

Public Safety and Protection Committee

Agenda



Date: Tuesday, 15 August 2017

Time: 10.00 am

Venue: City Hall

Distribution:

Councillors: Nicola Bowden-Jones, Chris Davies, Richard Eddy (Vice-Chair), Carole Johnson, Mike Langley, Paula O'Rourke, Ruth Pickersgill (Chair), Lucy Whittle and Chris Windows

Copies to: Nick Carter, Ashley Clark, Lynne Harvey, Michael Bonnick, Emma Lake, Sarah Flower, Abigail Holman, Carl Knights, Wayne Jones, Andrew Lyle (Licensing Enforcement Officer) and Norman Cornthwaite

Issued by: Ian Hird, Democratic Services
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E-mail: democratic.services@bristol.gov.uk
Date: Monday, 7 August 2017



Agenda

1. Apologies

(Pages 5 - 6)

2. Declarations of Interest

3. Public Forum

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. Please note that the following deadlines will apply in relation to this meeting:

Statements and petitions

Petitions and statements must be received by noon on the working day prior to the meeting. For this meeting, this means that your submission must be received at the latest by **12.00 noon on Monday 14th August 2017**.

The notice should be addressed to the Service Director, Legal and Democratic Services, c/o The Democratic Services Team, City Hall, College Green, Bristol BS3 9FS, email democratic.services@bristol.gov.uk

The total time allowed for public forum business is **30 minutes**.

4. Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate



Recommended – that 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.

5. Hackney Carriage Vehicle Policy - Amendment to Grandfather Rights Provision and Emissions Policy

The Committee is asked to:

(Pages 7 - 23)

Agree to allow the renewal of Hackney carriage licences following the transfer of a licence from a proprietor who has the benefits of the grandfather rights provision to a new proprietor who does not have the benefit of Grandfather Rights with effect from 1 September 2017; and
Agree to allow an amendment to the policy to specify that other vehicles e.g. petrol driven Euro 5 emission standard vehicles may be acceptable provided they comply with all aspects of the policy.

6. Hackney Carriage and Private Hire Fit and Proper Person Policy Review

The Committee is asked to agree to adopt the proposed changes to the draft Fit and Proper Person Policy as set out in the report.

(Pages 24 - 44)

7. Hackney Carriage Vehicle Advertising Policy

The Committee is asked to:

(Pages 45 - 57)

- (a) Agree to adopt a policy for advertising displayed on Hackney carriage vehicles
- (b) Amend the Hackney Carriage Vehicle Policy to alter the location on which advertising can be displayed.
- (c) To amend the Hackney Carriage vehicle licence conditions to permit advertising in accordance with the proposed amendments to the vehicle policy.
- (d) To amend the Hackney Carriage and Private Hire Vehicles Inspection Standards to permit advertising/tints on a vehicles rear window.

8. Private Hire Vehicles - Exemption from requirement to display vehicle identification plate policy

The Committee is asked to:

(Pages 58 - 83)

Note the responses received as part of the external consultation
Adopt the Private Hire Vehicles - Exemption from requirement to display vehicle identification plate policy with effect from 1 September 2017.





Public Information Sheet

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

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Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

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 and be available in the meeting room one hour before the meeting. Please submit it to democratic.services@bristol.gov.uk or Democratic Services Section, City Hall, College Green, Bristol BS1 5UY. 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 **three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, only the first sheet will be copied and made available at the meeting. 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. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record (available from Democratic Services).

We will try to remove personal information such as contact details. 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 in them may be searchable on the internet.

Process 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.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.

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) and the footage will be available for two years. If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

BRISTOL CITY COUNCIL

PUBLIC SAFETY AND PROTECTION COMMITTEE

15 August 2017

Report of: Strategic Director, Neighbourhoods

Title: Hackney Carriage Vehicle Policy – Amendment to Grandfather Rights Provision and Emissions Policy

Ward: Citywide

Officer Presenting Report: Nick Carter, Regulatory Services Manager

Contact Telephone Number: 0117 357 4900

RECOMMENDATION

That the Public Safety and Protection Committee:

- a) **Agree to allow the renewal of Hackney carriage licences following the transfer of a licence from a proprietor who has the benefits of the grandfather rights provision to a new proprietor who does not have the benefit of Grandfather Rights with effect from 1 September 2017.**
- b) **Agree to allow an amendment to the policy to specify that other vehicles e.g. petrol driven Euro 5 emission standard vehicles may be acceptable provided they comply with all aspects of the policy.**

Summary

1. On 28 February 2017 members agreed a number of policy changes regarding the administration of Hackney carriage licences. One of those changes was to allow the continuation to April 2018 of what are referred to as Grandfather Rights whereby existing proprietors of Hackney carriage licences at the last policy review in 2008 had certain rights with regard to continuing to licence vehicles that complied with an earlier vehicle specification. Linked to these rights was a restriction that prevented these vehicles being transferred and licensed to new entrants to the Hackney carriage trade. As part of the lengthy consultation with trade representatives during the full policy review it was agreed that this restriction would be removed. The February report intended this to be case with immediate effect. The purpose of this report is to clarify that whilst grandfather rights are continuing to April 2018 the restriction on transfers and subsequent licence renewal is not.

A second change was to specify that vehicles licensed on the first occasion (which were replacing existing licensed Hackney carriages) must be Euro 6 or

higher standard. It is proposed to amend the policy to specify that Euro 5 standard petrol vehicles (that comply with all other elements of the policy) may also be acceptable. Such vehicles are less polluting than Euro 6 diesel vehicles however they only represent a very small proportion of the market which is dominated by diesel powered vehicles.

2. The significant issues in the report are:

- a. This report clarifies the position regarding Grandfather Rights and will enable licences to be transferred and renewed to proprietors who did not hold licences in 2008.
- b. To amend the policy to state Euro 5 petrol vehicles may also be acceptable.

Policy

3. The granting of Grandfather Rights provisions in April 2008 was to enable existing proprietors to continue licensing vehicles to the earlier specification in order to allow time to adjust to the new policy requirements which would result in them having to change their vehicles. The purpose of restricting the transfer and subsequent renewal to persons who did not have these rights was to encourage new entrants to the trade to purchase new Hackney carriages. The restriction did not work and resulted in various practices being used to circumnavigate the provision, furthermore it was a disincentive to existing proprietors to upgrade their vehicles as they could not legitimately sell them on.
4. The requirement for replacement Hackney Carriages to be Euro 6 or higher standard was intended to improve air quality. Hackney carriages are a significant source of air pollution, particularly in the city centre (an Air Quality Management Area). Many of the hackney carriages in Bristol's fleet are older diesel-based vehicles compared to the average age of private hire vehicles in the city. In many cases a single diesel car can produce more Nitrogen Oxides (NOx) and Particulate Matter (PM) than a modern lorry or bus as modern larger vehicles are fitted with a wide range of equipment such as filters, and use fuel additives such as Ad-Blue. The annual UK government legal objective for nitrogen dioxide is exceeded throughout wide areas of Bristol close to the busiest roads in the centre and along the main arterial routes. There are also a number of locations where the short term hourly UK government legal objective for nitrogen dioxide is exceeded. It is recognised that a Euro 5 petrol vehicle will emit less pollution than a Euro 6 diesel and as such it would be beneficial to permit them to be licensed.

Consultation

5. Internal:

- a. Legal Services (see below)
- b. City Innovation and Sustainability

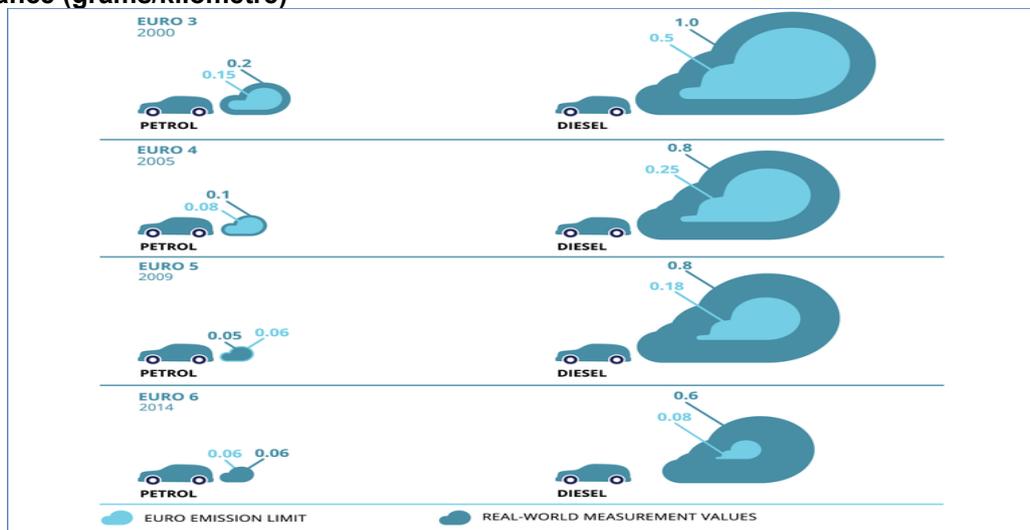
6. External:

The Council has consulted with representatives of the taxi trade.

Context

7. Hackney carriages play an integral part of the local public transport infrastructure. They provide a flexible form of public transport and can play an increasingly important role in improving accessibility.
8. The overriding aim of the Council as the licensing authority is to protect the safety of the public. The Hackney Carriage Vehicle Policy aims to ensure that licensed vehicles in Bristol are safe, comfortable, properly insured, accessible, and are not unnecessarily polluting.
9. It is considered that the current policy with regard to Grandfather Rights places unnecessary restrictions on the trade which do not further the above aims. As such it is proposed the restriction is lifted with immediate effect. For the avoidance of doubt vehicles which do not comply with the current Hackney Carriage Vehicle Policy (i.e. the policy that applies to vehicles not licensed under Grandfather Rights) will still not be licensed past 31 March 2018.
10. The policy with regard to vehicle emission standards aims to improve air quality. The alteration to permit Euro 5 petrol vehicles will support this aim. City Innovation and Sustainability have advised that the latest real-world vehicle emissions testing data has demonstrated that NOx emissions from Euro 5 petrol vehicles are on average significantly lower than the NOx emissions from the latest Euro 6 diesel engine vehicles. As a result, the proposed changes are seen as positive from an air quality perspective and will allow greater flexibility in the licensing policy. It would allow slightly older but significantly cleaner Euro 5 petrol engine vehicles to be licensed if those vehicles are available. This is demonstrated by the below table:

Comparison of emissions of NOx for different car Euro standards, by emission limit and real-world performance (grams/kilometre)



Proposal

11. To delete the Grandfather Rights provisions which prevented licences in respect of vehicles licensed under Grandfather Rights from being renewed by the new proprietor. Such vehicles will still not be licensed past 31 March 2018. This means vehicles which are over 10 years of age and/or do not benefit from European Community Whole Vehicle Type Approval will not be licensed past this date.

12. To amend the policy paragraph 2 to read as follows (alterations underlined):

Age Limit and Emissions Policy

2. *Vehicles presented for licensing on the first occasion shall be EURO 6 or higher standard and less than three and a half years old from the date of registration or, in respect of vehicles that have been imported other than as new into the United Kingdom, less than three and a half years old from the date of manufacture (In the remainder of this policy reference to date of first registration with regard to vehicles which are imported should be construed as date of manufacture). Other vehicles e.g. a petrol driven Euro 5 emission standard vehicle may be acceptable provided it complies with all aspects of the policy.*

Other Options Considered

13. Do nothing: The policy can be left in its present form. However this places an unnecessary restriction on members of the trade and may have a negative impact on air pollution.

Risk Assessment

14. As set out in the below tables:

The risks associated with the implementation of the recommendations of the report							
No.	RISK	INHERENT RISK		RISK CONTROL MEASURES	CURRENT RISK		RISK OWNER
		(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
1	Threat to achievement of the key objectives of the report Any policy decision is open to challenge	Low	Low	Mitigation (i.e. controls) and Evaluation (i.e. effectiveness of mitigation). Officers have consulted with key representatives of the taxi trade.	Low	Low	

The risks associated with <u>not</u> implementing the recommendations of the report							
No.	RISK	INHERENT RISK		RISK CONTROL MEASURES	CURRENT RISK		RISK OWNER
		(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
1	Threat to achievement of the key objectives of the report Failure to amend the policy	Medium	Medium	Mitigation (i.e. controls) and Evaluation (i.e. effectiveness of mitigation). Determine and publish the	Low	Low	

will place an unnecessary restriction on the trade			revised policy			
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Equalities Impact Assessment

15. An Equality Impact Assessment has been produced and is attached as **Appendix A**.

Legal and Resource Implications

Legal:

The Council has a discretion under the relevant legislation to decide which hackney carriage vehicles it will licence as far as age, size, type and colour are concerned. In applying this discretion members must have regard to the Council's obligations under human rights and equalities legislation.

