

# Public Safety and Protection Committee

## Agenda



**Date:** Tuesday, 30 May 2023

**Time:** 10.00 am

**Venue:** 1P05: Beira Room - City Hall, College Green,  
Bristol, BS1 5TR

### **Distribution:**

**Councillors:** Fi Hance, Amal Ali (Vice-Chair), Marley Bennett, Richard Eddy, Jonathan Hucker, Brenda Massey, Guy Poultney, Heather Mack and Sarah Classick

**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) and Allison Taylor (Democratic Services Officer)

**Issued by:** Allison Taylor, Democratic Services  
City Hall, College Green, Bristol, BS1 5TR  
E-mail: [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk)

**Date:** Friday, 19 May 2023



# Agenda

## 1. Welcome and Safety Information

(Pages 4 - 5)

## 2. Apologies

## 3. Declaration of Interest

## 4. Minutes of the Previous Meeting

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

(Pages 6 - 10)

## 5. Minutes of PSP A Sub-Committee -To Follow

The Full Committee is requested to approve the minutes of the Sub Committee A on 25 April 23 as their approval is required before Sub-Committee A next meet in June.

## 6. 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 5 pm on **23 May 23**.

**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 12.00 noon on **26 May 23**.

## 7. Annual Business Report 2023/24



**8. Consideration of hackney carriage and private hire policy in respect of tinted windows**

**(Pages 11 - 26)**



# Public Information Sheet

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

You can find papers for all our meetings on our website at <https://www.bristol.gov.uk/council-meetings>

## Covid-19: changes to how we hold public meetings

Following changes to government rules, we'll use video conferencing to hold all public meetings, including Cabinet, Full Council, regulatory meetings (where planning and licensing decisions are made) and scrutiny.

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.

For further information about procedure rules please refer to our Constitution  
<https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>

The privacy notice for Democratic Services can be viewed at [www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services](http://www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services)

#### Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items).

#### Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.



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



**20 December 2022 at 10.00 am**

**Members Present:-**

**Councillors:** Christine Townsend (Chair), Amal Ali (Vice-Chair), Marley Bennett, Chris Davies, Jonathan Hucker, Brenda Massey and Guy Poultney

**Officers in Attendance:-**

Abigail Holman (Team Leader Licensing), Jeremy Livitt, Phoenix Cheung and Lynne Harvey (Legal Advisor for Minute Number 23)

**16 Welcome and Safety Information**

The Chair explained the emergency evacuation procedure for this meeting.

**17 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Richard Eddy.

**18 Declarations of Interest**

There were no Declarations of Interest,

**19 Minutes of the Previous Meeting held on 25th October 2022**

RESOLVED – that the minutes of the meeting held on 25<sup>th</sup> October 2022 be confirmed as a correct record and signed by the Chair.

**20 Public Forum**

There were no Public Forum items.



## **21 Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate**

RESOLVED – that that having regard to the quasi-judicial nature of the business on the Agenda, those Committee Procedure Rules relating to the moving of motions and the rules of debate (CMR10 and 11) be suspended for the duration of the meeting.

## **22 Consideration of Lower Age Limit In Respect of Hackney Carriage Vehicles and Current Global Impacts**

The Team Leader (Licensing) introduced this report and made the following points:

- Vehicles used as Hackney Carriage Vehicles could be retained after 3.5 years as long as they met the minimum requirements.
- There was a shortage of available microchips from China and of the components in Ukraine to make wheelchair- accessible vehicles
- In view of this, a temporary change to policy was proposed to remove the required time limit
- Details of the consultation were set out in Appendix A. There had been 10 responses to this (8 in favour with 4 requesting an extension to Private Hire Vehicles) and 2 indicating that it would be unfair just to limit this to Hackney Carriage Vehicles
- It was not yet clear how long the backlog would last

Committee members made the following points:

- A time limit was required since it could be a number of years before the situation improved
- A change was required but if the circumstances changed, this would need to be reviewed and a further report brought back
- It was important that regular updates were provided to the Committee on this issue, either at the AGM Committee meeting or earlier if necessary

The Team Leader (Licensing) confirmed that in the event there was any further proposed change this policy, they would be required to have an additional consultation.

Councillor Guy Poultney moved, seconded by Councillor Christine Townsend and upon being put to the vote, it was

**RESOLVED (6 for, 1 abstention) – that a temporary change is made to policy concerning the age limit for Hackney Carriage vehicles by removing the current age limit of three and a half years and a regular update provided to the Committee as required.**



### **23 Consideration of a Request From Clipper Automotive To Accept Retrofitted All-Electric Drivetrain LTI TX4 Vehicles for Licensing**

The Committee agreed to allow this item to be held as a hearing to enable the representatives from Clipper Automotive to make representations.

The Team Leader (Licensing) introduced this report and made the following points during as part of the presentation:

- Clipper Automotive had requested an alteration to policy to allow their retrofitted all electric LTI TX4 vehicles to be licensed
- It was noted that Clipper Automotive convert diesel powered LTI TX4 vehicles to become all electric vehicles. As indicated in Appendix A of the report, the Company state the converted vehicles have zero tailpipe emissions and reduce brake dust emissions via regenerative braking. In addition, the converted vehicles have Individual Vehicle Approval (IVA).
- The Committee also noted that Clipper Automotive have provided a report from the Vehicle Certificate Agency (VCA) to show that the vehicle meets the requirements of Economic Commission for Europe of the United Nations Regulation 100.01 (Uniform provisions concerning the approval of vehicles with regard to specific requirements for the electric power train)
- The exemption was requested in relation to the Age Limit and Wheelchair Accessibility requirements since the vehicles were considerably over the 3.5 year age limit
- Council policy required all vehicles which were rebuilt to be tested through the European Community Whole Vehicle Type Approval (ECWVTA) approval method to ensure the vehicle was safe in the event of an accident (involving crash testing and individual inspection). This would not apply in this case under IVA which did not involve crash testing and only provided a visual inspection
- The best guidance produced by the DFT in March 2022 was not statutory but officers considered that its advice concerning the requirement for an age limit and ECWTA approval was essential to ensure all Hackney Carriage Vehicles were safe
- In view of this, the Committee recommended refusal of the request

In response to Committee members' questions, the Team Leader (Licensing) made the following comments:

- The wholesale approval provided by ECWTA was the highest standard of safety
- IVA is purely a visual inspection and did not involve any form of crash testing

The representatives of Clipper Automotive made the following comments and also responded to questions from Committee members:

