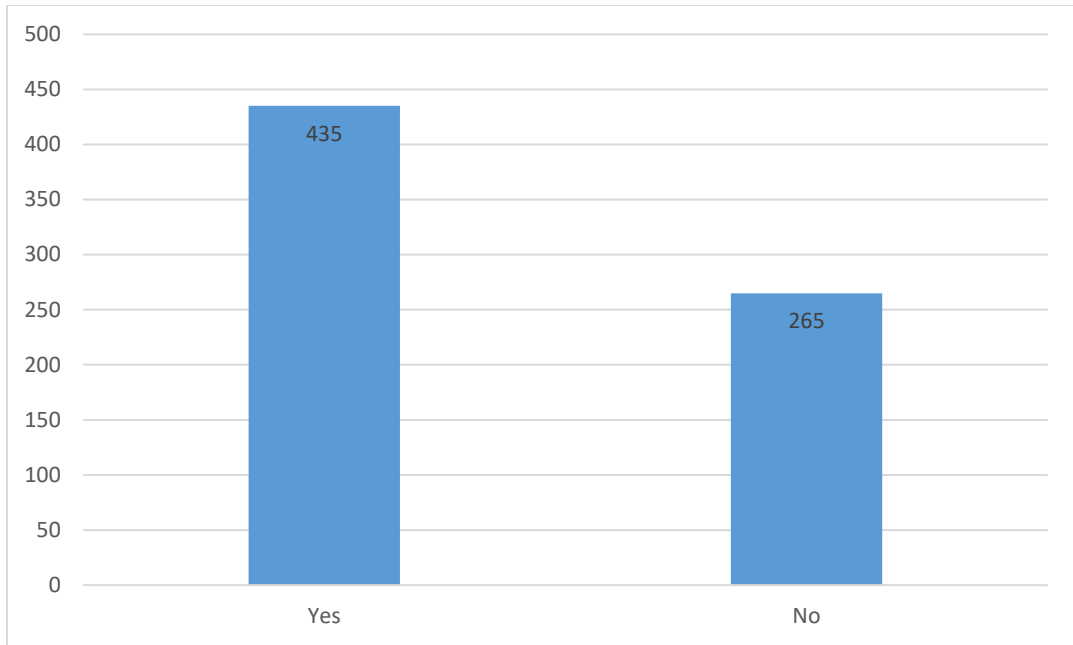


74% of respondents were members of the public, businesses or organisations that use taxis in Cardiff. 26% of respondents work in, or were connected to, to the taxi trade in Cardiff. Of the 700 public respondents, 28 (4%) identified as having a disability that requires the use of a wheelchair accessible taxi.

Of the 252 trade respondents, 166 (66%) indicated they drive a taxi that they own, 38 (15%) drive a private hire vehicle that they own, 29 (12%) drive a taxi that they rent, 7 (3%) were licensed private hire operators, and 4 (2%) drive a private hire vehicle that they rent.

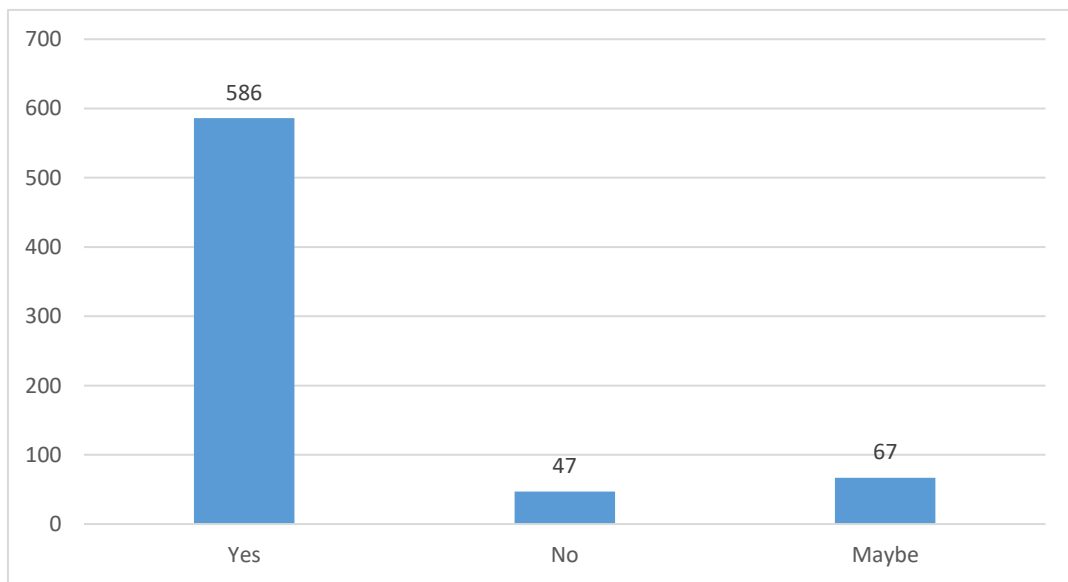
Other single responses were received from a respondent who funds Night Marshals in the city centre, the partner of a private hire driver, the owner of a taxi training company, a prospective taxi driver, a trade representative, a part time taxi driver, and a person that owns a business renting out taxis in Cardiff.

