



Fy Nghyf / My Ref: CM38622

Dyddiad / Date: 7th November 2017

Councillor Ramesh Patel
C/O Member Services
County Hall
Atlantic Wharf
Cardiff
CF10 4UW

Annwyl/Dear Councillor Patel

Environmental Scrutiny Committee - 3rd October - Cardiff Taxi Services

Thank you for your correspondence regarding the above matter addressed to Councillor Parry and myself. We would respond as follows:-

Fixed Penalty Notices

Taxis are allowed to drive in bus lanes in Cardiff and therefore there are no fixed penalty notices associated with this offence.

In relation to parking, no taxi has been enforced in 2016/17 and 2017/18 for parking in the bus lane as there needs to be a 5 minute observation period for the offence and taxi drivers are in their vehicles so drive off when approached.

Blocking Bus Lanes

Blocking of bus lanes is a concern. There are a number of options that could be taken:

- a. Stop allowing taxis to utilise bus lanes in areas of concern.
- b. Create red routes as part of a wider City Centre strategy to keep bus lanes and roads free of vehicles dropping off. These roads could then be enforced by the camera car.

The current Traffic Regulation Orders do not allow us to enforce the blocking of bus lanes by taxis apart from by manual parking enforcement.

To date no taxi drivers have had enforcement action taken against them for parking in bus lanes. Where appropriate, repeated traffic violations can be placed before the Public Protection Sub- Committee for review and action in accordance with the 'fit and

ATEBWCH I / PLEASE REPLY TO :

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proper person' criteria. Officers would consider this approach if the circumstances warrant it .

Taxi Complaints

Road traffic complaints are taken into consideration by the Licensing Section and Public Protection Sub-Committee when making decision as to whether an applicant/existing driver is a 'fit and proper' person to hold a licence.

A section on motoring convictions included in the Council's 'Fitness Criteria for Drivers and Operators'

The Licensing section does not have the power to investigate road traffic complaints directly but can liaise with the police on such matters.

Clarification was sought regarding the complaints procedure. For matters concerning breaches of legislation or conditions the complaint will be investigated and where appropriate legal action will be taken against the driver, usually in the Magistrate's Court. This does require any witnesses involved to appear in Court in cases of a not-guilty plea. As these are legal proceedings the Licensing Section is constrained as to how it make any changes to the process as the collation of evidence and presentation of the case must be completed in a prescribed manner to ensure realisation of a successful prosecution.

Complaints that concern the driver's behaviour or conduct tend to be referred to the Public Protection Sub-Committee. Although the process is not quite as onerous as the prosecution process, there must still be the careful collation and presentation of evidence to ensure a fair hearing. Witnesses are required to attend Committee to give their evidence. However the Licensing Section has recently looked at other means of providing this such as live Skype when it is difficult for the witness to attend.

The driver has the right of appeal to the Magistrates Court in the event that their licence is suspended or revoked.

Little weight can be given to a witness's written statement if the witness does not attend the Committee hearing and it is likely that the Committee will not be able to take any further action against the drivers. In 2016 a driver successfully appealed the suspension of his licence as the Magistrates felt the Council's decision was unreasonable as the witness hadn't attended Committee and awarded costs against the Council.

Officers from the Licensing section would however welcome the opportunity to sit down with the Member concerned to discuss their experience and review processes where we can in light of his comments.

Taxi Spot Checks

Licensing Enforcement Officers undertake checks of taxis drivers and vehicles 6 days a week, and this includes weekend and evening work.

The Licensing Team has recently invested in technology that allows Officers to check the Licensing database on site to compare the driver/vehicle licence with the information on the database, including the driver's photo. All licences are also now issued with a unique barcode to reduce fraud and aid the checking system.

There is currently no evidence to suggest that unlicensed drivers/vehicles are working in Cardiff.

The Licensing Section are also working towards providing a 'Public Access' system which will allow members of a public to check the Council's website to see whether a driver or vehicle is licensed.

Mystery shopper exercises will continue to be used to identify problems such as refusal of fares, overcharging and flimping (private hire driver's illegal plying for hire). It is however very expensive to run these exercises and the costs cannot be recovered by licence fees. The Licensing Section have limited budget for this type of work.

Common Taxi Policies

It is confirmed that the Licensing section will wherever possible work towards employing standard policies across the Shared Regulatory Service area. The Licensing Service now employs a Policy Officer that works across all 3 areas and has so far introduced standard policies such as the Hackney Carriage Intended use policy.

In relation to the questions you have raised regarding the use of Taxi Marshals we are advised that a separate response is currently being prepared which will be forwarded directly to you by the Operational Manager, City Centre Management.

I trust the above is of assistance.

Yn gywir
Yours sincerely



Cynghorydd / Councillor Michael Michael
Cabinet Member for Clean Streets, Recycling & Environment /
Aelod Cabinet dros Strydoedd Glân, Ailgylchu a'r Amgylchedd



Cynghorydd / Councillor Jacqueline Parry
Chairperson for Licensing & Public Protection Committee
Cadeirydd y Pwyllgor Trwyddedu a Gwarchod y Cyhoedd