- The company had been founded in 2018/19 to help decarbonise the taxi industry





- All cars which it operated were now 50% diesel, 50% hybrid.
- The same scheme operated in London, Edinburgh and Birmingham as well as Bristol
- The firm was based in London
- When a car is rebuilt or radically altered, a DVLA licence is required when it hits twelve checkpoints and at that point it needs to be radically altered. The company avoided this requirement by ensuring that it never hit all twelve. Whilst the engine was frequently changed, the company generally avoided alterations to the chassis, the steering or body panels which prevented the requirement for a DVLA licence
- A government grant had been used to retrofit 2 cabs which were licensed for use in Oxford but retained for use as needed.
- A production vehicle was being developed for which approval would be sought from the appropriate Local Authorities as soon as required
- This was a new concept and since it was at an early stage of development and would take some time to ensure there were enough vehicles. Once it was required, fleet insurance would be sought in the same way as for taxi fleet operators
- All TX4 vehicles were wheelchair accessible and were cheaper than the equivalent competition
- Many Local Authorities had requested further information. Whilst some had approved the request, others had requested further information
- The company was expert in this field including crash test limits. The limits affecting the chassis, body steering and brakes were never exceeded
- The focus was on Hackney Carriages due to a lack of options for drivers. They would be operated as hackneys in Bristol.
- The target was to get at least 10 vehicles operating in 2023 and then hundreds after that with the conversion being moved to the relevant city as required

The Team Leader (Licensing) made the following points:

- It was not clear what the impact on crash testing would be of a vehicle 70 kilos heavier than normal. It was standard practice to crash test any vehicle when changes were made. The council rightly had a very high standard of safety expectation
- Current policy required the ECWVTA approval for all TX4 vehicles
- If the Committee was minded to approve this request, it was strongly recommended to carry out a consultation process first

The Legal Adviser indicated that, if the Committee decided to defer their decision the Applicant could obtain an independent expert report on its implications since the burden of proving an exception should be made to policy falls with the individual applicant.

Committee members noted that, whilst it would be a good scheme to approve as a means of ensuring a lower cost for electric vehicles and a zero emission taxi fleet, further investigation was required.

The Committee then asked both parties to withdraw to consider the application. Upon their return, the following decision was announced:



**RESOLVED (unanimously – moved by Councillor Christine Townsend, seconded by Councillor Marley Bennett) – that a decision on the application be deferred until a future meeting of the PSP Committee (as soon as necessary but no later than 12 months) to obtain the necessary evidence required to assess whether or not the proposed IVA safety test is acceptable to meet the Whole Type Standard requirements for the TX4 vehicles.**

The meeting ended at 11.45 am

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



## Bristol City Council

### Public Safety and Protection Committee

#### Annual Business Report 2023/24

##### 1. Annual Business

(Report of the Service Director, Legal and Democratic Services)

##### A. Membership of Committee

To note the following Council Members appointed to serve on the Committee (3:3:2:1) for the 2023/24 Municipal Year.

Councillor Fi Hance – Green (Chair)  
Councillor Amal Ali – Labour (Vice Chair)  
Councillor Marley Bennett – Labour  
Councillor Brenda Massey – Labour  
Councillor Guy Poultney – Green  
Councillor Heather Mack – Green  
Councillor Richard Eddy – Conservative  
Councillor Jonathan Hucker – Conservative  
Councillor Sarah Classick – Liberal Democrat

##### B. Appointment of Chair - Municipal Year 2023/24

Following Full Council Councillor Fi Hance was appointed Chair of this Committee for the Municipal Year 2023/24.

##### C. Appointment of Vice-Chair - Municipal Year 2023/24

Following Full Council Councillor Amal Ali was appointed Vice Chair of this Committee for the Municipal Year 2023/24.

##### D. Terms of Reference

To note the Committee's Terms of Reference

##### E. Dates and Times of Meetings

The Committee is asked to consider the following dates for meetings of the Committee for the remainder of the 2023/24 Municipal Year with a starting time of 10.00 am for each Meeting:

Tuesday 30 May Sub-Committee B  
Tuesday 27 June Sub-Committee A  
Tuesday 25 July Sub-Committee B  
Tuesday 22 August Sub-Committee A  
Tuesday 19 September Sub-Committee B  
Tuesday 17 October Sub-Committee A  
Tuesday 14 November Sub-Committee B  
Tuesday 19 December Sub-Committee A

Tuesday 16 January Sub-Committee B  
Tuesday 6 February Sub-Committee A  
Tuesday 5 March Sub-Committee B  
Tuesday 2 April Sub-Committee A  
Tuesday 30 April Sub-Committee B

**F. Membership of Sub-Committees**

Once the Committee has agreed which size Sub-Committees it wishes to operate for 2023/24, you will need to agree membership of the Public Safety and Protection Sub Committees A and B. In previous years, each Committee member has been appointed to one or other of the Sub-Committee memberships (A and B). It is, therefore, proposed that the Committee approves membership for one Sub-Committee of five and for the other of four, so that all 9 Councillors for the Committee are represented.

**G. Sub-Committee Terms of Reference**

To note the Sub Committee's Terms of Reference as attached at Appendix B.

**Contact Officer:** Allison Taylor, Democratic Services  
E-mail: [allison.taylor@bristol.gov.uk](mailto:allison.taylor@bristol.gov.uk)

**PUBLIC SAFETY AND PROTECTION COMMITTEE**

**Terms of Reference**

Full Council has delegated to the Public Safety and Protection Committee all functions relating to public safety and protection as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to license hackney carriages and private hire vehicles ((a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55) and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Misc. Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 68, 60 and 79 of the Local Government (Misc. Provisions) Act 1976).
2. Power to license drivers of hackney carriages and private hire vehicles (sections 51, 53, 54, 59, 61 and 79 of the Local Government (Misc. Provisions) Act 1976).
3. Power to license operators of hackney carriages & private hire vehicles (sections 55 to 58, 62 and 79 of the Local Government (Misc. Provisions) Act 1976).
4. Power to register pool promoters (Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(c) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions Order 2006 (S.I. 2006/3272) (“the Gambling Order”)).
5. Power to grant track betting licences (Schedule 3 to the Betting Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
6. Power to license inter-track betting schemes (Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
7. Power to grant permits in respect of premises with amusement machines (Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
8. Power to register societies wishing to promote lotteries (Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
9. Power to grant permits in respect of premises where amusements with prizes are provided (Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).

