

CEREDIGION COUNTY COUNCIL

Report to: Licensing Committee (Non-Statutory Committee)

Date of meeting: 21 March 2024

Title: General Update

Purpose of the report: To update members on the work undertaken by the Licensing Team (and Public Protection) since the last committee meeting.

Background

This report is to update the committee on the work of the Licensing Team in relation to its other functions that sit under the non-statutory licensing committee.

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

Since the last committee meeting (5th October 2023), twenty-three complaints have been received in relation to Hackney Carriage and Private Hire vehicles and drivers. Complaints received include allegations of overcharging/misuse of taxi meter, poor attitude of a Hackney Carriage and Private Hire drivers, taxi operators complaining about poor attitude of other licensed drivers, drivers not displaying the required operator signage, unlicensed vehicle being used as a hackney carriage, misleading advertising. The drivers/operators involved in respect to these complaints, were identified and spoken to by officers. Formal warnings were issued, where appropriate.

DELEGATED DECISIONS

There have been two separate issues that have been dealt with by means of Corporate Lead Officer delegated decision since the last Licensing Committee.

1. The CLO considered one report in relation to a Hackney Carriage/Private Hire dual driver licence in respect of a driver who failed to submit a medical certificate completed by a General Practitioner. The licence was suspended with immediate effect in the interests of public safety.
2. The CLO considered one report in relation to a Hackney Carriage and Private Hire driver's licence, following the Licensing team being made aware of information from the Police concerning serious allegations. The decision made was to revoke the licence with immediate effect in the interest of public safety.

LICENSING PANEL HEARINGS

There have been 3 licensing panel hearings held since the last Licensing Committee. These hearings are illustrated in the below table.

Application Type	Decision	Date of Hearing and Decision
LA03 Application	Refused	10/10/2023
Taxi Driver	Refused	17/11/2023
Taxi Driver	Refused	27/2/2024
Taxi Vehicle	TBD	25/3/2024

ANNUAL PERFORMANCE

During the period 01/02/2023 – 31/01/2024 the Licensing Team has continued to receive and process a large number of licensing applications, renewals and transfers and amendments to licences. The team also investigates complaints involving the wide variety of licensing areas they are responsible for. In addition, the team receive and process a large number of Freedom of Information requests (FOI's), which often requires a certain amount of research and preparation in order to provide a response.

A summary of the number of licence applications and service requests is attached as Appendix A.

INTERNAL AUDIT

Following an audit conducted by the Council's Internal Audit Team of taxi licensing procedures, the Licensing Team was advised that the Service should include information regarding data handling in all its policies. To address this, the Service will take the following actions:

- As an interim measure, the Service has published a privacy notice (see Appendix B) specifically relating to how we handle data when processing taxi licences alongside the current taxi policy on the Council's Licensing webpages until a full review of the current Hackney Carriage and Private Hire Licensing Overarching Policy has been concluded;
- For policies that do not require a full review during 2024/25, the Service will raise the matter at the next Licensing Committee and seek approval to make a minor addendum to such policies. The licensing policies to which this point relates are as follows: Statement of Licensing Policy 2012-2026, Film Classification Policy, Policy for the Regulation of Street Collections and House to House Charitable Collections, and the Scrap Metal Dealers Act 2013;
- In the case of policies scheduled for review during 2024/25, a data handling statement/notice will be incorporated into the revised policies during the review process. These policies are: Statement of Gambling Policy 2022 – 2025, Hackney Carriage and Private Hire Licensing Overarching Policy and Conditions.

OTHER MATTERS OF INTEREST

Other Voices, Cardigan 2023

Event Details: The annual Other Voices event was held for the 4th time this year in Cardigan and was officially opened by the First Minister Mark DRAKEFORD. Other voices is a renowned international music festival, that celebrates music at a global scale, attracting musicians of the highest calibre to perform in all kinds of intimate and atmospheric settings, from its home in Dingle, Ireland to musical meccas such as Austin, Texas. The festival is a celebration of age-old connections and deep cultural understandings between Wales and Ireland

Headline music acts performed in St Mary's Church, Cardigan on Friday 27th & Saturday 28th with a number of other musicians performing in venues all around the

town centre during the afternoon, evening and into the night on all three days as part of the Music Trail.