2.4 Question - Have you ever had an issue with a Cardiff taxi because the driver could only accept cash payment? (Public only question)



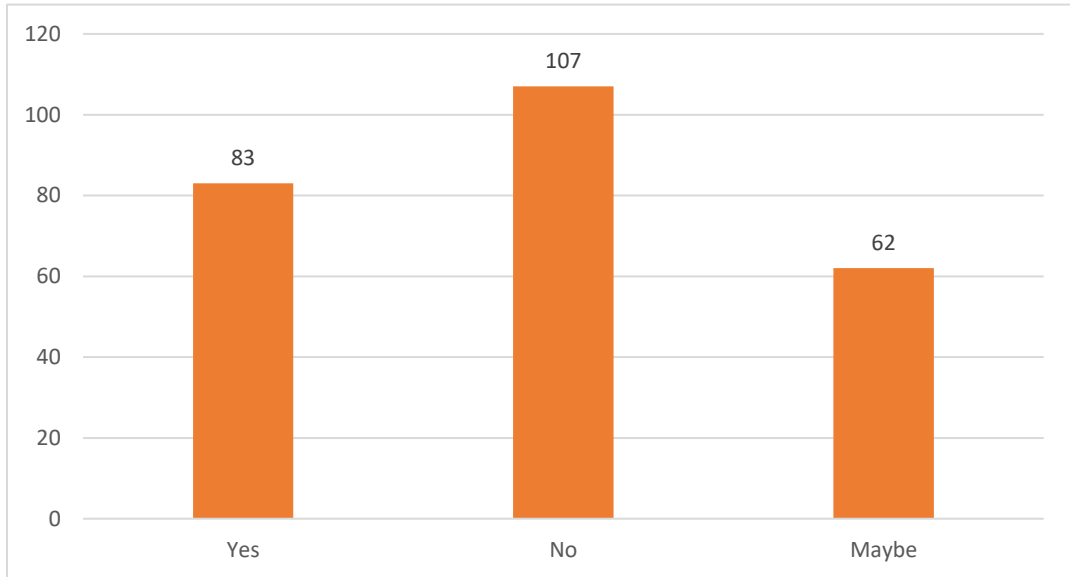
62% of public respondents indicated that they had experienced an issue with a Cardiff taxi because the driver could only accept cash as a payment.

2.5 Question - Do you think all taxis should be required to provide facilities for customers to make card payments? (Public response)



84% of public respondents thought that taxis should be required to accept card payments, 7% thought they should not and 10% were unsure.

2.6 Question - Do you think all taxis should be required to provide facilities for customers to make card payments? (Trade response)



42% of trade respondents thought that taxis should not be required to accept card payments. 33% thought they should and 24% were unsure.

2.7 Question - Please provide any further comments you'd like to make about payment methods in taxis (public and trade responses)

The following tables provide a representative selection of the comments made :

Public comments:

100% accept card. It's 2023!
100% have card payments for ease and to keep up with the times.
A lot of businesses are now going cashless and so are a lot of services. Many already take card. There is no excuse for Taxis in the capital city of the country to not be accepting card payments in 2023.
I rarely get taxis because they don't offer card payments and since covid I don't carry cash
I rarely have cash on me and have had to go to a cash machine before when I'd rather just get home
I regularly travel in London and have business guests down from London where card payments are the normal process. They always comment on the fact that they have to pay cash for a taxi
Cash only cash is king
Adds money to the fare trying to find a cash point, then hopefully it's a free cash point.

All taxies need to take cards and I was refused because I didn't have cash on me
All taxis should have the option to pay by card
All Taxis should offer CARD payment in 2022 as their DEFAULT. Cash should be backup payment method.
All taxis should take card as they do in all other major cities in the UK. Cardiff is the only major city I have an issue getting home after events or after a night out.
Almost anywhere I go in the world, cards are preferred. Why is Cardiff even asking?
As a capital city, it is expected from international travellers, especially post covid. Cash payments are out of date
As a female, being made to stop at a cash point on my way home is scary and doesn't feel safe
As a regular user I make sure I have cash on me but I think card payments are a good thing & follow other major cities
As a woman having to find cash somewhere first (or on the way) can feel unsafe
As much variety as possible should be provided. On several occasions I have met distraught individuals, in the city centre in my role as a Street Pastor, who are unable to obtain cash easily and conveniently, causing further unnecessary distress to the individual who basically just wants to get home.
Barely anyone carries cash these days and if taxis could accept card it would also be safer for the community E.g. students after a night out would not need to walk home
Why should they be required to give a cut of their earnings to VISA / Mastercard, and why would the council support this? If they require cash, then have cash on you or expect to stop to get some. It's no issue.
Card needs to be rolled in asap, who carry's cash these days ?
Card payments would be ideal as not many people carry cash anymore
Cash should remain an option, card charges are unfair and cannot be passed on
considering every venue in the city uses card payments the only transport now that doesn't is a taxi. this is ridiculous. all taxis in other cities take card they don't even question it. How can the capitol of wales be so far behind.
Why should the council force a self employed taxi driver to accept card payments !?
Contact less or pre payment of set amount via app to avoid meter being turned off
Contactless
It makes perfect sense and as lots of people like to pay by card these days, why not? And safer as drivers do not have a lot of cash hanging around the the car.
Contactless after Covid is important. Germs free.
Daughter in an unsafe situation tried to get cab to take her home but did not have enough cash. Totally unacceptable
Driver didn't have any change to give me change from my fare so he kept my money