10. Power to issue cinema and cinema club licences (section 1 of the Cinema Act 1985 (c.13)).
11. Power to issue theatre licences (sections 12 to 14 of the Theatres Act 1968 (c.54)).
12. Power to issue entertainments licences (section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c.33), section 79 of the Licensing Act 1964 (c.26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Misc. Provisions) Act 1982).
13. Power to license performances of hypnotism (the Hypnotism Act 1952 (c.46)).
14. Power to license pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendment Act 1907 (c.53)).
15. Power to license market and street trading (Part III of, and Schedule 4 to, the Local Government (Misc. Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.vii) and section 6 of the London Authorities Act 1994 (c.xii)).
16. Power to license scrap yards (section 1 of the Scrap Metal Dealers Act 1964 (c.69)).
17. Power to license persons to collect for charitable and other causes (section 5 of the Police, Factories etc. (Misc. Provisions) Act 1916 (c.31) and s. 2 of the House to House Collections Act 1939 (c.44)).
18. Power to sanction use of parts of buildings for storage of celluloid (section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35)).
19. Power to register motor salvage operators (Part 1 of the Vehicles (Crime) Act 2001).
20. Power to issue licences authorising the use of land as a caravan site ("site licences") (Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62)).
21. Power to license the use of moveable dwellings and camping sites (section 269(1) of the Public Health Act 1936) (c.49).
22. Power to enforce offences to the display of no-smoking signs (section 6(5) of the Health Act 2006 ("the 2006 Act").
23. Power to enforce offences relating to smoking in smoke-free places (section 7(4) of the 2006 Act).
24. Power to enforce offence of failing to prevent smoking in smoke- free places (section 8(4) of the 2006 Act).

25. Power to enforce offences of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).
26. Power to transfer enforcement functions to another enforcement authority (Smoke-free (Premises and Enforcement) Regulations 2006 (S.I.2006/3368)).
27. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis (section 13 to 17 of the Local Government (Misc. Provisions) Act 1982).
28. Powers to license night cafes and take-away food shops (section 2 of the Late Night Refreshment Houses Act 1969 (c.53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994).
29. Duty to keep list of persons entitled to sell non-medicinal poisons (sections 3 (1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)).
30. Power to license dealers in game and the killing and selling of game (sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); s.2 to 16 of the Game Licensing Act 1860 (c.90), s. 4 of the Customs and Inland Revenue Act 1883 (c.10), section 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70)).
31. Power to register and license premises for the preparation of food (section 19 of the Food Safety Act 1990 (c.16)).
32. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds (the Safety of Sports Grounds Act 1975 (c.52)).
33. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds (Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27)).
34. Power to issue fire certificates (section 5 of the Fire Precautions Act 1971 (c. 40)).
35. Power to license premises for the breeding of dogs (section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)).
36. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (section 1 of the Pet Animals Act 1951 (c.35); section 1 of Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c70 & 1970 c70); s.1 of the Breeding of Dogs Act 1973 (c.60), and subsection 1 & 8 of the Breeding and Sale of Dogs (Welfare) Act 1999).
37. Power to register animal trainers and exhibitors (section 1 of the Performing Animals (Regulation) Act 1925 (c.38)).
38. Power to license zoos (section .1 of the Zoo Licensing Act 1981 (c.37)).
39. Power to license dangerous wild animals (section 1 of the Dangerous Wild

Animals Act 1976 (c. 38)).

40. Power to license knackers' yards (Section 4 of the Slaughterhouses Act 1974 see also the Animal By-Products Order 1999 (S.I. 1999/646)).

41. Power to license the employment of children (Part II - Children & Young Persons Act 1933 (c.33), bylaws made under that Part, & Part II - Children & Young Persons Act 1963 (c.37))

42. Power to grant consent for the operation of a loudspeaker (Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)).

43. Power to license agencies for the supply of nurses (Section 2 of the Nurses Agencies Act 1957 (c.16)).

44. Power to issue licences for the movement of pigs (Article 12 of the Pigs (Records, Identification & Movement) Order 1995 (S.I. 1995/11)).

45. Power to license the sale of pigs (Article 13 of the Pigs (Records, Identification & Movement) Order 1995).

46. Power to license collecting centres for the movement of pigs (Article 14 of the Pigs (Records, Identification & Movement) Order 1995).

47. Power to issue a licence to move cattle from a market (Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)).

48. Power to approve meat product premises (Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)).

49. Power to approve premises for the production of minced meat or meat preparations (Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)).

50. Power to approve dairy establishments (regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)).

51. Power to approve egg product establishments (regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)).

52. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods. (Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)).

53. Power to approve fish products premises (regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)).



54. Power to approve dispatch or purification centres (regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
55. Power to register fishing vessels on board which shrimps or molluscs are cooked (Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
56. Power to approve factory vessels and fishery product establishments (regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
57. Power to register auction and wholesale markets (regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
58. Duty to keep register of food business premises (regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)).
59. Power to register food business premises (regulation 9 of the Food Premises (Registration) Regulations 1991).
60. Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority's capacity as an employer (part 1 of the Health and Safety at Work etc. Act 1974 (c.37)).
61. Functions relating to sea fisheries (sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38)).
62. Power to make closing order with respect to take-away food shops (Section 4 of the Local Government (Misc. Provisions) Act 1982 (c.30)).

**Public Safety and Protection Sub-Committee  
Terms of Reference**

The Public Safety and Protection Sub Committees are established with the following Terms of Reference:

A. To encompass all of the functions falling within the Terms of Reference of the Public Safety and Protection Committee.

B. That the Public Safety and Protection Sub Committees shall have the delegated power to do all things falling within their Terms of Reference provided that:

- i. The power to make policy shall be reserved to the Public Safety and Protection Committee (although for the avoidance of doubt the sub-committees shall be entitled to exercise the Council's discretion to depart from policy or other guidance in an appropriate case); and
- ii. the exercise of the delegated power here conferred shall be subject to the same general provisions as are imposed on the Public Safety and Protection Committee under the Council's constitution, Part 3 in particular.



**BRISTOL CITY COUNCIL**

**PUBLIC SAFETY AND PROTECTION COMMITTEE**

**30 May 2023**

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

**Title: Consideration of hackney carriage and private hire policy in respect of tinted windows**

**Ward: Citywide**

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

**Contact Telephone Number: 0117 3574900**

**RECOMMENDATION**

The committee are recommended to:

- (1) Delegate authority to the Licensing and Trading Standards Manager and Licensing Team Leader to undertake consultation on whether the policy should be amended to permit tinted windows on licensed vehicles.

