
CARDIFF'S TAXI SERVICES

Reason for the Report

1. To provide Members with a briefing on the way in which Taxi Services in Cardiff currently operate, the challenges that they face and to consider where improvements can potentially be achieved.

Background

2. The Council has the responsibility for acting as the Licensing Authority for taxi vehicles, taxi drivers and Operators in Cardiff. In doing this the Council has the responsibility for setting the conditions and issuing licences to ensure the vehicles used are safe and comfortable and that the drivers and Operators are fit and proper persons, medically fit, knowledgeable and free from relevant convictions.
3. There are two types of taxi licences in the UK, the Hackney Carriage Vehicle Licence and Private Hire Taxi Licence. The differences between the two types of licence are explained below:
 - **Hackney Carriage Vehicle Licence** – Hackney carriage licences are for vehicles which are licenced to "ply for hire". They are able to carry passengers for hire or reward; be hailed by prospective passengers in the street or park on a rank to await the approach of passengers. A Hackney Carriage must be driven by a driver who holds a Hackney Carriage driver's licence. Hackney Carriage Vehicles can be found at the ranks around Cardiff and can be hailed in the street. These vehicles have a roof light with the word TAXI on them. They have a yellow plate affixed to the rear and a smaller version affixed to the windscreen which

carry details of the expiry date, licence number and vehicle registration. Hackney Carriages in Cardiff are typically black with a white bonnet or are a traditional London taxi style.

There are currently 946 Hackney Carriage Vehicle Licences issued for Cardiff and the total number has been capped by the local authority.

In order to be licensed to drive either a Hackney Carriage or a Private Hire Vehicle you must hold a Taxi Drivers Licence. Within Cardiff as with many other local authorities in the UK, drivers are 'dual badged' in that they are licenced as both Hackney Carriage and Private Hire drivers.

The application forms for a Hackney Carriage Vehicle Licence and a Taxi Drivers Licence are attached in **Appendices 1 & 2** to this report. The full list of Hackney Carriage and Private Hire Licence fees is attached in **Appendix 3**.

The fares charged by Hackney Carriages within Cardiff are set by the Council through the schedule of 'Hackney Carriage Fares' which is attached to this document as **Appendix 4**. All journeys which start and end within Cardiff must be recorded by meter, i.e. the meter should be switched on at the start of the journey and record the entire journey. Journeys to areas outside of the city are not subject to the schedule of 'Hackney Carriage Fares' and the fare arrangement is agreed between the driver and passenger.

- **Private Hire Taxi Licence** – These are issued for Private Hire Vehicles (often also referred to as 'minicabs'). A Private Hire Vehicle cannot ply for hire or stand in a rank. It must be pre-booked with a Licensed Private Hire Operator either by telephone or increasingly via a telephone app. The vehicles have door signs which state "Advanced bookings only". They have a yellow plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration. These vehicles are not insured to "ply for hire".

To operate a Private Hire Vehicle in Cardiff (and within all other locations across the United Kingdom) a vehicle will need to be covered by a 'Private Hire Operators Licence'.

'Private Hire' is not governed by a schedule of fares and the fee is agreed between the 'Private Hire Operator' or 'Private Hire Driver' and the customer. '.

There are currently 1,289 active Private Hire Taxi Licences and 80 Private Hire Operators Licences issued for Cardiff. The Council cannot place a cap on the number of private hire licences that it issues.

4. Recent developments within the taxi hire business are the arrival of new forms of business models where customers use online apps to access taxi services. Uber is an American technology company that develops, markets and operates the Uber car transportation mobile app across the world. The Uber car transportation mobile app is used by owner drivers in the United Kingdom. They charge a fee of 25% of the fare provided through their app and all payments are dealt with electronically through the Uber billing system. When a customer requests a taxi journey through the app the details are placed onto the platform and Uber drivers are given the opportunity to bid for the fare; the customer then has the option to agree or decline one of the offers.
5. Private Hire Operator Licences are issued for a maximum of five years and the licence for Uber was issued in 2016 and runs until 2021.