Drivers often unable to give change for notes so if card payment is available without a cover charge would make taxis suitable for all
Drunk or vulnerable people that need to leave as quick as possible and being told no because its cash only, it puts more people at risk
Due to the pandemic I very rarely carry cash now. Nearly every company accepts card payments and taxis should too
While card payments could be made mandatory, it should be left to the licensee to decide which card terminal provider they contract to.
Every other major city takes cards. To pay cash requires having to withdraw from a cash point often late at night.
Many passengers now want to pay by card or phone. I got a reader 9 weeks ago. In that time I have taken £1,300 in such payments, so clearly there is a demand. The majority of drivers do not have readers, so I am enjoying increased trade.
I don't understand why it isn't a requirement already
I don't usually have cash so a "Cash only" sign inside the taxi is a major problem
I know if flagging a taxi or using a taxi rank, I need cash. I prefer to be cashless, so prefer to use an app. Card payments would be useful
I never carry cash anymore so only use taxi services that accept card payment
I never carry cash, so without card payment I have to find a different car.
I never withdraw cash for anything apart from times like this. All taxis should allow card payments to make it easier
The cost of the payment devices has reduced greatly in a quick time, making it a more viable option for those who trade in mobile or environments such as taxi drivers.
I often book an uber over a taxi as I don't carry cash much and its easier to and more efficient to pay by card.
Get fare right .my son was going to be charged £25 for a £10 fare
I caught a taxi at 3am from Cardiff A&E and having to pay only with cash was annoying, ok I only had to go to the main foyer and withdraws cash, but even so
I don't always carry cash. I find it hard to believe that they are a cash only service

Trade comments:

A card machine should be optional
A lot of customers struggle to use card payments and prefer cash
All of my customers I pick up never asked about card payment. A lot of my customers are pensioners and don't like the thought of paying a taxi fare by there card.
As sometimes you need payment at front especially night times and with card that's impossible
Because if they haven't got no funds in their account and take us 3 to 5 miles whose gone cover the fair they play the first one and get a way with free ride

Because they take commission and it's hard to work it out
Cash should always be carried as an alternative to card payment.
It is difficult sometimes getting customers paying for the journey and more difficult when its card It might decline end of the journey will be losing more money this way
Who's going to pay for the charge of using a card machine
I think in this day and age , it is ridiculous that Taxis don't have card payments, causes unnecessary stress for customer
First thing I bought when I started, plenty of card payment schemes about, they do take a small percentage maybe this can be passed on to customer? Probably only be a extra 20-50p if that
In these days and age, hardly anyone is carrying cash so it would be a good to provide the facilities for the customers.

3. Considerations

3.1 The 7 December 2022 report proposed the following conditions be added to the hackney carriage conditions of licence in relation to card payments:

- The proprietor shall ensure that passengers are able to make payment via a debit card, credit card and contactless card payment.
- The card payment system will be stored in a transparent plastic holder which will be affixed so that the card machine is always in prominent view of the customer.
- The card payment system must be stored in the holder at all times when the driver is available for hire.
- The proprietor shall ensure that all drivers of the vehicle are trained on how to use the card payment system and are aware that passengers must be able to make payment in this manner.
- Where a fault in the card payment system is identified, the proprietor must notify the Licensing Department and arrange repair/replacement within 48 hours.

Officers have reviewed the proposed conditions and feel that the additional requirement for the card payment system to be stored in a plastic holder, that is always in prominent view of the customer, to be unnecessary. Furthermore, the requirement to notify the Licensing Department within 48 hours of a fault may cause confusion as it is a requirement that the device is operational at all times.