The proposals amount to a relaxation of current policy criteria relating to grandfather rights and emissions and are therefore unlikely to impact upon human rights or disproportionately impact on one group with a protected characteristic under the equalities legislation compared to their counterparts in another group.

There is no statutory duty to consult upon the proposed policy changes and nor is there a general common law duty to do so. A duty of consultation will however exist in circumstances where there is a legitimate expectation of such consultation, usually arising from an interest which is held to be sufficient to found such an expectation, or from some promise or practice of consultation. In this case the Council has consulted with representatives from the taxi trade in line with previous practice.

Where a consultation process is undertaken, case law guides on what constitutes lawful consultation and from this some key guiding principles have been established, in summary that those being consulted must:

- (i) be provided with material upon which a decision is likely to be made;
- (ii) be given enough time for intelligent consideration of that material and to respond to it;
- (iii) be given the opportunity to make considered representations;
- (iv) have their representations conscientiously considered.

It is therefore important that members are satisfied that that any consultation process allows sufficient time to enable any person or body wishing to make representations to obtain relevant material, to consider it and to put their representations to the Council.

Legal advice given by: Lynne Harvey, Solicitor, Legal Services

Financial:

This policy sets out amendments to vehicle transferral and licence restrictions

and acceptable emission standards for petrol vehicles. No financial impact is planned.

Financial advice given by: Jemma Prince (Finance Business Partner) 27/7/17

Land

Not applicable

Personnel

There are no HR implications arising from the content of this report.

Personnel advice given by: Alex Holly, HR Business Partner, Talent and Resourcing

Appendices:

Appendix A Equality Impact Assessment

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None

Bristol City Council Equality Impact Assessment Form

(Please refer to the Equality Impact Assessment guidance when completing this form)



Name of proposal	Hackney carriage and private hire vehicle policies and inspection standards.
Directorate and Service Area	Neighbourhoods and Communities, Regulatory Services
Name of Lead Officer	Nick Carter, Regulatory Services Manager

Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

1.1 What is the proposal?

To amend the current Hackney Carriage Vehicle Policy to:

- a) Agree to allow the renewal of Hackney carriage licences following the transfer of a licence from a proprietor who has the benefits of the grandfather rights provision to a new proprietor who does not have the benefit of Grandfather Rights with effect from 1 September 2017.
- b) Agree to allow an amendment to the policy to specify that other vehicles e.g. petrol driven Euro 5 emission standard vehicles may be acceptable provided they comply with all aspects of the policy.

The above proposals follow on from a review of the Hackney Carriage Vehicle policy completed on 28 February 2017, detailed below:

A hackney carriage demand survey was undertaken after a request was made at a meeting of the Full Council on 16 September 2014 by the Bristol Branch of the National Taxi Association (BNTA), whose membership covers about a third of drivers working in the hackney carriage trade. The BNTA presented a public forum statement requesting a review on a number of matters regarding how the hackney carriage trade is administered by the Council, as well the reintroduction of a restriction (cap) on the granting of any new hackney

carriage licences.

Following consultation with the hackney carriage and private hire trade through the taxi forum meeting it is proposed that a number of changes are made to the councils hackney carriage and private hire vehicle policies, these include:

- Implement a cap of 795 hackney carriage licences
- Agree that any “additional” hackney carriage licences that may be issued (i.e. new licences that can be issued before the cap of 795 is reached) only be issued in respect of Ultra Low Emission Vehicles, which are purpose built wheelchair accessible vehicles and benefit from European Community Whole Vehicle Type Approval.
- All vehicles presented for licensing on the first occasion must be less than three and a half years old and EURO 6.
- Any hackney carriage vehicle first registered before 1st January 2006 will not be licensed beyond 31 March 2018.
- Any hackney carriage vehicle that does not comply with European Community Whole Vehicle Type Approval (ECWVTA) will not be licensed past 31 March 2018.
- Any hackney carriage vehicle first registered between 1st January 2006 and 31st December 2010 will not be licensed after 10 years from the date of first registration or beyond 31st March 2018.
- Any hackney carriage vehicle first registered between 1st January 2011 and 31st August 2015 can be relicensed until 10 years from date of first registration.
- Any hackney carriage or private hire vehicle written off may be replaced with another vehicle provided it is not older than the written off vehicle.
- Hackney carriage vehicles are permitted to have full body wrap advertising
- All wheelchair accessible private hire vehicles must benefit from ECWVTA.
- Any private hire vehicle (PHV) first registered between 31st March 2008 and 31st December 2010 will not be licensed after 10 years from the date of first registration.
- Any PHV first registered between 1st January 2011 and 31st August 2015 can be relicensed until 10 years from date of first registration.
- Any vehicle (PHV or Hackney Carriage) first registered after 1st September 2015 can be licensed until 12 years from the date of first registration.

- Any PHV vehicle presented to licensing on the first occasion shall be petrol or an Ultra-Low Emission Vehicle (with the provision that exceptions to this may be granted for wheelchair accessible vehicles and executive vehicles)
- The rear side windows and rear windows of hackney carriages and private hire vehicles must allow at least 65% of light to be transmitted through them.

Implement a cap of 795 hackney carriage licences– Currently there is no restriction on the number of hackney carriage vehicle licences issued by the Council. An unmet demand survey has been carried out and concluded there was no significant unmet demand at the time of the survey. At that time there were 795 hackney carriage vehicles licensed. Members could determine it appropriate to set a cap of 795 hackney carriage licences. In this instance a further unmet demand survey would need to be carried out at least every three years. There is no budget provision to cover the cost of future surveys (which would cost around £15,000) however this cost can be passed on to the trade via the hackney carriage licence fee. The impact of a survey costing £15,000 would result in an increase of approximately £19 on the annual Hackney Carriage licence fee (if all 795 licences are issued) or the costs could be recovered over a three year period.

Additional hackney carriage licences to only be issued in respect of Ultra Low Emission Vehicles – The Department for Transport Best Practice Guidance acknowledges that vehicle licensing policies should support local environmental policies and acknowledges that this is significant in designated Air Quality Management Areas. Hackney carriages are a significant source of air pollution and carbon emissions in the city, particularly the city centre (an Air Quality Management Area). Many of the hackney carriages in Bristol's fleet are older diesel-based vehicles compared to the average age of private hire vehicles in the city. In many cases a single diesel car can produce more Nitrogen Oxides (NOx) and Particulate Matter (PM) than a modern lorry or bus as modern larger vehicles are fitted with a wide range of equipment such as filters, and use fuel additives such as Ad-Blue. The annual objective for nitrogen dioxide is exceeded throughout wide areas of Bristol close to the busiest roads in the centre and along the main arterial routes. There are also a number of locations where the short term objective for nitrogen dioxide is exceeded.

The benefits of requiring any additional hackney carriages to be ULEVs include:

- a) Reducing carbon emissions
- b) Improving air quality and public health
- c) Making the city more attractive
- d) Supporting the economy of the region
- e) Supporting innovation and transformation

All vehicles presented for licensing on the first occasion must be less than three and a half years old – Currently hackney carriages when first licensed must be brand new. This places an unnecessary financial burden on the trade.

Any hackney carriage vehicle first registered before 1st January 2006 will not be licensed beyond 31 March 2018 – This change will allow a number of existing hackney carriage proprietors to keep their vehicles licensed to 31 March 2018 (previously May 2017). The impact of this change is that vehicles which are EURO 3 (the highest polluting vehicles on the fleet) will come off the fleet in 2018. This change enables existing proprietors time to purchase a suitable replacement vehicle before 1 April 2018.

Any hackney carriage vehicle that does not comply with European Community Whole Vehicle Type Approval (ECWVTA) will not be licensed past 31 March 2018 -

The impact of this is that those proprietors (whose vehicle do not have ECWVTA) with grandfather rights will be able to keep their current vehicles for an additional 11 months. This provides existing proprietors time to purchase a suitable replacement vehicle before 1 April 2018 and will ensure that all licensed hackney carriages have been tested to the highest possible safety standards as vehicles without ECWVTA will no longer be licensed.