**Summary**

1. Hackney carriages and private hire vehicles 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 tinted windows is outlined in the Hackney Carriage and Private Hire Licensing Policy. The Private Hire Vehicle Specification starting at page 12 states:

*Tints*

13. *Tinted glass windows are permissible provided:*
  - a. *The light transmitted through the windscreen must be at least 75%.*

*b. The front side windows must allow at least 70% of light to be transmitted through them.*

*c. Rear side windows must allow at least 65% of light to be transmitted through them.*

*d. The vehicles rear window is exempt from the light transmission test.*

*14. Tinted films or glass applied retrospectively to the vehicle windows are not permitted.*

4. The Hackney Carriage and Private Hire Vehicle Inspection Standards for all vehicles are set out at page 19 of the policy. Section 6.5 Window Glass or Other Transparent Material, sub section (h) states:

*“h. The light transmitted through the windscreen must be at least 75%.*

*The front side windows must allow at least 70% of light to be transmitted through them.*

*Rear side windows must allow at least 65% of light to be transmitted through them.*

*The vehicles rear window is exempt from the light transmission test.”*

5. Tinted windows with less light transmission than the specifications stated in the above paragraphs are only permitted in relation to executive vehicles where it can be evidenced that there is a demand for tinted windows. The Private Hire Vehicles - Exemption from requirement to display Vehicle Identification which starts at page 46 of the policy states:

*“e) In certain circumstances passengers or businesses may request vehicles with tinted windows. Applicants must provide evidence of such a demand in order for the Council’s to depart from its standard requirements prohibiting tinted windows.*

*The proprietor must at all times ensure that all windows of the vehicle comply with current Road Traffic or Construction and Use Regulations”*

6. This means that any application for a new vehicle, which is not seeking an executive exemption, is not permitted to have dark tinted windows.
7. A request has been received from trade representatives which requests that the committee consider lifting the restriction on tinted windows for all licensed vehicles. They indicate that the majority of new vehicles come with tinted windows as standard, and the cost of replacement is significant. They have also indicated that replacement of tinted glass

with clear glass is becoming increasingly difficult as many glass replacement companies are not able to supply it.

## Context

8. The inspection standards were originally introduced in 2013 to ensure that vehicles were assessed for their suitability for use for hire and reward by the public. They have been amended on a number of occasions since then, however the requirements relating to tinted windows were included in the original document. The wording has been changed to allow slightly less light transmission than was originally permitted on rear windows and the rear windscreen. The rear windows were originally 70% now allowed 65%, and the rear windscreen was originally 70%, now there is no specified requirement.
9. All windows must still comply with Section 32 of the Road Vehicles (Construction and Use) regulations for that specified window, which primarily relate to the front windows and front windscreen.
10. The Department for Transport have produced a Best Practice Guidance document. 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. The current guidance states:

*“Tinted windows  
30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations”*
11. 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.
12. Officers have undertaken some preliminary work with glass replacement companies to understand what if any issues there are with replacing tinted windows in vehicles, and a number of the responses highlighted issues with a lack of availability of clear glass, the high cost of replacement glass, and that where glass has to be sourced from the manufacturer or dealership the normal practice is

that the dealership provide like for like glass, so the same glass the vehicle was originally manufactured with. This has made is challenging for glass companies to ensure the dealer understands why the clear glass is needed.

## Other Considerations

### 13. Equality Impact Assessment

An equality impact assessment was undertaken in respect of the proposed changes to the policy in 2021, and this is attached at Appendix A. In particular this highlighted some concerns around permitting tinted windows for visually impaired passengers and women, older people and younger people.

14. It is recommended that if consultation is proposed the relevant equalities groups are included, alongside other relevant consultees.

## Recommendations

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

Provide delegated authority to the Licensing and Trading Standards Manager and Licensing Team Leader to undertake a consultation in respect of the proposed removal of the requirements for light transmission on licensed vehicles.

## **Appendices – As links or attachments**

Appendix A – EQIA from policy consultation dated July 2021.



Title: Taxi Policy Review 2021	
<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input type="checkbox"/> Service <input type="checkbox"/> Other [please state]	<input type="checkbox"/> New <input type="checkbox"/> Already exists / review <input checked="" type="checkbox"/> Changing
Directorate: Growth and Regeneration	Lead Officer name: Carl Knights
Service Area: Regulatory Services	Lead Officer role: Senior Licensing Officer

## Step 1: What do we want to do?

The purpose of an Equality Impact Assessment is to assist decision makers in understanding the impact of proposals as part of their duties under the Equality Act 2010. Detailed guidance to support completion can be found here [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](#).

This assessment should be started at the beginning of the process by someone with a good knowledge of the proposal and service area, and sufficient influence over the proposal. It is good practice to take a team approach to completing the equality impact assessment. Please contact the [Equality and Inclusion Team](#) early for advice and feedback.

### 1.1 What are the aims and objectives/purpose of this proposal?

Briefly explain the purpose of the proposal and why it is needed. Describe who it is aimed at and the intended aims / outcomes. Where known also summarise the key actions you plan to undertake. Please use plain English, avoiding jargon and acronyms. Equality Impact Assessments are viewed by a wide range of people including decision-makers and the wider public.

To revise and amend all Bristol City Council Hackney carriage and private hire licensing policies into one document, and make a number of amendments due to:

- the introduction of statutory taxi and private hire vehicle standards by the Department for Transport
- changes identified in respect of private hire operators
- requests from the taxi trade to review the private hire vehicle policy in respect of tints
- a mandatory requirement for hackney carriages to have electronic payment facilities
- Updates to licence conditions and policies to remove old/outdated conditions or enhance public safety.

The key amendments include:

1. Adding a requirement to the policy that applicants and drivers are required to sign up to the Disclosure and Barring Service (DBS) Update Service and what happens if drivers do not sign up to the service or their status changes. *(Recommended by the Department for Transport Statutory Taxi and Private Hire Vehicle Standards issued under powers contained within section 177(1) of the Policing and Crime Act 2017 – the Department for Transport expects the recommendations in the standards to be implemented unless there is a compelling local reason not to).*
2. Introduction of certificate of good character for applicants and licence holders for drivers, vehicles and private hire operators from each country if they have lived outside of the UK for a continuous period of three months (or more) within the last five years of the date of their licence application, save in exceptional circumstances. *(Recommended by the Department for Transport Statutory Taxi and Private Hire Vehicle Standards).*
3. Introduction of requirement for the Council to be able to require applicants and licence holders to complete a mandatory test for their language proficiency for drivers and the ability for the Council to require drivers, vehicle proprietors and private hire operators to complete this test. *(Recommended by*



*the Department for Transport Statutory Taxi and Private Hire Vehicle Standards).*

4. To introduce a private hire operator policy and guidelines relating to the relevance of criminal behaviour and amend the conditions attached to such a licence. This will allow us to ensure that anyone who holds this licence is fit and proper to hold a licence. *(Majority of contents recommended by the Department for Transport Statutory Taxi and Private Hire Vehicle Standards).*

The policy will also mean that licence holders have to have minimum standards to ensure that all of their employees have the appropriate level of training in order to operate safely.

5. To introduce a policy in respect of mandatory card payments. Card payments would lead to an easier and quicker method for customers to pay taxis fares, While stopping the need for customers to ask Hackney Carriage drivers to stop off at cash machines if they need extra cash to pay a fare.

This technology can be beneficial is if a customer were to lose their cash and debit cards, the customer can if they wish use their smartphone device to pay a fare as if using a contactless debit card. This could stop the need for vulnerable people walking home at night and putting themselves in a potentially unsafe situation.

