

# Public Safety and Protection Committee

## Agenda



**Date:** Tuesday, 25 October 2022

**Time:** 10.00 am

**Venue:** Beira Room, City Hall, College Green, Bristol,  
BS1 5TR

### **Distribution:**

**Councillors:** Christine Townsend (Chair), Amal Ali (Vice-Chair), Marley Bennett, Chris Davies, Richard Eddy, Tessa Fitzjohn, Jonathan Hucker and Farah Hussain

**Copies to:** Ashley Clark (Legal Advisor), Lynne Harvey (Legal Advisor), Shreena Parmar (Legal Advisor), Kate Burnham-Davies, Michael Bonnick, Sarah Flower (Licensing Policy Advisor), Abigail Holman (Licensing Policy Advisor), Carl Knights (Licensing Policy Advisor), Wayne Jones, Andrew Lyle (Licensing Enforcement Officer)

**Issued by:** Jeremy Livitt, Democratic Services

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**Date:** Monday, 17 October 2022



# Agenda

**1. Welcome and Safety Information**

**(Pages 4 - 5)**

**2. Apologies for Absence and Substitutions**

**3. Declaration of Interest**

**4. Minutes of the Previous Meeting held on 7th June 2022 (AGM)**

To confirm as a correct record for signing by the Chair.

**(Pages 6 - 8)**

**5. Public Forum**

*Up to 30 minutes is allowed for this item.*

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the **Public Information Sheet** at the back of this agenda. Public Forum items should be emailed to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) and please note that the following deadlines will apply in relation to this meeting:-

**Questions** - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest **by 5pm on Wednesday 19<sup>th</sup> October 2022.**

**Petitions and Statements** - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest **by 12 Noon on Monday 24<sup>th</sup> October 2022.**

**6. Consideration of Lower Age Limit In respect of Hackney Carriage Vehicles Current Global Impacts**

**(Pages 9 - 15)**

**7. Taxi and Private Hire Licensing Policy - Medicals**

**(Pages 16 - 19)**



# Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

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Councillors will use Zoom or Skype for Business to take part in the meetings and vote on agenda items.

We'll stream the meetings live on YouTube.

You can submit statements, questions and petitions ahead of the meetings in the same way as usual. We will send all statements to participating Councillors in advance and respond to all questions and petitions in writing.

You will not be able to present a public submission at the meeting at the current time. We're looking into options for increasing public participation at meetings held using video conferencing, including being able to present a statement or ask supplementary questions using Zoom. We hope to have this in place in by late May 2020.

Email [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) if you have any questions.

## Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee. Please submit it to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.
- Any statement submitted should be no longer than one side of A4 paper. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public at the meeting to which it relates and may be provided upon request in response to Freedom of Information Act requests in the future.



We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Public Forum statements will not be posted on the council's website. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

#### **During the meeting:**

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions. Public Forum will be circulated to the Committee members prior to the meeting and then noted at the meeting.
- Please note that only written submissions can be considered at this time.

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## Bristol City Council Minutes of the Public Safety and Protection Committee



7 June 2022 at 9.30 am

### **Members Present:-**

**Councillors:** Christine Townsend (Chair), Marley Bennett, Richard Eddy and Jonathan Hucker

### **Officers in Attendance:-**

Lynne Harvey (Legal), Oliver Harrison (Democratic Services) and Abigail Holman (Licensing)

### **1 Welcome and Safety Information**

The Clerk welcomed everyone to the meeting and issued the safety information.

### **2 Apologies**

Apologies were received from Councillor Chris Davies and Councillor Tessa Fitzjohn.

### **3 Declaration of Interest**

None received.

### **4 Minutes of the Previous Meeting**

RESOLVED the minutes of the previous meetings of 27 July 2021 and 14 December 2021 were agreed as a correct record.

### **5 Public Forum**

None received.

### **6 Annual Report 22/23**



The clerk introduced the annual report and highlighted the following points:

- Cllr Farah Hussain is not able to sit on the committee due to availability issues. The Labour Group will nominate another member to sit on the committee, which will be confirmed as soon as possible.
- The Terms of Reference are the same as last year as there has been no change in legislation.
- The membership of Sub-Committee A will remain the same. The two new members of committee (Cllr Townsend and Labour Councillor TBC) will join Sub-Committee B to replace the two previous members that have stepped down.