- 3.2 Officers consider the conditions below to be more suitable in relation to the acceptance of card and contactless payments:
- All hackney carriages must have an electronic payment device to accept debit/credit card and contactless payments. As a minimum, Visa and MasterCard must be accepted.
 - The electronic payment device must be kept in the vehicle, be fully operational and available for immediate use at all times the vehicle is being used for hire and reward (including whilst standing or plying for hire).
 - All hackney carriages must display prominent signage to prospective passengers that states card and contactless card payments are accepted.
 - No additional costs as a result of card payments may be passed onto the passenger.
- 3.3 Historically, cash payments were the preferred payment method for customers; however, in recent years this has shifted and it is now common for people not to carry cash, relying solely on card payments or preferring to use Apple Pay or Google Wallet via their smartphone.
- 3.4 Card payments would lead to an easier and quicker method for customers to pay taxi fares, while stopping the need for customers to ask hackney carriage drivers to stop off at cash machines if they need cash to pay the fare.
- 3.5 Contactless payments (such as Apple Pay, Google Pay etc.) on a smartphone are increasingly becoming the preferred payment method for many people. This has resulted in many no longer carrying cash or their bank card. Very few cash machines can be used with a physical card which leaves an increasing number of people unable to use cash-only taxis as they have no means to obtain cash.
- 3.6 There are currently a number of card payment devices available to hackney carriage vehicle proprietors and drivers. Prices of these devices typically range between £29 and £200. There is also a payment processing fee around 1.5% to 2.5% for each transaction. This is comparable with the cost of card readers in other industries.
- 3.7 Transaction fees in respect of debit and credit card fees were abolished by the Government from 13 January 2018. This means that any customers using their debit or credit cards to pay fares in hackney carriages will not be charged any fees to use their cards. The customer will only pay the fare displayed on the meter.

- 3.8 Whilst there are additional costs for providing card payment facilities, it is envisaged that this will be offset by the increased trade as a result of offering these facilities.
- 3.9 Having a card payment facility for passengers would improve public safety for hackney carriage customers in Cardiff. Customers would not have the need to stop and use cash machines late at night.
- 3.10 Payments are governed by the Consumer Rights (Payment Surcharges) Regulations 2012 (amended by the Payment Services Regulations 2017). The Regulations limit charges to consumers who are buying goods and services. It is unlawful to impose surcharges on customers for using the following methods of payments:
- Consumer Credit Cards, debit cards or charge cards
 - Electronic payment services i.e. PayPal
 - Similar payment methods that are not card-based i.e. mobile phone based payment methods.

4. Consultation

- 4.1 This report is to present the results of a public consultation. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions and submitted to the recognised trade group for comment prior to this meeting.

5. Achievability

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

6. Legal Implications

- 6.1 Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence of a hackney carriage under the Town and Policies Causes Act of 1847 such conditions as the district council may consider reasonably necessary and section 47 (3) provides the safeguard of an appeal for anyone aggrieved by any condition attached to the licence.
- 6.2 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 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.

7. Equality Impact Assessment

- 7.1 The proposal has been screened for the potential impact on protected groups within the community and human rights. We do not consider on the basis of the above that a detailed Equality Impact Assessment is required for this proposal.

8. Well-being of Future Generations (Wales) Act 2015 implications

- 8.1 The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

In discharging its duties under the Act, the Council has set and published wellbeing objectives designed to maximise its contribution to achieving the national wellbeing goals. The wellbeing objectives are set out in Cardiff's Corporate Plan 2018-21: When exercising its functions, the Council is required to take all reasonable steps to meet its wellbeing objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the wellbeing objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

The wellbeing duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
- Focus on prevention by understanding the root causes of problems

- Deliver an integrated approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions
- Involve people from all sections of the community in the decisions which affect them

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

- 8.2 An assessment has been carried out in consideration of the Cardiff Well-being Objectives. A summary of the implications from the assessment:

Cardiff Grows in a Resilient Way

- Taxis form part of the public transport network with environmental and economic benefits for the wellbeing goal of A Prosperous Wales
- Safe, Confident and Empowered Communities
- Stakeholders within the taxi trade, the general public and other relevant groups will have the opportunity to consider the proposals and respond to the consultation.

9. Financial Implications

- 9.1 There are no financial implications for the Council from the introduction of mandatory card payment facilities in taxis. There would however be a financial implication on the hackney carriage proprietors to purchase a card payment reader device, and an additional card payment processing fee per transaction. However, it is envisaged that these costs will be offset by the increased trade as a result of accepting card and contactless payments.

10. Recommendation

- 10.1 It is recommended that members consider this report and the responses to the online survey and consider whether to mandate card and contactless payment facilities in all Cardiff hackney carriages.
- 10.2 If members are minded to mandate card and contactless payment facilities in all hackney carriages, it is recommended that the following conditions are added to the hackney carriage conditions of licence:

- All hackney carriages must have an electronic payment device to accept debit/credit card and contactless payments. As a minimum, Visa and MasterCard must be accepted.
 - The electronic payment device must be kept in the vehicle, be fully operational and available for immediate use at all times the vehicle is being used for hire and reward (including whilst standing or plying for hire).
 - All hackney carriages must display prominent signage to prospective passengers that states card and contactless card payments are accepted.
 - No additional costs as a result of card payments may be passed onto the passenger.
- 10.3 If members are minded to mandate card payment facilities in all hackney carriages, in order to give sufficient time for proprietors to comply, it is recommended that this proposal is implemented on 1 September 2024.