6. To amend the private hire vehicle policy and vehicle inspection standard so that tints are allowed in the rear side windows of private hire vehicles all other aspects of the policy remain unchanged.

*The current private hire inspection standard policy on tints was presented to members on 12 February 2013 and it was agreed that the implementation of the new standards would take effect from 1st April 2013.*

7. To consolidate and amend all Hackney carriage and private hire licensing policies/conditions in line with the published Department of Transport Statutory Taxi and Private Hire Vehicle standards which came into force in July 2020 into one cohesive policy document. These changes include revisions to Disclosure and Barring Service Checks (DBS), Licensee self-reporting in respect of convictions and caution they may receive, DBS checks for vehicle proprietors and operators, mandatory safeguarding training and significant changes to the guidelines relating to relevance of criminal behaviour.

## 1.2 Who will the proposal have the potential to affect?

<input type="checkbox"/> Bristol City Council workforce	<input checked="" type="checkbox"/> Service users	<input checked="" type="checkbox"/> The wider community
<input type="checkbox"/> Commissioned services	<input type="checkbox"/> City partners / Stakeholder organisations	
Additional comments:		

## 1.3 Will the proposal have an equality impact?

Could the proposal affect access levels of representation or participation in a service, or does it have the potential to change e.g. quality of life: health, education, or standard of living etc.?

If 'No' explain why you are sure there will be no equality impact, then skip steps 2-4 and request review by Equality and Inclusion Team.

If 'Yes' complete the rest of this assessment, or if you plan to complete the assessment at a later stage please state this clearly here and request review by the Equality and Inclusion Team.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	[please select]
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## Step 2: What information do we have?

### 2.1 What data or evidence is there which tells us who is, or could be affected?

Please use this section to demonstrate an understanding of who could be affected by the proposal. Include general population data where appropriate, and information about people who will be affected with particular reference to protected and other relevant characteristics: <https://www.bristol.gov.uk/people-communities/measuring-equalities-success>.

Use one row for each evidence source and say which characteristic(s) it relates to. You can include a mix of qualitative and quantitative data e.g. from national or local research, available data or previous consultations and engagement activities.

Outline whether there is any over or under representation of equality groups within relevant services - don't forget to benchmark to the local population where appropriate. Links to available data and reports are here [Data, statistics and intelligence \(sharepoint.com\)](#). See also: [Bristol Open Data \(Quality of Life, Census etc.\)](#); [Joint Strategic Needs Assessment \(JSNA\)](#); [Ward Statistical Profiles](#).

For workforce / management of change proposals you will need to look at the diversity of the affected teams using available evidence such as [HR Analytics: Power BI Reports \(sharepoint.com\)](#) which shows the diversity profile of council teams and service areas. Identify any over or under-representation compared with Bristol economically active citizens for different characteristics. Additional sources of useful workforce evidence include the [Employee Staff Survey Report](#) and [Stress Risk Assessment Form](#)

Data / Evidence Source [Include a reference where known]	Summary of what this tells us
Based on the demographics of the City of Bristol the majority of citizens which are potential taxi customers:	<ul style="list-style-type: none"> <li>- 78% are White British compared to 80% the national average</li> <li>- 17% have a Limiting Long-term Illness or Disability which is slightly lower than the national average of 18%</li> <li>- 50% are women which is slightly lower than the national average of 51%</li> </ul>
Disability	<p>There are over 14.1 million disabled people in the UK<sup>1</sup>. 8% of children are disabled. 19% of working age adults are disabled 44% of pension age adults are disabled</p> <p>Taxis and minicabs are vital for many disabled and older people and for some the only accessible transport mode (Beuret, 1995).</p>
Licence holders	<p>In Bristol there are currently 459 licensed hackney carriage vehicles, 809 private hire vehicles, 624 hackney carriage drivers and 1047 private hire drivers. Anecdotally the majority of Bristol taxi drivers are male, and a large proportion of taxi drivers are from Black, Asian and minority ethnic backgrounds, and Muslim.</p>

<sup>1</sup> Source: [Family Resources Survey \(2018 to 19\)](#)

## 2.2 Do you currently monitor relevant activity by the following protected characteristics?

<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender Reassignment
<input type="checkbox"/> Marriage and Civil Partnership	<input checked="" type="checkbox"/> Pregnancy/Maternity	<input checked="" type="checkbox"/> Race
<input checked="" type="checkbox"/> Religion or Belief	<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> Sexual Orientation

## 2.3 Are there any gaps in the evidence base?

Where there are gaps in the evidence, or you don't have enough information about some equality groups, include an equality action to find out in section 4.2 below. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. If you are unable to fill in the gaps, then state this clearly with a justification.

For workforce related proposals all relevant characteristics may not be included in HR diversity reporting (e.g. pregnancy/maternity). For smaller teams diversity data may be redacted. A high proportion of not known/not disclosed may require an action to address under-reporting.

We have tried to carry out a diversity survey by circulating to the taxi trade. Currently we have received 38 responses. Therefore the statistics may not be representative of the taxi trade. However the responses show of the respondents:

### Age

11% of respondents were under 24 years old  
38% of respondents were between 25-49 years old  
26% of respondents were between 50-64 years old

### Disability

87% of respondents do not consider themselves to be a disabled person  
11% of respondents consider themselves to be a disabled person  
3% of respondents preferred not to say

### Sex

97% of respondents are male  
3% of respondents are female

### Ethnic background

15% respondents identified themselves as English/Welsh/Scottish/Northern Irish/Irish/British  
2% of respondents identified themselves as Gypsy or Roma  
9% of respondents identified themselves as East European  
2% of respondents identified themselves as any other White Background  
2% of respondents identified themselves as Indian  
19% of respondents identified themselves as Pakistani  
6% of respondents identified themselves as Bangladeshi  
8% of respondents identified themselves as any other Asian background  
8% of respondents identified themselves as White and Black African  
2% of respondents identified themselves as White and Asian  
2% of respondents identified themselves as Any other mixed background  
6% of respondents identified themselves as African  
11% of respondents identified themselves as Somali  
4% of respondents identified themselves as Arab

### Sexual orientation

58% of respondents identified their sexuality as Heterosexual/straight  
3% of respondents identified their sexuality as bisexual  
8% of respondents identified their sexuality as Other

### Religious beliefs

21% of respondents identified their religious belief as Christian

68% of respondents identified their religious belief as Muslim

#### **Pregnancy and maternity**

97% responded they were not pregnant or had given birth in the last 26 weeks

3% responded that they were pregnant or had given birth in the last 26 weeks

#### **Refugee**

95% responded that they did not consider themselves to be a refugee

5% responded that they consider themselves to be a refugee

#### **English as first language**

39% responded that English was their first language

61% responded that English is not their first language

## **2.4 How have you involved communities and groups that could be affected?**

You will nearly always need to involve and consult with internal and external stakeholders during your assessment. The extent of the engagement will depend on the nature of the proposal or change. This should usually include individuals and groups representing different relevant protected characteristics. Please include details of any completed engagement and consultation and how representative this had been of Bristol's diverse communities. See <https://www.bristol.gov.uk/people-communities/equalities-groups>.

