



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

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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



Fy Nghyf / My Ref: CM38600

Dyddiad / Date: 6th 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 - Food Hygiene And Taxis

Thank you for your correspondence regarding the above. I would respond as follows:-

In relation to the first two bullet points namely Managing the Food Hygiene in Cardiff and Income Generation we are grateful for your comments and observations in relation to these matters. The SRS management team face a difficult task in managing limited resources and an ever increasing workload; we know the officers will appreciate your findings.

Joined Up Working

Your comments and suggestions in relation to further joined up working with other Council departments were noted by the service and arrangements are currently being made to ensure processes with the council's planning department are aligned to ensure the food service is notified of a new food business or a change of use to include food at the earliest opportunity.

Extending the Food Hygiene Rating Scheme

The Food Hygiene Rating (Wales) Act 2013 and its associated regulations came into force in November 2013, establishing a mandatory food hygiene rating scheme for Wales and requiring food businesses to clearly display their food hygiene rating at their premises. This scheme is designed to help consumers choose where to eat out or purchase food. The Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016 came into force in November 2016. The requirements apply to businesses that supply takeaway food directly

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to consumers. If a takeaway leaflet, flyer or menu shows food for sale, the price and a way of ordering the food without visiting the business it must include the bilingual English and Welsh statement. The following bilingual statement must be included:

Ewch i food.gov.uk/ratings i ganfod sgôr hylendid bwyd ein busnes neu gofynnwch inni beth yw ein sgôr hylendid bwyd wrth archebu./ Go to food.gov.uk/ratings to find out the food hygiene rating of our business or ask us for our food hygiene rating when you order.

If however a business also chooses to display their rating it must be a valid rating and in the form set out below:



The rating must be displayed in a conspicuous place on the materials, and if more than one premises is being promoted you must make it clear to which business the rating relates.

We agree with your comments that the food hygiene rating scheme has had a positive impact on raising public awareness and food hygiene standards in Cardiff. The Food Hygiene Rating Scheme is currently being reviewed and audited by the Food Standards Agency as to its effectiveness. As suggested within your letter the service will respond to consultations on such matters and convey the scrutiny committees view as the positive impact and suggested extension of the scheme.

Targeted Food Hygiene Events

Your comments in relation to further food hygiene events targeting a "hard to reach group" within Cardiff are noted by the service. We have asked the officers to review the proposal to determine how this would be delivered and we are able to give a commitment to a further event.

With regards to your queries regarding taxi services, these have been responded to in a separate letter by both myself and Councillor Parry.

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, Ailgyrchu a'r Amgylchedd