Helen Picton

Head of Shared Regulatory Services

14 February 2024

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

Background Papers:

- [Public Protection Committee meeting, 7 December 2022](#)
- [Hackney Carriage Vehicle Licence Conditions](#)

Taxi Licensing Survey (Questions for public, businesses or organisation that uses taxis in Cardiff)

This form is available in Welsh / Mae'r ffurflen hon ar gael yn Gymraeg

Cardiff Council are carrying out a consultation on the lifting of restrictions that currently prevent them from issuing new taxi licences, and the introduction of a requirement that all taxis offer card payment facilities. Feedback is welcomed from the public, taxi trade and others.

Whilst the term 'taxi' is used widely by the public to refer to the hiring of a vehicle licensed to transport passengers in return for payment, this Survey relates only to those vehicles known as Hackney Carriages. In Cardiff these vehicles are usually black with a white bonnet and have a roof light. They generally work from taxi ranks or can be hailed in the street, unlike other licensed vehicles that must be booked over the phone or through a smartphone app (although Hackney Carriages are also permitted to work for an operator).

Since 2010, Cardiff Council have not issued any new Hackney Carriage plates/licences. This is called a moratorium which means that the only way to obtain a licence is by either renting or by purchasing a taxi with a licence that was originally obtained prior to 2010. Due to these restrictions, used licensed taxis command a premium which can act as a barrier to new entrants to the taxi trade and may stifle vehicle improvement, as money that would be spent on the vehicle is used to pay a premium for the licence. Cardiff is the only council in Wales to have a such restrictions on Hackney Carriage licences.

NB. The moratorium does not apply to private hire vehicles that are pre-booked via a company such as Uber.

In addition, the Council is also considering introducing requirements that all Hackney Carriage taxis provide facilities for card payments.

1.How are you responding to this survey?

- As someone that works in or is connected to the taxi trade in Cardiff.
- As a member of the public, business or organisation that uses taxis in Cardiff.

The following questions appear if you select As a member of the public, business or organisation that uses taxis in Cardiff.

2.Which of the following best describes you?

- A Cardiff resident that uses taxis in Cardiff
- A non Cardiff resident that uses taxis in Cardiff
- Other (please specify)

3.How often do you hire a taxi from a taxi rank or by flagging one down in the street?

- Daily
- Weekly
- Monthly
- Infrequently
- Never

4.Do you have a disability that requires the use of a wheelchair accessible taxi?

- Yes
- No

5.Have you experienced difficulty in getting a taxi either from a taxi rank or by flagging one down in the street in Cardiff in the last 12 months?

- Yes
- No

6.If you have experienced difficulty getting a taxi in Cardiff, when did this occur? Please tick all that apply.

- Weekday
- Weekend
- During a major event in the city centre (for example during the 6 Nations rugby or concert in the Principality Stadium)

7.What time of day did you experience difficulty in getting a taxi? Please tick all that apply

- Daytime - 6am to 6pm
- Evening - 6pm to 11pm
- Night-time - 11pm to 6am

8.If you experienced difficulty in getting a taxi in Cardiff, did this require you to:-

- Walk to your destination
- Arrange for a friend/relative to pick you up
- Use alternative public transport
- other

9. Please provide any further comments you may like to make about the difficulties you have experienced in getting a taxi in Cardiff?

.....

10. Are you satisfied with the condition of taxis in Cardiff?

- Yes
- No
- Unsure

11. Please provide any further comments you would like to make about the condition of taxis in Cardiff?

.....

12. Have you ever had an issue with a Cardiff taxi because the driver could only accept cash payment?

- Yes
- No

13. Do you think all taxis should be required to provide facilities for customers to make card payments?

- Yes
- No
- Maybe

14. Please provide any further comments you'd like to make about payment methods in taxis.

.....

15. Do you think Cardiff Council should lift restrictions and issue more new taxi licences?

- Yes
- No
- Not sure

16. If Cardiff Council were to start issuing new taxi licences, do you think any new licences should be restricted to certain types of vehicle?

- Yes
- No

17. If no, please explain.

.....

18. Please indicate which vehicles you think new licences should be issued to in terms of wheelchair accessibility should the Council decide to issue more licences?

NB A Wheelchair Accessible Vehicle (WAV) is a vehicle that is specifically designed or adapted so that wheelchair passengers can remain seated in their wheelchair during the journey. These vehicles can cost considerably more to purchase than other types of vehicles that are used as taxis.

