

# Bristol City Council

## Minutes of the Public Safety and Protection Committee



28 February 2017 at 10.00 am

### **Members Present:-**

**Councillors:** Donald Alexander, Chris Davies, Richard Eddy (Vice-Chair), Sultan Khan (Chair), Mike Langley, Paula O'Rourke, Ruth Pickersgill, Jo Sergeant and Chris Windows

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

Nick Carter, Jonathan Martin, Ashley Clark, Emma Lake and Allison Taylor

## **1. Welcome, Introductions and Safety Information**

The Chair welcomed everyone to the meeting and asked them to introduce themselves. He also provided safety information for all those attending.

## **2. Apologies for Absence**

Councillor Keen (Councillor Sergeant as substitute).

## **3. Declarations of Interest**

There were none.

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

The Minutes of the meeting of Sub-Committee A held on 19 October 2016 were approved as a correct record and signed by the Chair.

## **5. Street Trading Policy**

The Licensing Team Leader introduced the report and highlighted the four changes proposed. These were proposed to improve efficiency for applicants and to streamline some



of the current processes.

These are summarised as follows:-

1. Consultation – applicant to place a site notice at the site detailing the application and how to object. Consultation period extended to 21 days;
2. Applicant to provide written permission from landowner to trade at the site before the application is processed;
3. Licensing Manager may determine all applications or refer to Committee. If the Licensing Manager was minded to refuse and the application was contentious, the Chair of PSP would be consulted;
4. Applicant to provide a basic disclosure every three years on renewal.

The following points arose from discussion:-

1. The service would be made more efficient as it would strip out speculative applications and multiple applications for the same site which had previously been refused;
2. The three-year disclosures would be in line with taxi driver applications. Currently, once granted, any criminal conviction would not have to be disclosed;
3. Councillor Pickersgill believed that the comment ‘too contentious’ was subjective and put an onus on the officers and asked whether it was possible to define this. She was informed that the policy set out the factors such as highways, noise, food littering. Currently, officers were in the position where they could not immediately refuse a ‘ludicrous’ application. This revision to the policy would allow that and free up Committees from considering them. Safeguards were in place as street trading applications would be circulated to ward Councillors and those applications which officers sensed were contentious would go before a Committee. He proposed that this revised arrangements operate for six months and then be reviewed. It was noted that the final policy wording should not use the term ‘too contentious’. It was agreed that a new form of wording should be ‘A decision to put an application before Committee was at the discretion of the Licensing Manager or Licensing Team Leader in consultation with the Chair of the Public Safety and Protection Committee’;
4. Site notices would be similar to the Licensing Act notices;
5. A publican or store manager might not be the landowner;
6. As these changes had not yet been publicised, it was proposed to update the guide for 1 April.

On being put to the vote, the recommendations were unanimously agreed, subject to revised wording as detailed above.

**RESOLVED – that the contents of the report be noted and the amendments to the street trading policy be agreed, subject to the revised wording as detailed above.**



## 6. Public Forum

The Public Forum Statements were noted and a copy was placed in the Minute Book for viewing by members of the public.

At this point Councillor Sergeant arrived.

## 7. Hackney Carriage and Private Hire Vehicle Policy Review

The Licensing Manager introduced the report and making the following points:-

1. The factors behind the review of the policy were changes in the dynamics of the taxi trade, more challenging market conditions and the need to move the fleet towards a more sustainable future with regards to improving air quality;
2. It was believed as regulator the Council should lead by example;
3. There had been extensive consultation with the trade and a complex picture was presented with regards to what was practical and feasible in relation to emissions;
4. There was no viable electric vehicle in the market place;
5. Major cities across the world are pledging to get rid of diesel vehicles by 2024, this would pave the way for the need for new technology to satisfy the taxi market.
6. The prevalence of app based systems had fundamentally changed the market place;
7. CH2M carried out a Hackney Carriage Unmet Demand Survey in Spring 2016 on behalf of the City Council and despite finding there was no significant unmet demand, it recommended 3 alternative ways forward. Officers recommended imposing a numerical limit of 795 licences (the number of licences at the time). The number of licences was currently at 749. The trend suggested numbers were declining so this number seemed sensible;
8. The Council was committed to delivering electric alternative vehicles in Bristol and from 1 January 2018 new vehicle applications would not be accepted unless they were 0% emission capable;
9. The Council proposed a significant concession by allowing vehicles to be up to 3 ½ years old subject to the vehicle being Euro 6 standard. Currently vehicles had to be new. This enabled owners to maintain vehicles for a further year in order to make that trade;
10. The Committee were asked to have regard to an amendment to Condition 6 of the Hackney Carriage Vehicle Policy to ensure greater clarity. The Condition to now read '*Any vehicle first registered between 1 January 2006 and 31 December 2010 will not be licenced after 10 years from the date of first registration. Any vehicle over 10 years of age on or before 31 March 2018 will not be licenced past 31 March 2018.*'
11. Euro 5 compliant vehicles would continue to be licenced for a further 10 years from the date of registration;
12. Private Hire vehicles should be petrol or petrol/hybrid from 1 April 2018 so that no



- new diesel vehicles would be licenced from Private Hire from that date;
13. It was noted that some manufacturers did not import diesel alternatives eg. Mercedes E Class. These makes were particularly popular with the Executive market so it was proposed to continue to licence these vehicles as the risk if, not, would be that the owners obtained their licence from South Gloucestershire and still operate from Bristol, and Bristol could not regulate them;
14. For both Hackney Carriage and Private Hire vehicles it was proposed that the standard for tints be lowered in order to improve efficiency as less applications would be required to come to Committee;
15. Advertising would be permitted on the rear screen and not the side of the vehicle;
16. With respect to accessibility, the Council had been far sighted by proposing that all vehicles were 100% accessible;
17. To do nothing was not a viable option. The proposed changes were believed to be the best compromise in the current constraints of the market place and in light of calls for a change from operators.