Cardiff Taxi Driver Code

6. The Council, in association with the taxi trade has created a document titled 'Cardiff Taxi Driver Code – Our Promise to our Passengers'. This code explains that Cardiff taxi operators and drivers are firmly committed to offering the highest levels of service to all our passengers and promise the following:
 - Drivers will be clean and tidily dressed, with their badge visible at all times;
 - Drivers will greet passengers in a friendly way and offer reasonable help with their luggage at both ends of the journey;
 - Drivers will take all reasonable steps to assist disabled passengers;

- Passengers can expect their taxi to be clean, safe and well maintained, with a working taximeter;
- It will be clear from outside the taxi that it is for hire. If indicated that the taxi is for hire, this means that the vehicle is ready to be hired by anyone, wherever their journey within the city;
- Drivers will not discriminate against passengers for any reason or turn passengers away without good reason;
- Current fares will be displayed in the taxi. The driver will use the meter on all journeys within Cardiff;
- If going outside the city, the driver and passenger will agree the fare before setting off, to avoid disputes;
- Passengers will be able to expect their driver to drive safely and within the law, for example, not using a mobile phone while driving;
- Passengers will be able to expect their driver to be familiar with all the city's hotels, attractions, entertainment and sports venues, and take the most direct routes to them.

7. Licensed taxi drivers can expect passengers to:

- Treat licensed vehicles and drivers with respect;
- Provide clear details of the proposed journey and their destination;
- Be in a fit state to travel. If not they may be refused carriage;
- Have sufficient means to pay for the journey about to be undertaken;
- Not smoke whilst in a licensed vehicle;
- Behave in a civil manner. Drivers have the right to turn away passengers who are abusive or aggressive.

Welsh Government Taxi Consultation 2017

8. The United Kingdom legislation surrounding taxis is currently in the process of being devolved to the Welsh Government. Much of the legislation surrounding operating taxis is 200 years old and so the Welsh Government is currently reviewing its options around future arrangements.

9. The Welsh Government has based its consultation exercise on the recent Law Commission review into the law governing taxi and private hire vehicles. This made 84 recommendations, many of which are reflected in the Welsh Government's proposals for reform. They include:
- The introduction of national standards for all taxis and private hire vehicles, set by the Welsh Ministers;
 - Local licensing authorities able to set additional licence conditions where appropriate and remain responsible for issuing licences and enforcement;
 - Private hire vehicles licencing to include novelty vehicles and stretch limousines, but wedding and funeral cars would continue to be exempt;
 - Providers being able to work across local authority borders more easily with licensing officers provided with new enforcement powers to deal with vehicles and drivers licensed in different areas;
 - Tougher penalties on touting are also proposed (actively soliciting customers), including impounding vehicles;
 - Local licensing authorities retaining the right to limit the number of taxis working in their licensing area;
 - Improved arrangements for regulating fares.
10. The Council was asked to submit a response to this consultation exercise which finished on the 7th September; a copy of which has been attached to this report as **Appendix 5**.

Hackney Carriage Vehicle Licence Limitation & Industry Consultation 2016

11. Cardiff's Public Protection Committee received a report titled 'Hackney Carriage Vehicle Licence Limitation' at its meeting on the 6th December 2016; a copy of this report has been attached as **Appendix 6**.
12. In December 2013 the Public Protection Committee resolved to continue the moratorium placed upon the granting of new Hackney Carriage Vehicle Licences as it was satisfied that there was no significant unmet demand in the city. The moratorium was originally implemented in 2010.

13. In its Best Practice Guidance the Department for Transport recommends that where local authorities impose a limit on the granting of Hackney Carriage Vehicle Licences, an independent survey should be undertaken at no more than three yearly intervals to assess the current levels of demand. In 2016 AECOM Ltd were commissioned by the Council to undertake an independent survey of Cardiff's taxi demand in February 2016.
14. The overall recommendation of the AECOM report was that there is no significant unmet demand for Hackney Carriages in Cardiff and that the current moratorium on the granting of new hackney carriage vehicle licences should be maintained.
15. Under section 16 of the Transport Act 1985 a local authority has a discretion, but no obligation, to refuse the grant of a Hackney Carriage Vehicle Licence if, it is satisfied there is no significant unmet demand for the service of Hackney Carriages, within the area to which the licence would apply. This discretion only applies to Hackney Carriage Vehicles and cannot be used to restrict the number of Hackney Carriage driver's licences or private hire vehicle / driver's licences issued.
16. To assess the level of unmet demand the independent survey considered the following points:
 - The length of time that would-be customers have to wait at ranks;
 - Waiting times for street hailings and for the telephone bookings;
 - Latent demand, for example, people who have responded to long waiting times by not even trying to travel by taxi;
 - Peaked demand, it is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985;
 - Consultation with all those concerned, including user groups, the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes;
 - Publication, all the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why.