RESOLVED the report was NOTED.

## **7 Annual update including new policy implementation - Verbal report**

The Licensing Team Leader gave a verbal update on the previous year's business following the new policy implementation.

- The Public Safety and Protection Committee considered around 80 cases in 2021/22.
- For cases involving vehicle licences, 11 were granted and 14 were refused. Departing from policy needs to be justified, but it is important to note the heavy disruption to the trade caused by Covid related issues. There were some extensions granted in these circumstances.
- 74% of cases heard were for drivers. 25 decisions were to grant the application, 42 were to refuse and 1 was deferred. Warning letters were issued to 6 drivers.
- The committee is performing well, with all but one case being determined. Grant decisions were often made by considering how to apply the new broader policy in cases with minor offences.
- Members almost always made unanimous decisions. This shows the effectiveness of policy and political neutrality of members.
- The committee departed from policy in 32% of cases. This is low under the circumstances of a new policy. This figure will probably reduce next year.
- It is difficult to get comparative statistics with other authorities due to the high workloads being experienced by licensing teams across the country.
- The legal officer confirmed that their team could provide data on appeals for the Annual General Meeting next year. Drivers have the right to appeal against the decision of the committee in a Magistrate's Court. There are only a few cases where decisions were challenged. Of these, 3 decisions were overturned. This was due to unreliable witnesses, not PSP making policy errors.

Meeting ended at 9.50 am

**CHAIR** \_\_\_\_\_





**BRISTOL CITY COUNCIL**

**PUBLIC SAFETY AND PROTECTION COMMITTEE**

**7 June 2022**

**Report of:** Executive Director, Growth and Regeneration

**Title:** Consideration of lower age limit in respect of Hackney Carriage vehicles and current global impacts

**Ward:** Citywide

**Officer Presenting Report:** Abigail Holman, Licensing Team Leader

**Contact Telephone Number:** 0117 3574900

**RECOMMENDATION**

The committee are recommended to either:

- (1) consider the proposal to allow officers delegated powers to determine applications which depart from the age limit for Hackney Carriage vehicles OR
- (2) Consider making a temporary change to policy concerning the age limit for Hackney Carriage vehicles

**Summary**

1. Hackney carriages play an integral part of the local public transport infrastructure. They provide a flexible form of public transport and play an important role in improving accessibility as the whole fleet is wheelchair accessible.
2. In July 2021 the Council introduced its revised Hackney Carriage and Private Hire Licensing Policy. The policy brought together in a single document the separate vehicle and driver policies and replicated the existing vehicle policy with few changes.
3. The policy in respect of Hackney Carriages details a number of specifications that all new or replacement Hackney Carriages must comply with.

- 1. Any vehicle presented for licensing on the first occasion, that is not replacing an existing licensed Hackney Carriage, must be an Ultra-Low Emission Vehicle (ULEV) as well as meeting the specification*



*set out in the remainder of this policy. Vehicles presented for licensing on the first occasion, which are replacing an existing licensed Hackney Carriage (that is not a ULEV), do not have to be a ULEV. Replacements for existing licensed Hackney Carriages that are a ULEV must also be a ULEV.*

*Note: A ULEV is a vehicle with tailpipe CO2 emissions of 75 g/km or less*

### *Age Limit Policy*

- 2. Vehicles presented for licensing on the first occasion shall be EURO 6 or higher standard and less than three and a half years old from the date of registration or, in respect of vehicles that have been imported other than as new into the United Kingdom, less than three and a half years old from the date of manufacture (In the remainder of this policy reference to date of first registration with regard to vehicles which are imported should be construed as date of manufacture).*
4. This means that any application for a Hackney Carriage vehicle which is replacing an existing vehicle must be less than three and a half years old, and may be diesel, petrol, hybrid, or ULEV.
5. A request has been received from trade representatives which requests that the initial age limit for replacement vehicles is reconsidered. A copy of their concerns is included at Appendix A.

### **Context**

6. The policy was originally introduced in 2017 with a number of factors in mind. It was recognised that older more polluting vehicles were adding to the concerns about air quality standards within Bristol and requiring all newly licensed vehicles to meet a higher Euro standard would assist with reducing pollution in the areas of highest concern. Alongside this the Council introduced a maximum age limit for vehicles of three and a half years when they were first licensed, recognising the cost burden that a requirement for a brand-new vehicle would place on the trade.
7. The Department for Transport Best Practice Guidance acknowledges that vehicle licensing policies should support local environmental policies and acknowledges that this is significant in designated Air Quality Management Areas, which in Bristol includes the city centre area.