Include the main findings of any engagement and consultation in Section 2.1 above.

If you are managing a workforce change process or restructure please refer to [Managing change or restructure \(sharepoint.com\)](#) for advice on consulting with employees etc. Relevant stakeholders for engagement about workforce changes may include e.g. staff-led groups and trades unions as well as affected staff.

External consultation took place between 16 February 2021 and 21 March 2021. The survey was published on the Council's Consultation and Engagement Hub, accessible to all members of the public, and advertised via social media channels. In addition to this the following parties were also notified:

- Hackney carriage and private hire licence holders,
- Equalities groups,
- Avon and Somerset Constabulary,
- Bristol City Council Councillors
- Partner agencies,

Members of the trade were also invited to briefing sessions so the proposals could be explained in further detail.

## **2.5 How will engagement with stakeholders continue?**

Explain how you will continue to engage with stakeholders throughout the course of planning and delivery. Please describe where more engagement and consultation is required and set out how you intend to undertake it. Include any targeted work to seek the views of under-represented groups. If you do not intend to undertake it, please set out your justification. You can ask the Equality and Inclusion Team for help in targeting particular groups.

The proposals are to be presented to the members of the Council's Public Safety and Protection Committee on 27 July 2021. No further engagement with stakeholders will take place before this time.

However the proposals include a commitment to review the policy no later than 2026. The Licensing Team will continue to monitor the impact of the policy prior to this time and will take into account any feedback received. Meetings are held regularly with trade representatives and officers also attend other meetings with partner agencies. If any issues are raised that require a policy review prior to 2026 the matter will be referred to the Council's Public Safety and Protection Committee to seek approval to go out for consultation.

### Step 3: Who might the proposal impact?

Analysis of impacts must be rigorous. Please demonstrate your analysis of any impacts of the proposal in this section, referring to evidence you have gathered above and the characteristics protected by the Equality Act 2010. Also include details of existing issues for particular groups that you are aware of and are seeking to address or mitigate through this proposal. See detailed guidance documents for advice on identifying potential impacts etc. [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](#)

#### 3.1 Does the proposal have any potentially adverse impacts on people based on their protected or other relevant characteristics?

Consider sub-categories (different kinds of disability, ethnic background etc.) and how people with combined characteristics (e.g. young women) might have particular needs or experience particular kinds of disadvantage.

Where mitigations indicate a follow-on action, include this in the 'Action Plan' Section 4.2 below.

#### GENERAL COMMENTS (highlight any potential issues that might impact all or many groups)

All:

**a) DBS Update Service** - There may be some negative impact when drivers fail to subscribe or maintain subscription to the service as a new application and fee will be required and this could delay their licence being issued or their licence may be suspended or revoked.

Also, if the status of a DBS check changes then this could impact on the licence of a driver and delay applications or a drivers licence may be suspended or revoked.

However this is mitigated by private hire drivers and vehicle proprietors being required to inform the Council in respect of convictions etc. at the time they are received so in most cases there would be time to consider the impact on their suitability to hold a licence prior to the licence expiry date.

**b) Private Hire Operator Policy** - None

**c) Card Payments** - There may be some negative impact for Hackney carriage proprietors due to the cost element involved of having a card reader fitted to their vehicle.

**d) Tints** - Tinted windows could reduce perceived confidence in the safety of private hire vehicles. The consultation showed that only 40% of members of the public agreed with tints being permitted on the rear passenger windows. Comments received from members argued against tints being permitted for the reasons of public safety, especially with respect to females (the ability to see into the vehicle before entry and for other people to be able to see into the vehicle at all times). One respondent also mentioned the issue that partially sighted passengers may have if they are unable to see out of the windows due to the level of tint in the glass.

New vehicles tend to have less transparent glass and additional costs of replacing windows is likely to have a disproportionate impact on Black, Asian and minority ethnic men, and Muslims because of their higher levels of representations in the taxi trade. The relaxation of tint requirements, if approved, may also result in more vehicles licensed by Bristol City Council, thereby improving the regulatory regime for consumers booking vehicles and travelling in Bristol.

However, based on a balanced consideration of the potential impacts, this amendment is not being recommended by officers. Members will be requested to consider the evidence and make a determination on the appropriate course of action.

**e) Statutory Taxi and Private Hire Vehicle Standards** - All licensed drivers could be impacted as every licence will need to be reviewed and depending on the outcome there could be the potential for licences being suspended or revoked and new applicants being refused due to the changes to the convictions policy and the requirement for a language proficiency test.

#### PROTECTED CHARACTERISTICS

<b>Age: Young People</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Potential impacts:	<b>a) DBS Update Service</b> - No negative impact identified
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	<ul style="list-style-type: none"> <li><b>b) Private Hire Operator Policy</b> - No negative impact anticipated.</li> <li><b>c) Card Payments</b> – No negative impact identified</li> <li><b>d) Tints</b> - Tinted windows could reduce perceived confidence in the safety of private hire vehicles for some younger or older passengers.</li> <li><b>e) Statutory Taxi and Private Hire Vehicle Standards</b> – No negative impact anticipated.</li> </ul>
Mitigations:	See general comments above
<b>Age: Older People</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	<ul style="list-style-type: none"> <li><b>a) DBS Update Service</b> - No negative impact identified</li> <li><b>b) Private Hire Operator Policy</b> - No negative impact anticipated.</li> <li><b>c) Card Payments</b> – No negative impact identified</li> <li><b>d) Tints</b> - Tinted windows could reduce perceived confidence in the safety of private hire vehicles for some younger or older passengers.</li> <li><b>Statutory Taxi and Private Hire Vehicle Standards</b> – No negative impact anticipated.</li> </ul>
Mitigations:	See general comments above
<b>Disability</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	<ul style="list-style-type: none"> <li><b>a) DBS Update Service</b> - No negative impact identified</li> <li><b>b) Private Hire Operator Policy</b> - Any employees of an Operator with learning difficulties e.g. dyslexia could potentially be affected by introducing minimum standards of training. The level of training that will be given to employees will be rigorous and appropriate attention should be paid to employees whose protected characteristics mean extra training or tuition is necessary.</li> <li><b>c) Card Payments</b> – No negative impact identified</li> <li><b>d) Tints</b> - People with sight loss may be likely to have more reduced visibility through windows and reduced light inside vehicles could affect those with sight loss and other impairments.</li> <li><b>e) Statutory Taxi and Private Hire Vehicle Standards</b> – All new applicants must complete a mandatory test of their language proficiency, which should cover both oral and written English language skills to achieve the objectives stated above. The Council will have the right to require existing drivers to conduct this test if required by the Chair of the Public Safety and Protection Committee. Such a test will be completed the licensees expense.</li> </ul>
Mitigations:	<p><b>Statutory Taxi and Private Hire Vehicle Standards</b> – Any person sitting the mandatory test of their language proficiency would be allowed reasonable adjustments as necessary.</p> <p>See also general comments above</p>
<b>Sex</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	<ul style="list-style-type: none"> <li><b>a) DBS Update Service</b> - No negative impact identified. Approximately 98% of licensed drivers are male.</li> <li><b>b) Private Hire Operator Policy</b> - No negative impact anticipated.</li> <li><b>c) Card Payments</b> – As ‘All’ above - there may be a disproportionate cost impact as approximately 98% of licensed drivers are male</li> <li><b>d) Tints</b> – As above: tinted windows could reduce perceived confidence in the safety of private hire vehicles for some female passengers.</li> <li><b>e) Statutory Taxi and Private Hire Vehicle Standards</b> - No negative impact anticipated.</li> </ul>
Mitigations:	See general comments above
<b>Sexual orientation</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>Pregnancy / Maternity</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>Gender reassignment</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	