- Wheelchair accessible vehicles only (this would exclude saloon vehicles)
- A mix of both wheelchair and non-wheelchair accessible vehicles
- Unsure
- other

19. Please indicate the type of vehicles you think any new licences should be issued to in terms of emission standards should the Council decide to issue new licences:-

- Ultra low emission vehicles only - *These are defined as having less than 75 grams of CO2 per kilometre (g/km) from the tail pipe.*
 - Electric vehicles only
 - Vehicles that meet Euro 6 emission standard - *Euro 6 is an emission standard that applies to all new cars from September 2015 and is a lower standard than ULEV above.*
 - A mix of both electric and lower emission vehicles in recognition of the high cost and availability of wheelchair accessible vehicles.
 - Unsure
 -
-

20. Please provide any further comments about Cardiff taxis that you would like to make.

.....

21. What further support do you think should be offered to assist the taxi trade operating in the City?

.....

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Taxi Licensing Survey (Questions for those connected to the taxi trade in Cardiff)

Cardiff Council are carrying out a consultation on the lifting of restrictions that currently prevent them from issuing new taxi licences, and the introduction of a requirement that all taxis offer card payment facilities. Feedback is welcomed from the public, taxi trade and others.

Whilst the term 'taxi' is used widely by the public to refer to the hiring of a vehicle licensed to transport passengers in return for payment, this Survey relates only to those vehicles known as Hackney Carriages. In Cardiff these vehicles are usually black with a white bonnet and have a roof light. They generally work from taxi ranks or can be hailed in the street, unlike other licensed vehicles that must be booked over the phone or through a smartphone app (although Hackney Carriages are also permitted to work for an operator).

Since 2010, Cardiff Council have not issued any new Hackney Carriage plates/licences. This is called a moratorium which means that the only way to obtain a licence is by either renting or by purchasing a taxi with a licence that was originally obtained prior to 2010. Due to these restrictions, used licensed taxis command a premium which can act as a barrier to new entrants to the taxi trade and may stifle vehicle improvement, as money that would be spent on the vehicle is used to pay a premium for the licence. Cardiff is the only council in Wales to have a such restrictions on Hackney Carriage licences.

NB. The moratorium does not apply to private hire vehicles that are pre-booked via a company such as Uber.

In addition, the Council is also considering introducing requirements that all Hackney Carriage taxis provide facilities for card payments.

1.How are you responding to this survey?

- As someone that works in or is connected to the taxi trade in Cardiff.
- As a member of the public, business or organisation that uses taxis in Cardiff.

The following questions appear if you select someone that works in or is connected to the taxi trade in Cardiff.

2.Which of the following best describes you?

- I drive a Cardiff Hackney Carriage vehicle that I own
- I drive a Cardiff Hackney Carriage vehicle that I rent
- I drive a Cardiff private hire vehicle that I own
- I drive a Cardiff private hire vehicle that I rent
- I am a licensed private hire operator in Cardiff
- I own a business that rents out taxis in Cardiff

3.What is the year of registration of the vehicle that you drive?

- 2002 - 2004
- 2005 - 2007
- 2008 - 2010
- 2011 - 2013
- 2014 -2016
- 2017-2019
- 2020 -2022
- 2023

4.Do you think all taxis should be required to provide facilities for customers to make card payments?

- Yes
- No
- Maybe

5.Please provide any further comments you'd like to make about payment methods in taxis.

.....

6.Do you think Cardiff Council should lift restrictions and issue more new taxi licences?

- Yes
- No
- Not sure

7.If Cardiff Council were to start issuing new taxi licences, do you think any new licences should be restricted to certain types of vehicle?

- Yes
- No

8.If no, please explain.

.....

9. Please indicate which vehicles you think new licences should be issued to in terms of wheelchair accessibility should the Council decide to issue more licences?

NB A Wheelchair Accessible Vehicle (WAV) is a vehicle that is specifically designed or adapted so that wheelchair passengers can remain seated in their wheelchair during the journey. These vehicles can cost considerably more to purchase than other types of vehicles that are used as taxis.

Wheelchair accessible vehicles only (this would exclude saloon vehicles)

A mix of both wheelchair and non-wheelchair accessible vehicles

Unsure

10. Please indicate the type of vehicles you think any new licences should be issued to in terms of emission standards should the Council decide to issue new licences:-

Ultra low emission vehicles only - *These are defined as having less than 75 grams of CO2 per kilometre (g/km) from the tail pipe.*

Electric vehicles only

Vehicles that meet Euro 6 emission standard - *Euro 6 is an emission standard that applies to all new cars from September 2015 and is a lower standard than ULEV above.*

A mix of both electric and lower emission vehicles in recognition of the high cost and availability of wheelchair accessible vehicles.

Unsure

11. Please provide any further comments about Cardiff taxis that you would like to make.

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12. What further support do you think should be offered to assist the taxi trade operating in the City?

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**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 13 MARCH 2024

REPORT OF THE HEAD OF SHARED REGULATORY SERVICES

**VARIATION OF A SEX ESTABLISHMENT LICENCE – LOVECRAFT, COWBRIDGE ROAD
EAST, CARDIFF**

1. Background

1.1 Sex Establishment Licences are issued under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions), Act 1982. Any person who sells, hires, exchanges, lends, displays or demonstrates sex articles (including 18R videos/DVDs etc) or other items which are intended to stimulate sexual activity are required to have a Sex Establishment Licence. The Act refers to such premises as sex shops.