8. In March 2022 the DFT produced a draft update of their best practice guidance. The Council responded to a consultation on this document and the results have not yet been published. The guidance is non-statutory and the Council is not required to have regard to it, however it has been a useful document to outline best practice in a number of areas. In respect of vehicles age limits and emissions the draft guidance states:

*8.28 The frequency of testing required (see 'frequency of vehicle tests' above) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle. The setting of an arbitrary age limit may be inappropriate and counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences; a five-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol fuel car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality*

*8.29 Licensing authorities should not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.*

9. In relation to environmental considerations the draft guidance states:

*8.51 Taxis and private hire vehicles that operate predominantly in urban areas can be significant contributors to poor local air quality, if not properly maintained and regularly checked, due to their higher usage. This might suggest that emissions testing for vehicle that use petrol and diesel (including hybrids and range extenders) should be carried out more frequently than the annual MOT vehicle test/inspection.*

*8.52 Local authorities should carefully and thoroughly assess the impact of vehicle emission requirements to enable the sector to plan for the future. The short-term objective should be to mitigate the harm from internal combustion engines through the setting of high EURO emission standards e.g. EURO 6 but, in the long-term, the trade will have to transition to zero emission vehicles. Licensing authorities should set out their long-term plan as soon as possible.*

*8.53 In response to local air quality concerns, many licensing authorities are considering how to support the use of ultra-low or zero emission vehicles given the growing range of vehicles available. As stated in the 'Vehicle age limit' section', greater flexibility regarding the age of vehicles licensed can result in more rapid improvement in air quality than mandating new 'clean' internal combustion engine vehicles.*

10. There have recently been worldwide delays on shipping and producing the components that are used in many types of vehicles for a number of reasons. Bristol City Council licensed Hackney Carriages must be wheelchair accessible and have European Community Whole Vehicle Type Approval, which limits the range of vehicles available to applicants.
11. A shortage of electronic chips has curtailed production on vehicles, meaning new wheelchair accessible vehicles have been in limited supply, fuelling demand on the market for second-hand wheelchair accessible vehicles, not just in the taxi trade. Additionally other local authorities have been amending their vehicle policies to move towards emissions-based standards, again increasing demand for certain types of vehicle.
12. All of these factors, combined with the age limit on the age of the vehicle when first licensed, is significantly limiting the number of second-hand vehicles available to applicants.

## Other Considerations

13. Clean Air Zone  
Bristol City Council is introducing a clean air zone in the city centre area on 28 November 2022. The clean air zone is being introduced to ensure Bristol meets the legal limits on pollution as soon as possible. The clean air zone requires all diesel vehicles to be Euro 6 or better, and all petrol vehicles to be Euro 4 or better, in order not to be charged daily for entry into the area.
14. The current number of licensed Hackney Carriages is approximately 400. Approximately 100 of these are Euro 5 vehicles, most of which are diesel and will not be clean air zone compliant. Around 35 are approaching the upper age limit of 10 years and will need to be replaced in the next year. Some vehicles are not near their upper age limit, and whilst licence holders are not obliged to replace their vehicle before the clean air zone comes into force, they will of course be charged the daily fee if their vehicle is not compliant.
15. School transport

Bristol City Council provides home to school transport for a large number of students and carers every day. A number of these journeys require a wheelchair accessible vehicle in order to safely transport those students with disabilities, or additional needs. If there were a reduction in licensed vehicles this would put the home to school transport service at risk of having insufficient vehicles to fulfil their obligations. They have already experienced some shortages due to the decrease in taxi and private hire drivers occurring across the country in the aftermath of the pandemic.

16. The Service has conducted extensive research and can verify there is a significant lack of second-hand and new WAV compliant vehicles meeting our specification- this includes speaking with the specialist vehicle converters. If the age limit of 3 ½ is lifted this does increase the availability of second hand, CAZ compliant vehicles. There is no recommendation to increase the upper age limit of 12 years.