<b>Race</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	<p><b>(a) DBS Update Service</b> - Due to their high representation Black, Asian and minority ethnic licensed taxi drivers are likely to be disproportionately impacted by the initial financial cost of the DBS Update Service and applying for DBS applications outside of normal timescales.</p> <p><b>(b) Private Hire Operator Policy</b> - There is no requirement for Operators to employ people with a minimum level of English language. There is potential for Operators to employ people who may experience issues in being trained to minimum standards when English is not their first language.</p> <p><b>(c) Card Payments</b> – As ‘All’ above – there may be a disproportionate cost impact for Black, Asian and minority ethnic licenced drivers due to their high representation.</p> <p><b>(d) Tints</b> - No negative impact identified.</p> <p><b>(e) Statutory Taxi and Private Hire Vehicle Standards</b> – Including the introduction of requirements relating to language proficiency, certificates of good character, changes in respect of the guidelines relating to the relevance of criminal behaviour and introduction of basic DBS for vehicle applications.</p> <p>Due to their high representation Black, Asian and minority ethnic licensed taxi drivers are likely to be disproportionately impacted by the financial costs of new DBS applications, certificates of good character.</p> <p>Black, Asian and minority ethnic drivers are also likely to be disproportionately impacted by the strengthening of the guidelines on the relevance of criminal behaviour (convictions policy) due to their higher representation amongst taxi drivers.</p> <p>Members of the trade or applicants who are Black, Asian or minority ethnic may also be disproportionately impacted by the requirements for a certificate of good character as they may be more likely to have lived outside of the UK for a continuous period of three months or more.</p> <p>The language proficiency test may affect existing licensees wishing to renew their licence. Those that obtained a licence prior to the introduction of the Gold Standard Training Program in 2011 have not previously had to undergo a language proficiency test. The English language requirement may therefore become a barrier to income generation should a driver be unable to renew their licence.</p> <p>All licensed drivers could be impacted as every licence will need to be reviewed and depending on the outcome there could be the potential for licences being suspended or revoked and new applicants being refused due to the changes to the convictions policy.</p>
Mitigations:	The proposals are justified on the basis of ensuring the safety of the travelling public.
<b>Religion or Belief</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	<p><b>(a) DBS Update Service</b> - No negative impact identified.</p> <p><b>(b) Private Hire Operator Policy</b> - No negative impact anticipated.</p> <p><b>(c) Card Payments</b> – As ‘All’ above - there may be a disproportionate cost impact for Muslim licensed drivers due to their high representation</p> <p><b>(d) Tints</b> - No negative impact anticipated.</p> <p><b>(e) Statutory Taxi and Private Hire Vehicle Standards</b> - No negative impact anticipated.</p>
Mitigations:	The proposals are justified on the basis of ensuring the safety of the travelling public.
<b>Marriage &amp; civil partnership</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>OTHER RELEVANT CHARACTERISTICS</b>	

<b>Socio-Economic (deprivation)</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	None
Mitigations:	None.
<b>Carers</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	All sections - No negative impact identified
Mitigations:	None
<b>Other groups</b> [Please add additional rows below to detail the impact for other relevant groups as appropriate e.g. Asylums and Refugees; Looked after Children / Care Leavers; Homelessness]	
Potential impacts:	Anecdotal evidence suggests that a number of members of the trade are refugees or asylum seekers. Data held (small sample) shows 5% of the trade identify as refugees. However the policy proposals will have no greater impact than on any other group.
Mitigations:	None. Proposals justified to ensure the safety of the travelling public.

### 3.2 Does the proposal create any benefits for people based on their protected or other relevant characteristics?

Outline any potential benefits of the proposal and how they can be maximised. Identify how the proposal will support our Public Sector Equality Duty to:

- ✓ Eliminate unlawful discrimination for a protected group
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who don't
- ✓ Foster good relations between people who share a protected characteristic and those who don't

All proposals will enhance the safety of the travelling public. Full details of how the proposals will benefit those with protected or relevant characteristics can be seen in "Step 4" below.

## Step 4: Impact

### 4.1 How has the equality impact assessment informed or changed the proposal?

What are the main conclusions of this assessment? Use this section to provide an overview of your findings. This summary can be included in decision pathway reports etc.

If you have identified any significant negative impacts which cannot be mitigated, provide a justification showing how the proposal is proportionate, necessary, and appropriate despite this.

#### Summary of significant negative impacts and how they can be mitigated or justified:

**DBS Update Service** - The impact with regard to the initial cost of the DBS Update Service can be justified through the improved protection for the travelling public and the savings over time (provided no change to DBS status and continued subscription to the service).

The DBS update service is portable so if drivers are engaged in other activities requiring a certificate this can also be used for that purpose. The DBS update service currently costs £13 per annum plus the cost of the original DBS application which is currently set as £49.50.

There are currently delays with the DBS in terms of the turnaround time of applications which can be exacerbated when applicants have a complex address history. This can potentially delay licences being issued and therefore have a negative effect on the livelihood of drivers. By subscribing to the DBS update service these delays should no longer occur.

**Private Hire Operator Policy** - We will ensure that our communication about implementation of the policy is clear, concise and unambiguous.