1.2 Under Paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, a licensing authority may make conditions restricting the hours of opening and closing. The Council's conditions for licensed sex shops includes the following conditions in relation to the times that they may trade:

6. Except with the previous consent of the Council a Sex Establishment shall not be open to the public before 9am and shall not be kept open after 11pm.

7. Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays, Good Friday and Christmas Day.

A copy of the Council's sex shop conditions is contained in Appendix A.

2. Details of the application.

2.1 An application for a Sex Establishment Licence in respect of Lovecraft, 80 Cowbridge Road East, was first granted by this Committee at its meeting on 5 September 2001. The operator is Mr Simon Sternchuss.

2.2 An application by Mr Sternchuss for permission to trade between the hours of 10.00 and 16.00 on the two Sundays that precede Christmas, and the Sunday before New Year was subsequently granted by this committee on 4 December 2007.

- 2.3 Mr Sternchuss has now submitted a request for permission to open every Sunday from 10.00 to 16.00 hours and on bank holidays. In support of this request, Mr Sternchuss feels that the current restricted opening hours are outdated, and the shop should be permitted to trade in line with other premises in the area.
- 2.4 Under Paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 a licensing authority may make conditions restricting the hours of opening and closing.
- 2.5 The grant of Sex Establishment Licences is regulated by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Paragraph 18 of the Act allows the holder of a licence to make an application for a variation of the terms, conditions or restrictions on or subject to which the licence is held. The authority may allow, amend or refuse the variation applied for. Where the variation is refused the applicant has the right of appeal to the Magistrates Court.

3. Considerations.

- 3.1 Sunday trading in England and Wales was not generally permitted until 1994. Shops such as department stores and supermarkets were not able to open although a number of specialist outlets could, including garden centres, small "corner" or family run shops, and chemists. The Sunday Trading Act 1994 enabled a shop with a floor area of 280 square metres or less to open on Sundays with no restrictions. If the shop has an area of more than 280 square metres it may open for not more than six hours, beginning no earlier than 10.00am and ending no later than 6.00pm. There are still some constraints on what can be sold (for example, alcoholic drinks), and Christmas Day and Easter Sunday have been excluded as trading days. This applies even to garden centres, which earlier had been trading over Easter.
- 3.2 The Deregulation (Sunday Dancing) Order 2000, amended the Sunday Observance Act to enable discotheques to provide entertainments involving dancing on Sundays and to make charges for admission on a commercial basis. The Order came into effect on 28 December 2000 and from that date premises with the appropriate licence could charge for admission to dances on Sunday.
- 3.3 Similar requests have previously been made to this committee and were subsequently granted. On 8 September 2009, the previously licensed sex shop located on 8 Mill Lane was granted permission to trade on Sundays and bank holidays.

4. Achievability

4.1 This report contains no equality personnel or property implications.

5. Legal Implications

5.1 There is a right of appeal to the Magistrates Court against any refusal to vary the conditions of licence.

5.2 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 eg. 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.

6. Financial Implications.

6.1 The licensing service is required to be self-financing with all expenditure being met from licence fees and charges which are reviewed periodically. The statute does not permit charging a fee for consideration of an application for variation of a sex establishment licence and this has been taken into account in setting appropriate licence fee levels.

7. Recommendation

7.1 That the application be considered and determined on its merits.

Helen Picton
Head of Shared Regulatory Services

18 January 2024

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

Background Papers:
Standard Licence Conditions for a Sex Establishment.

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CARDIFF COUNTY COUNCIL REGULATIONS FOR SEX ESTABLISHMENTS

Cardiff County Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 and of all other powers enabling them in that behalf make the following Regulations.

- Definitions**
1. (a) In these Regulations the following expressions that is to say “Sex Establishment”, “Sex Shop”, “Sex Cinema”, “Sex Article”, and “Vessel” shall have the meanings respectively assigned to them by Schedule 3 of the Act.
 - (b) In these Regulations the following expressions shall have the meanings hereby respectively assigned to them namely: -

“the Act” -	means the Local Government (Miscellaneous Provisions) Act, 1982.
“the Council” -	means Cardiff County Council.
“the licensed premises” -	means any premises, vehicle, vessel or stall licensed under the Act.
“Licence holder” -	means any person who is the holder of a sex establishment licence.
“Sex establishment licence” -	means a licence granted pursuant to Schedule 3 of the Act.
“Approval of the Council”	means the approval of the Council in writing under the hand of the Head of Regulatory Services or his nominated representative.
“Consent of the Council”	means the consent of the Council in writing under the hand of the Head of Regulatory Services or his nominated representative.
“Approved”	means by the Council in writing under the hand of the Head of Regulatory Services or his nominated representative.
- General**
2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
 3. The Council reserves the right to amend, delete or add conditions at any time if deemed appropriate.

4. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Third Schedule of the Local Government Miscellaneous Provisions) Act 1982. Whilst utilising the Licence the Licence holder shall take into account any legislation that impinges on the activities proposed.
5. The holder of a Sex Establishment Licence shall observe such regulations and conditions as may be approved by the Council from time to time for cinemas having a licence under the Cinemas Act 1985 as shall be applied by the Council by special condition to the Sex Establishment licence, giving such reference to the said Cinema Licence conditions as may be deemed appropriate and the regulations and conditions shall have the same force and effect as if the same were severally contained in these regulations.
- Times of operation**
6. Except with the previous consent of the Council a Sex Establishment shall not be open to the public before 9 a.m. and shall not be kept open after 11 p.m.
7. Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays, Good Friday and Christmas Day.
- Standard Conditions**
8. The Licensed premises shall not be used for any purpose other than the business of a Sex Establishment.
9. Where the Licensee is a body corporate or an unincorporated body any change of Director/Company Secretary or any other person responsible for the management of the body is to be notified to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.
10. The Licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his / her absence and of whom details (including photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the Premises during the whole time they are open to the public.
11. The name of the person responsible for the management of a Sex Establishment be he / she the Licensee or a manager approved by the Council shall be prominently displayed within the Sex Establishment throughout the period during which he / she is responsible for its conduct.
12. No person previously convicted of:
- an offence connected to a Sex Establishment either licensed or unlicensed
 - a sexual offence
 - an offence relating to the sale of restricted 18 videos may be employed at the premises or be involved in supplying entertainment or goods at the premises.

13. The Licensee and a responsible person approved under Regulation 11 shall maintain a daily register to be kept on the premises in which he / she shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his / her absence and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within thirty minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Council.
- Premises**
14. Copies of the licence and the conditions attached to the licence shall be clearly displayed so that every person entering the premises can see a copy of both the licence and the conditions.
15. The Licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the premises.
16. Any charge for entering the premises shall be clearly and legibly displayed outside the premises so that all persons can read it before entering the premises.
17. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Cardiff County Council, except for those signs or notices that are required to be displayed by these licence conditions.
18. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.
19. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
20. No window shall contain any sign, advertising material, goods or display likely to cause an offence to persons passing the window.
21. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex establishment.
22. The premises shall be maintained in good repair and condition.
23. All parts of the Premises shall be kept in a clean and hygienic condition to the satisfaction of the Council.
24. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
25. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
26. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the establishment who are disabled.

27. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge other than any initial entrance fee to the establishment and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
28. Warning signs as specified in the Indecent Displays (Control) Act 1981 must be clearly exhibited at the entrance to the premises.
29. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
30. No change from use as Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
- Safety**
31. The Licensee shall take all reasonable precautions for the safety of the public and employees.
32. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and or the South Wales Fire Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
- Conduct & Management**
33. The licensee shall maintain good order on the premises at all times.
34. No person under 18 years of age shall be admitted on the premises.
35. No tickets shall be sold and no admission money taken in a place to which members of the public, other than permitted customers of the Sex Establishment, have access.
36. The licensee shall ensure that the premises are not used by prostitutes (male or female) for soliciting or any immoral purpose.
37. Neither the licensee nor any other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the establishment.
38. No leaflet, card, paper, advertising sheet or similar matter promoting the establishment or any goods or service offered by the establishment shall be distributed in the vicinity of the establishment, unless authorisation/consent is first granted in writing by Cardiff County Council.

39. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint, which are associated with sexual activity, shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.
40. The licensee shall make staff available to ensure good order and free passage for customers on access and egress routes and car parks belonging to the licensee.
41. The licensee shall prevent the sale, display for sale or offer for sale of any article, goods or service on access or egress routes and car parks belonging to the licensee.
42. No dancing or other entertainment of a like kind shall be provided or permitted unless authorised by the Council.
- Goods available
in Sex
Establishments** 43. Only merchandise which is legally available in Great Britain from retail outlets, mail order companies or party planners may be sold, hired, loaned or supplied, displayed, advertised or demonstrated at the establishment.
44. No film or video shall be exhibited, sold, hired, loaned or supplied unless it has been (a) passed by the British Board of Film Censors and bears a certificate to that effect or (b) approved by the Council and complies with the Video Recordings Act 1984 and it is a reproduction authorised by the owner of the copyright.
45. All sex articles and other things displayed for sale, hire, exchange or loan shall be clearly marked to show the price being charged.
46. The licensee shall without charge, display and make freely available literature and contact names and telephone numbers of organisations and associations that give advice and counselling on matters relating to sexual problems, family planning and sexually transmitted diseases.
47. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire exchange or loan and a notice to this effect is to be prominently displayed within the Sex Establishment.

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