## Recommendations

17. Officers request that the committee consider the information presented, and either:

Determine whether it is appropriate for delegated authority to be given to the Licensing and Trading Standards Manager and Licensing Team Leader to determine any Hackney Carriage applications which:

- a. Depart from the policy in respect of initial age
- b. Are clean air zone compliant and Euro 6 or better, and replacing a vehicle which is not clean air zone compliant.
- c. Are compliant with the Hackney Carriage policy in all other respects

OR

Consider making a temporary change to policy concerning the age limit for Hackney Carriage vehicles which would require a consultation exercise to be carried out

## Appendices – As links or attachments

Appendix A – Request from trade representative

### Request from Trade Representative

I have a list of drivers that are having difficulty sourcing new or second hand cars and there are many more out there. Cab Direct, our main Taxi retailer, is out of cars and is not taking orders because of a world wide shortage of parts, second hand Wheelchair cars up to three and a half years are scarce.

This is going to have a huge impact on drivers who want to change to **Euro 6** to avoid CAZ charges as the charges are £9 a day. Other drivers have cars coming to the end of life and have to change.

### A bit of background information

Hackney carriages built after September 2015 were given a 12 year life to drive taxis as they were **Euro 6**.

Hackney carriages built before September 2015 were given a 10 year life to drive taxis because they were of a lower **Euro 5** standard. This latter group are the vehicles on our list. The owners of these vehicles have had only as little as 7 and half years use for vehicles that have ended up costing them over 30 thousand pounds and now they have to change to avoid charges. You may imagine it's hard to sell these blue painted Cabs on the second hand market as they don't interest buyers and are worth very little.

Many of these drivers may continue to drive through the Caz zone continuing to pollute Bristol's atmosphere so I believe a solution should be looked into to help both our environment and drivers.

I do understand that there is a 4 grand grant but that is not enough to make many taxi drivers change nor does that solve the availability problem.

Drivers that I have come across have stated they have little interest in the LEVC as it will cost over 70k and has an impractical real life electric range of only 45 miles which in turn takes 45 minutes to charge, a full charge is £14 electric that is equivalent to only 32mpg and hardly economical.

They will be forced out of a job if we are made to buy the LEVC. We recently had a fare rise and to keep in competition with app firms we opted to kept our basic meter fares low at £2.20 per mile, LEVC taxis would require London Rates which are currently about £4 a mile and are not something customers would welcome but that is only if the council is even willing to pass those rates.

We are waiting for up to date eclectic Wheelchair Taxis from VW and Peugeot but it will take 18 months for dealers to get them in stock as they are in the early stages. These advanced electric vehicles will have a 200 mile range and take only 30 minutes to charge. These cars will definitely attract drivers and are much cheaper.

### The help needed

We ask your help if you could increase the replacement vehicle age limit from 3 and a half years to 5 years, these vehicles will be **Euro 6** compliant. There are many 4 and 5 year old wheelchair cars on the market that have less than 20 thousand miles that would make great cabs. Please do not see this as a lowering of policy standards as it will be helping clean up pollution and give help to drivers that lost money on **Euro 5** cabs. This move will

actually help modernize the fleet by making drivers get rid of **Euro 5** vehicles and move to **Euro 6**. As mentioned the only reason drivers are asking is there is a shortage of cars.

It is more about we have little other choice rather than a money saving one, I really don't want to see more Hackneys leaving the trade. I believe help should be given because the number of hackneys is dwindling, we used to have 802 in 2013, now the number is 354 or less, to lose another 60 or 90 cars is going to greatly affect wheelchair users. Many of these drivers work with booking companies that need our service for disabled customers and there is a reliance on blue cabs as we cover most of the wheelchair work for booking firms in Bristol.

Saif Hussain Chairperson  
BBLTA, Bristol Blue Licensed taxi Association

**BRISTOL CITY COUNCIL**

**PUBLIC SAFETY AND PROTECTION COMMITTEE**

**25 October 2022**

**Report of: Executive Director, Growth and Regeneration**

**Title: Taxi and Private Hire Licensing Policy - Medicals**

**Ward: Citywide**

**Officer Presenting Report: Abigail Holman, Licensing Team Leader**

**Contact Telephone Number: 0117 3574900**

**RECOMMENDATION**

The committee are recommended to:

- (1) Approve the proposed changes to the policy relating to who is able to complete medical certifications on behalf of hackney carriage and private hire driver applicants.