Any hackney carriage vehicle first registered between 1st January 2006 and 31st December 2010 will not be licensed after 10 years from the date of first registration or beyond 31st March 2018 - This change will remove Euro 4 vehicles when they are 10 years old or those vehicles already over 10 years of age on 31st March 2018. The impact of this is limited on the trade as this revision reflects the same provisions of the current policy.

This will ensure the fleet is upgraded as newer vehicles will be licensed which will be of a higher Euro standard.

Any hackney carriage vehicle first registered between 1st January 2011 and

31st August 2015 can be relicensed until 10 years from date of first registration - This change will remove EURO 5 vehicles when they are 10 years old. The impact of this is limited on the trade as this revision reflects the same provisions of the current policy.

This will ensure the fleet is upgraded as newer vehicles will be licensed which will be of a higher Euro standard.

Any hackney carriage vehicle first registered after 1st September 2015 can be licensed until 12 years from the date of first registration - This change will extend Euro 6 or above vehicles from a 10 year age limit to 12 year age limit.

Any hackney carriage or private hire vehicle written off may be replaced with another vehicle provided it is not older than the written off vehicle - This change will relax the requirements for written off vehicles reducing the financial burden on the trade.

The replacement vehicle will be of the same or better standard than the written off vehicle so there is no negative impact on the standard of the licensed fleet.

Hackney carriage vehicles are permitted to have full body wrap advertising – This relaxes the current advertising provisions allowing all over advertising wrap which will enable the trade to maximise income through displaying advertising.

All wheelchair accessible private hire vehicles must benefit from ECWVTA - This improves the safety of the travelling public. Vehicles benefitting from ECWVTA have undergone more rigorous safety checks

Any private hire vehicle first registered between 31st March 2008 and 31st December 2010 will not be licensed after 10 years from the date of first registration. - This change will remove Euro 4 vehicles when they are 10 years old. The impact of this is limited on the trade as this revision reflects the same provisions of the current policy.

This will ensure the fleet is upgraded as newer vehicles will be licensed which will be of a higher Euro standard.

Any vehicle first registered between 1st January 2011 and 31st August 2015 can be relicensed until 10 years from date of first registration - This change will remove EURO 5 vehicles when they are 10 years old. The impact of this is limited on the trade as this revision reflects the same provisions of the current policy.

This will ensure the fleet is upgraded as newer vehicles will be licensed which will be of a higher Euro standard.

Any vehicle first registered after 1st September 2015 can be licensed until 12 years from the date of first registration- This change will extend Euro 6 or above vehicles from a 10 year age limit to 12 year age limit as per the hackney carriage vehicle policy

The rear side windows and rear windows of hackney carriages and private hire vehicles must allow at least 65% of light to be transmitted through them.

This relaxes the previous provisions for rear windows from 70% to 65%. This enables the trade to purchase a greater selection of vehicles and has limited impact on the public as the additional 5% will not inhibit the view in to or out of the vehicle.

The current proposals seek to permit the renewal of Hackney carriage licences following the transfer of a licence from a proprietor who has the benefits of the grandfather rights provision to a new proprietor who does not have the benefit of Grandfather Rights with effect from 1 September 2017. This lifts the current restriction which currently prevents a licence holder with grandfather rights selling their vehicle to newer member of the trade who does not have such rights. It is considered that this is unnecessarily restrictive.

At present approximately 300 Hackney carriages are licensed under grandfather rights, over one third of the fleet. It is not known if these proprietors wish, or have the financial ability to replace their existing vehicles by the end of May 2018. If they are unable to afford replacements, or wish to leave the trade they are currently unable to sell their licensed vehicle to another driver, who may be able to afford a replacement. In a worst case scenario this could result in a significant reduction in the number of wheelchair accessible vehicles available.

Existing proprietors are able to replace their current vehicles with ones up to three and a half years of age. However they must also be Euro 6 standard. As

the Euro 6 standard was not in full operation until September 2015 this means they cannot currently purchase a three and a half year old vehicle. The second proposal to allow an amendment to the policy to specify that other vehicles e.g. petrol driven Euro 5 emission standard vehicles may be acceptable provided they comply with all aspects of the policy would enable proprietors to purchase a three and a half years old petrol vehicle (Euro 5 was fully implemented in January 2011). This has no negative impact on air quality as the latest real-world vehicle emissions testing data has demonstrated that NOx emissions from Euro 5 petrol vehicles are on average significantly lower than the NOx emissions from the latest Euro 6 diesel engine vehicles. As a result, the proposed changes are seen as positive from an air quality perspective and will allow greater flexibility in the licensing policy.