The following points arose from discussion:-

1. Advertising would still have to meet the requirements of tints in terms of light transmission;
2. There was a risk that owners would go to neighbouring authorities if more conditions were imposed. It was important to lead by example as a core city;
3. It was noted that the Council now had funding to develop a Clean Air Zone for coaches, buses, Hackney Carriage and Private Hire vehicles. There was a challenge regarding how this would be regulated. It would require a list of vehicles which were Euro 6 compliant as these vehicles were exempt from the Clean Air Zone. Vehicles from neighbouring authorities would need to provide details of licensed vehicles and emission standard. In the absence of a national database of licensed vehicles might be penalised until such time as they can prove their emission standard;
4. Councillor Eddy supported the 795 cap. He asked for more enforcement of individuals not properly licenced from out of the area as this affected those trying to make a living and uphold standards. He was informed that Bristol had taken positive clear action against authorities who had licenced vehicles who operated in Bristol. The Council had written to each of these local authorities' Monitoring Officers demanding change and many had taken action. This was a national problem and proprietors exploited local authorities with weak vehicle licence policies. Thirty out of town drivers had been prosecuted but this was an expensive process and was therefore a difficult balance. There was a collective voice for change and lobbying was taking place in core cities and Transport for London;
5. From 1 April 2017, a dedicated taxi licensing enforcement Police Officer would work within Bristol and South Gloucestershire;
6. Councillor Eddy asked if the trade had been kept properly informed with respect of the new proposals and was informed that there had been many meetings and therefore



nothing should be a surprise;

7. Councillor Eddy understood the policy proposal with respect to cost and road worthiness but believed that the implementation of Euro 6 standard should be delayed until March 18. In response, he was informed that this was an option but the risk was that drivers could then buy a 3½ year Euro 5 standard vehicle;

Councillor Windows expressed some doubt in the speed of implementation and that this might push some drivers into other authority areas that weren't as well regulated. He was informed that a Euro 6 standard accessible vehicle could be purchased for £22,000. It was possible that this could push drivers over the border or to Private Hire but as a core city it was important to lead by example. The Councillor, in response, stated that national legislation should bring this in line;

8. Councillor O'Rourke welcomed a more sustainable taxi fleet and the dedicated Police Officer for enforcement. She noted the exemption for executive vehicles and believed this demonstrated an element of privilege for the top end whilst everyone else had to comply. She shared some concern regarding the pace of change. In response she heard that that there was strong demand in Bristol for this kind of service and vehicle and if not exempted they could go to neighbouring authorities for a licence and continue to operate in Bristol;

9. Councillor Sergeant asked whether there was a statement or pressure the Council could consider regarding the level of unfair competition in the market from Uber. She suggested that the Council should consider creating its own similar model in order to keep the service local and support drivers in the City. She was informed Uber vehicles were licenced the same way as all operators within the legislative context. It was acknowledged that the market place was changing and the consumer was responding;

10. The Licensing Manager, in considering the recommendations to be voted on individually, asked that an additional recommendation E be added as follows:-

*'Agree to adopt the proposed changes to the draft Hackney Carriage and Private Hire Inspection Standards as set out in the report.'* This was agreed.

Each recommendation was voted on as follows:-

Recommendation A – Unanimous.

Recommendation B - 7 for, 2 against – Carried.

Recommendation C – 7 for, 2 against – Carried.

Recommendation D – 6 for, 3 against – Carried.

Recommendation E – 6 for, 3 against – Carried.

## **RESOLVED –**

**That the Committee:-**

**A. Agreed the findings of the Bristol Hackney Carriage Unmet Demand Survey and**



**accepts the introduction of a limitation on the number of hackney carriage vehicles licenced by the City Council as 795;**

**B. Agreed that any new Hackney Carriage licences that might be issued (ie. new licences that can be issued before the 795 cap is reached) would only be issued in respect of vehicles that are classified as ULEV (Ultra Low Emission Vehicles – which could include hybrid vehicles) and are purpose built wheelchair accessible vehicles and benefit from European Community Whole Vehicle Type Approval;**

**C. Agreed to adopt the proposed changes to the draft Hackney Carriage Vehicle Policy as set out in the report, subject to the amendment noted above;**

**D. Agreed to adopt the proposed changes to the draft Private Hire Vehicle Policy as set out in the report;**

**E. Agree to adopt the proposed changes to the draft Hackney Carriage and Private Hire Inspection Standards as set out in the report.**

Meeting ended at 12 Noon.

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