After a one-off registration fee of £25 per person, rising to £35, admission to all Music Trail venues and Clebran sessions was free. All those who registered were automatically entered into a draw to win much sought after tickets to the headline acts in St Mary's Church and also competition prizes donated by local businesses.

Other Voices Cardigan was staged with the support and investment of Welsh Government and The Department of Culture, Heritage and the Gaeltacht, and was produced by South Wind Blows in partnership with Theatr Mwldan and Triongl. The event was filmed by Triongl for later broadcast on S4C.

There were four main strands to the Other Voices Cardigan festival:

Music Trail - over 40 artists appeared across the three days in venues around Cardigan town centre (around 80 performances in total). Entry to each venue was on a first come first served basis.

Church events - eight headliners performed in St Marys church in four sessions (2 separate sessions per night, each with 2 artists per session, on Friday and on Saturday). These performances were live streamed online and filmed for later broadcast on TV.

Streaming – St Mary's Church sessions were simultaneously streamed to the cinema screen (Mwldan 1) at Theatr Mwldan. These performances were live streamed online across the world, and filmed for later broadcast on TV on S4C and RTÉ.

Clebran - a series of five talks and discussions sessions took place during the afternoon on Thursday (2), Friday (1) and Saturday (2) in Mwldan 2.

MUSIC TRAIL VENUES

Main 6 Larger Venues

Pizza Tipi Coal Yard - Capacity 200.

Small World Theatre - Capacity 190.

Cardigan Castle Pavilion - Capacity 190.

Mwldan 2 - Capacity 249.

Mwldan 4 - Capacity 100.

Cellar Bar - Capacity 100.

4 Smaller Venues

Crwst - Capacity 76 + few standing.

Bar 45 - Capacity 50.

Stiwdio 3 - Capacity 90 Seated + 100 standing.

Canfas - Capacity 40.

Clebran: Clebran operated as a series of carefully curated talks with artists, broadcasters, creatives and politicians which ran alongside the event, sparking enriching, lively conversations about perception of the world, language and culture. These sessions took place in Mwldan during the daytime across the three days.

Event planning: The event has been annually reviewed and licensing officers and the police licensing officer met again with the organisers before this event. During discussions the previous year's event was discussed and details of security and stewarding arrangements were discussed. Other areas discussed were event safety plans, and a review of the event safety plans were carried out and checks carried out ensuring that the certification for new food outlets was complete and correct.

The event was held without incident however one noise complaint was received following the conclusion of the festival.

Recommendation(s):	That Members note and comment on the contents of this report, and approve the necessity to amend the licensing policies to implement the recommendations made by Internal Audit.
Reason for recommendation	To advise elected Members of activity undertaken by the Licensing Section since the last Committee meeting and other relevant information.
Policy Framework:	The statutory functions delivered by the Licensing Team is a fundamental element of Public Protection policy framework.
Corporate Priorities	Boosting the economy, supporting businesses and enabling employment
Finance and procurement implications:	Within budget
Service Area	Policy, Performance and Public Protection
Statutory Powers:	Local Government (Miscellaneous Provisions) act 1976
Background Papers	None
Corporate Lead Officer:	Alun Williams (Policy, Performance and Public Protection)

Reporting Officer:

Anne-Louise Davies (Trading Standards & Licensing Manager) and Gareth Rees (Senior Licensing Officer).