17. The AECOM survey consisted of a number of smaller separate surveys aimed at different groups and issues. The issues identified in the three main sub surveys are set out below:

- **Taxi Rank Survey** - AECOM completed a comprehensive survey of hackney carriage use at Cardiff's 13 official ranks and five unofficial ranks (ranks used on a temporary informal basis by the Trade). The surveys were undertaken over a four month period from March 2016 and June 2016, and a total of 1020 hours of observations were carried out.

The survey identified that across all days of the week the average taxi supply significantly exceeds the average passenger demand. The average passenger delay was calculated across all ranks. Only four official ranks and one unofficial rank showed an average passenger delay at all.

- **Public Attitude Survey** - AECOM conducted a public attitude survey to supplement the rank surveys. The aim of the survey was to obtain information on the public's use of licensed vehicles, and assess their level of satisfaction with the service they received. In total, 733 public attitude surveys were completed. The public were asked questions about their use of hackney carriages/private hire vehicles such as the reason for use and the cost of their last trip. The majority responded that their last trip was for leisure purpose. The majority (approx. 12%) of those surveyed stated that their last trip cost between £9 and £10. The majority of those surveyed rated their last trip as 'good' in terms of driver quality, 'average' in terms of price and 'average' in terms of waiting time.

57% of respondents stated that they felt safe using licensed vehicles in Cardiff, 29% said they did not feel safe and 14% didn't answer the question. Those that responded and stated they did not feel safe were asked to comment on how safety could be improved. The highest ranked answer was for increased police presence at pick up areas.

The public were asked if they felt there was sufficient availability of Hackney Carriages in Cardiff. There was a fairly even split with 36% of respondents stating there are sufficient numbers and 44% saying they didn't know, only 8% said there

were insufficient numbers of taxis.

- **Driver & Proprietor Attitude Survey** - Surveys were sent to all licensed drivers and Hackney Carriage & Private Hire Vehicle proprietors. There was an overlap in some responses as some proprietors were also drivers. The survey shows that the average number of hours worked per week by Hackney Carriage drivers is around 40 hours, compared with around 45 hours by Private Hire drivers. The majority of these hours worked by both Hackney Carriage and Private Hire drivers is during the daytime (weekdays).

Hackney Carriage drivers were asked which three ranks they visit most frequently, the top answers were St Mary Street, Greyfriars Road/Hilton Hotel and Park Place. The average waiting time for a Hackney Carriage to obtain a fare was stated as over 15 minutes.

The majority of Hackney Carriage respondents (56%) stated that their vehicle was wheelchair accessible, whereas 93% of Private Hire respondents stated that their vehicle was not wheelchair accessible. Despite this the number of disabled passengers carried by Private hire vehicles was relatively high.

The last question of the driver's survey asked whether drivers had been attacked in the last 12 months, whether physically or verbally. Approximately half of Hackney Carriage drivers stated that they had been verbally attacked in the last 12 months and 13% stated that they have been physically attacked. This compares to 65% of Private Hire drivers stating that they have not been attacked in the same period.

The vast majority of respondents to both surveys stated they felt there were too many Hackney Carriage Vehicles in Cardiff, and most felt that a limit should be set at the current number.

Way Forward

18. Councillor Jackie Parry is the Chair of the Public Protection Committee and Councillor Michael Michael the Cabinet Member for Clean Streets, Recycling & Environment have been invited to attend for this item. They will be supported by officers from Shared Regulatory Services and the City Operations Directorate.

Legal Implications

19. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. 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. Scrutiny Procedure Rules; (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.

Financial Implications

20. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- i. Note the contents of the attached report;
- ii. Consider whether they wish to pass on any comments to the Cabinet following scrutiny of the item titled 'Cardiff's Taxi Services'.

DAVINA FIORE

Director of Governance & Legal Services

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