**Card Payments** - The potential negative cost impact of installing a mandatory card readers is likely to be mitigated / offset by other benefits including:



- An easier and quicker payment method for taxis fares
- A reduction in the need to stop off at cash machines if customers need extra cash to pay a fare
- Benefit to disabled customers and wheelchair users who may be unable to easily alight from a vehicle to use a cash point. Customers will be able to arrive at transportation hubs such as Temple Meads without the need to ensure cash is carried to secure a taxi for hire.
- A potential increase in customers who may previously have avoided taxis due to the requirement to pay in cash

**Tints** - More vehicles licensed by Bristol City Council, thereby improving the regulatory regime for consumers booking vehicles and travelling in Bristol.

New vehicles tend to have less transparent glass and additional costs of replacing windows is likely to have a disproportionate impact on Black, Asian and minority ethnic men, and Muslims because of their high levels of representations in the taxi trade.

**Statutory taxi and private hire vehicle standards**

- It is recommended that the standards be put into to practice and administered appropriately to mitigate the risk posed to the public.
- The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public when using taxis and private hire vehicles.
- We will discuss with training providers how the tests can meet the needs of disabled people or people speaking English as additional language and safeguarding training.
- The ability to require existing licence holder to pass a language proficiency test will ensure that all licence holders can communicate effectively with the public. This is essential as improved communication will help reduce the potential for any misunderstandings and improve passenger safety and their perception of safety. For example it will alleviate the potential for passenger uncertainty and anxiety when a driver is unable to explain why they are taking an alternative route. Benefits could also be realised in the case of a health issue where the passenger requires medical assistance. Existing licence holders will only be required to undergo the test if the public safety and protection committee or Licensing Manager decide its necessary. No criteria for this is currently available and no decision has been made yet on what support may be available
- It is also essential that all licence holders are able to fully understand the legislative requirements and conditions and communications from the council in its role as the regulator. Understanding these communications is vital in order to ensure passenger safety.
- Re. Certificates of Good Character – we will provide additional guidance for cases where an applicant is unable to provide documentation from their country of origin because they are a refugee etc.
- Reasonable adjustments should be made to ensure that applicants and licence holders are given appropriate support and time to ensure they can meet the standards by this policy.
- Guidelines on the relevance of criminal behaviour - The strengthening of the guidelines are in line with the national standards proposed by central government (Department for Transport). The DfT have stated that the guidelines they have set out should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence. Applicants/licence holders will however be given the opportunity to have their case heard on its own merits and will be entitled to a fair and impartial consideration of their application/suitability to hold a licence.
- Certificate of good character – these are also recommended by the national standards proposed by central government (Department for Transport). A Disclosure and Barring Service check cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual’s criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. As such to ensure licence holders are fit and proper persons to hold a licence it is essential this certificate is required. As above should any negative information be received applicants/licence holders will be given the opportunity to have their case heard on its own merits and will be entitled to a fair and impartial consideration of their application/suitability to hold a licence.

**Summary of positive impacts / opportunities to promote the Public Sector Equality Duty:**

**DBS Update Service** - The impact on applicants and drivers should over time save money, allowing drivers to apply

for three year licences more frequently, and reduce the administrative burden for all drivers and applicants, particularly when there are often delays with DBS certificates which can subsequently impact on whether a licence is issued and therefore impact on driver's earnings.

In respect of the public this service will enable checks to be carried out on drivers more frequently therefore it is likely to increase public safety

**Private Hire Operator Policy** - Yes. In creating a policy, the standard of operators will be established in respect of public safety.

Taxis are an integral part of the public transport network, and an overall minimum standard in respect of topics such as disability awareness and child sex exploitation would benefit and further enhance the safety element of using taxis as a safe means of transport.

**Card Payments** - Having a card payment facility for passengers would improve public safety for Hackney Carriage customers in Bristol. Customers would not have the need to stop and use cash machines late at night and therefore reduce the risk of robbery or other associated crimes.

**Tints** – The more vehicles licensed by Bristol City Council, thereby improving the regulatory regime for consumers booking vehicles and travelling in Bristol

**Statutory taxi and private hire vehicle standards** - Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults.

The introduction of requirements such as safeguarding training, DBS update service, basic disclosures, certificate of good character will enable additional checks to be carried out to ensure licence holders are fit and proper to hold a licence. The introduction of safeguarding training will drivers to :

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

The ability to require all licence holders to pass a language proficiency test is likely to have a positive impact on people with learning difficulties and hearing difficulties. This is because these groups are more likely to already experience some barriers to communication.

## 4.2 Action Plan

Use this section to set out any actions you have identified to improve data, mitigate issues, or maximise opportunities etc. If an action is to meet the needs of a particular protected group please specify this.

Improvement / action required	Responsible Officer	Timescale
Present a report to the Public Safety and Protection Committee with recommendations including findings of the consultation.	Carl Knights`	Due on 27 July 2021

## 4.3 How will the impact of your proposal and actions be measured?

How will you know if you have been successful? Once the activity has been implemented this equality impact assessment should be periodically reviewed to make sure your changes have been effective your approach is still appropriate.

**DBS Update Service** - Through statistics relating to the number of drivers that fail to maintain subscription to the DBS update service, and the number of drivers that have DBS update check status changes.

**Private Hire Operator Policy** - Through monitoring of licensed operators and enforcement visits/inspections. The policy will also create a requirement for licensed operators to report back to the council in respect of training undertaken for staff.


**Card Payments** - If approved it will be a mandatory requirement for all hackney carriage vehicles to be fitted with a card payment device. This will be checked by Fleet Services by way of their vehicle inspection check on the initial granting of the licence and each time the vehicle is due for renewal

**Tints** – If the proposal is not approved the Licensing Team will monitor the supply of new vehicles to see if the trend for manufacturer fitted tints increase and the subsequent cost implications of window replacement. If the proposal is approved any negative feedback from members of the public with regard to tints fitted on licensed vehicles will be monitored. This element of the policy will be kept under review to determine if any future change is required.

**Statutory Taxi and Private Hire Vehicle Standards** – Taking all of the above into consideration and with the added conditions in the statutory standards a more proactive approach on deciding whether a licence holder is deemed fit and proper to hold such a licence.

## Step 5: Review

The Equality and Inclusion Team need at least five working days to comment and feedback on your EqIA. EqIAs should only be marked as reviewed when they provide sufficient information for decision-makers on the equalities impact of the proposal. Please seek feedback and review from the [Equality and Inclusion Team](#) before requesting sign off from your Director<sup>2</sup>.

<b>Equality and Inclusion Team Review:</b> <b><i>Reviewed by Equality and Inclusion Team</i></b>	<b>Director Sign-Off:</b> 
Date: 14/7/2021	Date: 15/7/2021

<sup>2</sup> Review by the Equality and Inclusion Team confirms there is sufficient analysis for decision makers to consider the likely equality impacts at this stage. This is not an endorsement or approval of the proposal.