Date:

1 March 2024

Appendices:

A: Licensing Team workload update
B: Data Handling and Privacy Notice

APPENDIX A: The number of licence applications granted between 1/2/23 – 31/1/24

Types of Licences	1/2/23 – 31/1/24	Previous Yr
Taxi / Private Hire Vehicle	152	138
Dual Driver	50	76
Private Hire Operator	7	4
Animal Boarding	7	8
Home Boarding	6	7
Dangerous Wild Animals	0	0
Pet Shop	1	1
Dog Breeding	25	32
Riding Establishments	4	5
Zoos	0	0
Performing Animals - New	2	3
Caravan Control & Development Act 1960	2	3
Mobile Homes Act Applications	1	5
Special Procedures	11	3
Petroleum	10	6
Explosives	5	3
Film Classification	7	10
Scrap Metal Dealer	5	6
House to House Collections	9	9
Street Collections	33	20
New Premises Licence Applications	17	23
Renewal of Premises Licence	388	355
Full Variation of Premises Licence	0	3
Minor Variations	3	2
Transfer of Premises Licence	5	2
Temporary Event Notices	218	277
Personal Licences (New)	37	51
Personal Licence change of details	21	18
Reviews	5	3
Vary DPS	16	22
New Gambling Premises	2	2
Gambling Act Renewals	10	14
Occasional Use Notices	8	7
Registered Lotteries	96	78
Other Gambling permits/licences	8	5
Number of Service Requests/Complaints	532	632
Number of Inspections of premises/vehicles	189	62
Total	1892	1895

APPENDIX B: Data Handling and Privacy Notice



Cyngor Sir
CEREDIGION
County Council

Date Created: 13/2/2024
Date Published: 13/2/2024
Version No: 1

Service Area: Public Protection

Work Area: Licensing

Contact Details: 01545 570881
publicprotection@ceredigion.gov.uk

Privacy Notice Name: Taxi applications in accordance with Local Government (Miscellaneous Provisions) Act 1976 & Town Police Clauses Act 1847.

Description of Privacy Notice: This privacy notice will explain how Ceredigion County Council will use the information you provide about yourself if you make an application for Hackney Carriage / Private Hire Driver, Hackney Carriage / Private Hire Vehicle or Private Hire Vehicle Operator licence.

How we will use your information

Purpose and legal basis for using your information

Purpose of processing

The information you provide is used to process your application(s) for hackney carriage/private hire vehicle driver's licence, Hackney Carriage or Private Hire Vehicle licence and Private Hire Vehicle Operator's licence. This information will be used to determine your or your vehicle's suitability / continued suitability for the purposes of licensing.

We also have a legal obligation to maintain public registers in accordance with above legislation. If relevant the following information of yours will be contained on a public register:

- Name, licence number:
- Date and period of licence granted (private hire vehicle driver's licence only)

Your information will also be used for the purposes of statutory returns, compliance and customer service reviews.

Source and categories of personal data

In addition to the information you provide, we may also obtain information to determine your or your vehicle's suitability / continued suitability for the purposes of licensing from other sources such as other local authorities that you may have previously held a license with or the Police.

Legal basis for processing

There is a public task obligation to process your information detailed below:

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847.

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

1e. processing is necessary for the performance of a task carried out in the public interest or in
the exercise of official authority vested in the controller;

Data Protection legislation provides extra protection for certain classes of information called 'special personal data'. If any information falls within the definition of special personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

Data Protection Act 2018 – Schedule 1 / Part 2

- 6 (1) This condition is met if the processing—
- (a) is necessary for a purpose listed in sub-paragraph (2), and
 - (b) is necessary for reasons of substantial public interest.
- (2) Those purposes are—
- (a) the exercise of a function conferred on a person by an enactment or rule of law;
 - (b) the exercise of a function of the Crown, a Minister of the Crown or a government department.

Data Protection legislation also provides extra protection for personal data in relation to criminal convictions and offences. If any personal data falls within this category, then an additional condition from Article 10 of the Regulations must be identified.

The condition above is both an Article 9 and Article 10 condition for processing.

Who will have access to your information

Identity of Data Controller and Data Protection Officer

The Data Controller for your information is Ceredigion County Council.

