

PUBLIC PROTECTION COMMITTEE

6 NOVEMBER 2018

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

12 : APOLOGIES FOR ABSENCE

Apologies were received from Councillors Ali, Murphy and Williams

13 : DECLARATIONS OF INTEREST

No declarations of interest were received.

14 : MINUTES

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

15 : PRESTIGE VEHICLE APPLICATION

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

16 : PRESENTATION FROM DISABILITY RIGHTS ACCESS GROUP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 : CARDIFF HACKNEY CARRIAGE ALLIANCE - APPLICATION FOR RECOGNITION

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

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

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

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

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

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

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

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

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

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

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

19 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 12.00 pm