Step 2: What information do we have?

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

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

Based on the demographics of the City of Bristol the majority of citizens which are potential taxi customers:

- 77.9% are White British compared to 80.5% the national average
- 16.7% have a Limiting Long-term Illness or Disability which is lower than the national average of 17.9%
- 50% are women which is in line with the national average,
- 15.7% are aged between 16-24, 38% aged between 25-49, 14.5% aged between 50-64, 13.2% aged over 65.

Disability

The Office for Disability Issues has updated Department for Work and Pensions estimates which show there are 11.2 million disabled people in Great Britain, of whom 5.2 million are adults of working age, 5.2 million are over state pension age and 0.8 million are children (Disability prevalence estimates 2010/11) .

DPTAC research in 2002 found that disabled people were more satisfied with taxis and minicabs services compared to other forms of transport which was

partly attributed to the level of personal service provided by drivers of these vehicles (Attitudes of Disabled People to Public Transport; research study conducted for Disabled Persons Transport Advisory Committee). Taxis and minicabs are vital for many disabled and older people and for some the only accessible transport mode (Beuret, 1995).

Disabled persons are reported to travel approximately a third less often than those who are not disabled, but disabled people use taxis and private hire vehicles approximately 67% more than people who are not disabled. (Disabled Persons Transport Advisory Committee, *Attitudes of Disabled People to Public Transport – a research study conducted for the Disabled Persons Transport Advisory Committee* (November 2001).)

Licence holders

In Bristol there are currently 1865 licensed hackney carriage drivers and private hire drivers in total. We currently hold equalities information for nearly one third of hackney carriage drivers (29%) of which 19% are White British, 81% BME .

2.2 Who is missing? Are there any gaps in the data?

We do not currently have equalities data on the profile of the majority of licenced taxi/private hire drivers. Measures have been implemented in order for equality information to be collected for licence holders.

2.3 How have we involved, or will we involve, communities and groups that could be affected?

The Hackney carriage and private hire trade have been consulted with via the taxi forum meetings held monthly.

A variety of other groups were also consulted with regard to the earlier policy review as set out below:

Bristol Physical Access Chain (BPAC) – views were sought at a meeting on 8 November 2016.

RNIB - views sought via correspondence sent December 2016

Step 3: Who might the proposal impact?

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

Age

No negative impact anticipated

Disability

No. However failure to implement the proposed change may have a negative impact on the availability of vehicles which could have a detrimental effect on disabled people who rely on this form of public transport as they are not able to access alternatives.

Ethnicity

A significant proportion of licensed drivers are members of the BME community. Therefore the recommendations from members could impact on this community. For example, if the grandfather rights restriction is not relaxed it may act as a barrier to members of the BME community to become hackney carriage proprietors.

Gender

No negative impact anticipated. Approximately 98% of licensed drivers are male.

Pregnancy and Maternity

No negative impact anticipated.

Religion & belief

No negative impact anticipated.

Sexual orientation

No negative impact anticipated.

Transgender

No negative impact anticipated.

Any other relevant specific groups No negative impact anticipated.
3.2 Can these impacts be mitigated or justified? If so, how?
Age and Disability The proposals should help avoid any negative impact.
Ethnicity The trade have been supportive of the relaxation in grandfather rights restriction and the ability to buy a slightly older, but less polluting vehicle.
3.3 Does the proposal create any benefits for people with protected characteristics?
Disability The removal of the grandfather rights restriction should ensure a higher number of wheelchair accessible vehicles are available.
3.4 Can they be maximised? If so, how?

Step 4: So what?

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

4.1 How has the equality impact assessment informed or changed the proposal?
No negative impacts have been identified.
4.2 What actions have been identified going forward?
No negative feedback has been received and a report will be drafted to be

placed before the council's Public Safety and Protection Committee.
4.3 How will the impact of your proposal and actions be measured moving forward?
The next stage is for a report to be presented to committee recommending that members should adopt the proposed changes.