**Summary**

1. The Hackney Carriage and Private Hire Policy requires that all driver applicants and licence holders are subject to a medical at the same standard as the DVLA Group 2 (PSV and HGV) requirements which is undertaken by a GP at their registered medical practice.
2. The policy states:  
**Medical Fitness**
4. *The Council's current medical requirement is summarised as follows;*
  - a. *Applicants shall demonstrate that they have satisfied the medical standard as specified by the Council.*
  - b. *Applicants shall supply a Council medical examination report completed by their own GP, or other doctor who works at the applicant's own registered medical practice. This will be a Group 2 medical as specified by the (DVLA) for PCV/HGV drivers.*
  - c. *A completed medical examination report must be provided by new applicants.*
  - d. *Existing drivers must supply a medical examination report as follows:*

- i. Every five year period from the age of 45,*
  - ii. Annually from the age of 65*
- e. The Council will also have the right to recall the licence holder at any time during the lifespan of the licence for a medical examination should the Council have reason to doubt the fitness of the licence holder to hold the licence.*

## Context

3. The previous policy permitted any GP to complete a medical, but this proved challenging as GPs at that time did not have easy access to a patients medical history and so the practitioner undertaking the assessment was reliant on the patient disclosing history, which was often unreliable. Officers have been advised that obtaining a copy of medical history is now more straightforward.
4. During the Covid-19 pandemic most GP practices were closed to all but emergency cases, as they were dealing with the fallout from the pandemic, being asked to cover other healthcare areas such as in hospitals and delivering the vaccine programme.
5. There has also been little increase in the number of GPs in the UK over the last few years, despite an increase in demand for services.
6. Pre-pandemic most GPs offered a medical assessment service which fulfilled the requirements of the Council's medical assessment, however post-pandemic many GPs are advising that they are no longer able to do this, or only one GP within the practice is able to do it and only on very sporadic occasions. This results in significant delay for the applicant, or the inability for them to obtain a medical assessment from their medical practice at all.
7. The requirement for a medical at the DVLA group 2 standard has been a requirement of the councils fit and proper person policy for a significant period of time, and is in line with the DFT Best Practice Guidance which states:

### ***Medical fitness***

*67. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:*

- they carry members of the general public who have expectations of a safe journey;*



- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

68. It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice...

8. On 20 July 2022 the government amended the Road Traffic Act 1988 to allow a wider range of medical professionals to respond to medical questionnaires. Specialist nurses and opticians are among the healthcare professionals now able to complete DVLA medical questionnaires, as part of an approach by DVLA to improve and speed up the medical licensing process. There seems to be a clear recognition of the pressures that local GPs are under to deliver services.
9. The changes implemented by the DVLA don't apply to the medical report for the group 2 level DVLA Category C and D assessments which must be completed by any doctor or consultant registered with the General Medical Council.

## Recommendations

10. Amend the Taxi and Private Hire Licensing Policy wording set out at paragraph 2 above to read:

### **Medical Fitness**

4. *The Council's current medical requirement is summarised as follows;*

a. *Applicants shall demonstrate that they have satisfied the medical standard as specified by the Council.*

**b. Applicants shall supply a Council medical examination report completed by a registered GP. This will be a Group 2 medical as specified by the (DVLA) for PCV/HGV drivers. The GP undertaking the medical must have access to the applicant's full medical history. A representative from the applicant's registered medical practice must confirm this in writing.**

c. *A completed medical examination report must be provided by new applicants.*

d. *Existing drivers must supply a medical examination report as follows:*

i. *Every five year period from the age of 45,*

ii. *Annually from the age of 65*

e. *The Council will also have the right to recall the licence holder at any time during the lifespan of the licence for a medical*

*examination should the Council have reason to doubt the fitness of the licence holder to hold the licence.*

11. The change above, highlighted in bold, will ensure that the full and correct information is provided to the GP undertaking the medical, as well as relieving pressure on applicants and local GPs which in some instances can cause significant delays. The requirement to obtain the medical history will preserve the integrity and purpose of the medical ensuring that it provides an accurate assessment of the applicant's fitness to drive.

#### Consultation

12. There is no obligation to consult on changes to the Taxi and Private Hire Licensing Policy, but it is normally considered good practice to do so. Officers consider the above change to be a minor administrative change, and that it does not change the overall intention of the medical fitness test. Therefore they propose that consultation is unlikely to be needed in this instance.