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CF10 4UW  
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Mr Mathab Khan



9<sup>th</sup> June 2016

Dear Mr Khan

I have been asked by Elected Members of the Council and the Chief Executive to respond to your e-mail correspondence dated:

- 6<sup>th</sup> June 2016, entitled *“Under which Act Cardiff Council has delegated power the councillors to act as the Commissioners, as referred in 1847 Acts Chapter 89 and are these Councillors trained to be qualified to act as a commissioners”*
- 6<sup>th</sup> June 2016, entitled *“Why Cardiff Council is paying 5 times more to its staffs than the recommendation agreed by the National Association of Local Councils”*.
- 6<sup>th</sup> June 2016, entitled *“Stereophonics was in Cardiff on last Saturday evening, But none of the licensing officers was out working as a result 40% of our fares to PH drivers”*

I will try and deal with each piece of correspondence in turn.

From your correspondence, it would seem that you are referring to the Public Protection Sub-Committee since you refer to *“only three Councillors”*.

If that is the case then your reference to the Town Police Clauses Act 1847 is incorrect; it should be the Local Government (Miscellaneous Provisions) Act 1976. That Act is adoptive and it was adopted by the Council's predecessor authority in 1978. More recently it was re-adopted by the Council at the Cabinet meeting of 16<sup>th</sup> January 2014, coming into effect on 24<sup>th</sup> February 2014.

Under the Council's Constitution, matters pertaining to the licensing of hackney carriage and private hire drivers are within the terms of reference of the Public Protection Committee. The Public Protection Committee has power under Section 101(2) of the Local Government Act 1972 to further delegate to a Sub-Committee. On 7<sup>th</sup> August 2012, it did so in respect of its powers to licence and discipline drivers. Councillors undertaking duties on the Public Protection Sub-Committee are required to undergo training before they take part in any disciplinary hearings.

Please reply to:

Head of Regulatory Services, Room 208, City Hall, Cardiff, CF10 3ND



Your query on the payment of licensing officers is a matter you have raised previously, when you responded to the Councils consultation on the setting of hackney carriage licence fees in February this year. The rationale for the figures was explained at the Public Protection Committee on 9<sup>th</sup> February and reiterated at the Public Protection Committee 12<sup>th</sup> April 2016. These reports have been supplied to you on previous occasions. I will, for completeness, set that out again.

The hourly rates described in your email are not those officers' rates of pay. The hourly rates quoted in the committee report comprise the following elements:

- The basic hourly pay for licensing officers
- National insurance & superannuation contributions
- The total general licensing expenditure, (e.g. accommodation costs. Support services etc.), divided by the number of employees involved in the process of administering and issuing licences.

This method of setting licence fees has been agreed by the Wales Licensing Expert Panel and is used by many other local authorities across the UK. I am unsure why you continue to refer to a requirement that licensing officers "*wages must not exceed minimum wages*".

Your assertion that licensing officers were not working on 4<sup>th</sup> June is refuted. Licensing officers were on duty on that evening. You previously raised this matter of licensing officers not working at weekends on 24<sup>th</sup> March 2016. I provided a response to you on 6<sup>th</sup> April 2016. I will reiterate that once more. We endeavour to have officers out every Friday and Saturday where possible. During major events, other licensing matters also need to be monitored. Any private hire drivers "waiting" in the City Centre will be questioned by an officer who will ascertain why the driver is there i.e. waiting for a fare, on a break, not working etc.

Finally, I have also taken the opportunity to apprise members of our earlier correspondence indicating that the Council would no longer recognise the Cardiff Hackney Carriage Association as a representative of the Trade following your failure to provide evidence of its status as such.

Yours sincerely



**Dave Holland**  
**Head of Shared Regulatory Services**

Please reply to:

Head of Regulatory Services, Room 208, City Hall, Cardiff, CF10 3ND