The Data Protection Officer can be contacted at:

Data Protection Officer,
Ceredigion County Council,
Canolfan Rheidol,
Aberystwyth, SY23 3UE

Email: data.protection@ceredigion.gov.uk

Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

Details of main users of your information

The main user of your information will be the Licensing and Trading Standards Team, who will be supported with legal advice from CCC's Legal Services.

Where applications for licences cannot be determined by officers under delegated powers, applications are determined by a Sub-Committee made up of elected members.

We also have a legal obligation to maintain public registers in accordance with above legislation. If relevant the following information of yours will be contained on a public register:

- Name, licence number:
- Date and period of licence granted (private hire vehicle driver's licence only)

Details of any sharing of your information within Ceredigion County Council

We may share your information with the following service areas:

- Transport Services and Social Services for the purposes of the protection of the public, including children and vulnerable adults
- Council Tax and Housing Benefits for the purpose of the detection and prevention of fraud on the public purse

Details of any sharing of your information with other organisations

Your information may be shared where there is a legal basis for doing so with the following organisations:

- Insurance Companies/Providers
- Other Local Authorities, this may include sharing detailed information with other local authorities in relation to the reason for our refusal / revocation,
- Your Doctor,
- Other statutory authorities for example and not limited to Her Majesty's Revenue and
- Customs (HMRC), Cabinet Office, Home Office, Audit Commission, Department for Transport, Department for Work and Pensions, DVSA, Disclosure and Barring Service (DBS), Police or similar agency, where sharing your data is necessary.
- Other public bodies or organisations using data matching techniques to collect taxes, detect and prevent fraud on the public purse or to assist in the investigation and detection of crime, the prosecution of offenders, protection of property and to maintain law and order, such as the National Fraud Initiative.
- We may also be required to share your personal information with the Police, or similar agency, or another Council for the purposes of preventing and detecting fraud.
- National Register of Taxi Licence Revocations and Refusals (NR3) for the purpose of sharing information regarding driver licence revocations and refusal of applications

Requests for information

All recorded information held by Ceredigion County Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Data Protection Act 1998.

If the information you provide is subject to such a request, where possible Ceredigion County Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

How long will we retain your information

Details of retention period

How long Ceredigion County Council retains information is determined through statutory requirements or best practice.

In accordance with the Council's Data Retention Policy information is retained as follows:

- Hackney Carriage/Private Hire Vehicle Driver – Licence relevant plus 3 years and medical certifications
- Hackney Carriage/Private Hire Vehicle Driver (where licence refused or revoked) – up to 25 years
- Hackney Carriage and Private Vehicles – Licence relevant plus 1 year
- Private Hire Vehicle Operators – Licence relevant plus 5 years

Your Rights (Inc Complaints Procedure)

Your rights under the Data Protection

Data Protection gives data subjects (those who the information is about) a number of rights:

The right of subject access

- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: www.ico.org.uk .

To enact your rights please contact the service area detailed on the top of this form.

Complaints Procedure

If you are unhappy with the way that Ceredigion County Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process:

[Comments, Compliments and Complaints - Ceredigion County Council](#)

Summary Privacy Notice

How we will use your information

The information you provide is used to process your application(s) for hackney carriage/private hire vehicle driver's licence, Hackney Carriage or Private Hire Vehicle licence and Private Hire Vehicle Operator's licence. This information will be used to determine your or your vehicle's suitability / continued suitability for the purposes of licensing.

Your identity may form part of a publicly available committee report and / or a public register. Your information will also be used for the purposes of statutory returns, compliance and customer service reviews. It will also be used for the purpose of sharing information regarding driver licence revocations and refusal of applications on the National Register of Taxi Licence Revocations and Refusals (NR3). We may obtain information about you from other sources and we may share your information with others where there is a legal basis for doing so.

Further details on how long we will keep your information are provided in the link below.

You have a number of rights in relation to the information including the right of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed.

For further information on how we process your information and your rights please click the following link: [Privacy Notice - Ceredigion County Council](#)

<https://cerinet.ceredigion.gov.uk/news/update-to-clic-closure-emails-to-be-sent-by-default/>