Service Director Sign-Off: 	Equalities Officer Sign Off: Wanda Knight
Date:03/08/2017	Date: 1/8/17

BRISTOL CITY COUNCIL

PUBLIC SAFETY AND PROTECTION COMMITTEE

15 August 2017

Report of: Strategic Director, Neighbourhoods

Title: Hackney Carriage and Private Hire Fit and Proper Person Policy Review

Ward: Citywide

Officer Presenting Report: Nick Carter, Regulatory Services Manager

Contact Telephone Number: 0117 357 4900

RECOMMENDATION

That the Public Safety and Protection Committee:

- a) **Agree to adopt the proposed changes to the draft Fit and Proper Person Policy as set out in the report.**

Summary

1. The Council requires applicants and licence-holders to conduct themselves appropriately and honestly in their dealings both with the public and with the Council. The Licensing Authority cannot grant (or allow a licence to remain in force) a Hackney carriage or private hire drivers or operator's licence unless the applicant is a fit and proper person. It is the responsibility of the applicant/licence holder to satisfy the Licensing Authority that they are a 'fit and proper person and not the role of the licensing authority to prove that they are not.
2. Fit & Proper Person is the statutory test and a pre-requisite to an applicant being granted a licence. There is no statutory definition of Fit & Proper Person but there is case law that aids the Council's understanding of its meaning. In simple terms it means the applicants suitability to hold a licence by complying with the minimum expected standards as detailed in the Policy.
3. It is clear that Members and Officers, in reaching decisions, should have regard not only to convictions but to any other information which would not make the applicant a fit and proper person to hold a licence. Protection of the public and their safety is our paramount consideration in such matters. Decisions are made on the civil standard of proof which is 'on the balance of

probabilities' rather than the higher criminal threshold.

The significant issues in the report are:

4. A policy is needed to guide applicants and decision makers and to ensure transparency and consistency in the decision making process. Officers have drafted an updated Fit and Proper Person policy attached as **Appendix A** and recommend that members approve the draft policy.

Policy

5. The licensing of private hire and Hackney carriage drivers is regulated under sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976. Those sections provide that a licence shall not be granted unless the Council is satisfied that the applicant is a fit and proper person.
6. Section 55 (1) of The Local Government (Miscellaneous Provisions) Act 1976 states that a Local Authority must grant an application for a licence to operate private hire vehicles provided they are satisfied the applicant is a fit and proper person.
7. The fit and proper person consideration is a very wide test in law which has been supported by the High Court on judicial review. Checks that are undertaken as standard by licensing authorities relate to criminality and medical fitness.
8. In a letter to Chief Executives from Baroness Kramer, Minister of State for Transport in November 2014 she said "In the interests of public safety and the reputation of the licensed trade, I encourage you all to use all the tools available to ensure that all licensed drivers have undergone a thorough vetting process, their conduct is monitored once licensed and all available information is fully considered when making licensing decisions."

Consultation

9. Internal:

- a. Legal Services

10. External:

The Council has consulted with representatives of the taxi trade.

Context

11. The Council last reviewed its fit and proper person policy nearly five years ago. As the Hackney carriage and private hire trades are operational 24 hours a day, 365 days a year. It is therefore very important that the Council regularly reviews its fit and proper person policy.

12. The overriding aim of the Council as licensing authority is to protect the safety of the public. The Council is concerned to ensure:

- that a person is a fit and proper person,
- that the person does not pose a threat to the public,
- that the public are safeguarded from dishonest persons, and
- the safeguarding of vulnerable persons, children and young persons

13. There is no attempt made within the legislation to define the term fit and proper person and the draft policy likewise makes no attempt to formulate such a definition. The Council may consider any relevant issue when making its determination on this point. The policy should be regarded as a collection of examples of issues that may lead to the Council not being satisfied that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.

Proposal

14. The purpose of the policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney carriage or private hire driver or operator licence or to be a proprietor of such vehicles.

15. In determining whether an applicant is 'fit and proper' the authority will consider, amongst other things, an applicant's criminal record (using an enhanced DBS check for drivers and a basic DBS check for operators and proprietors), driving record, medical fitness, driving skills, knowledge, experience and previous history as a licence holder (if applicable). Decisions are made on the civil standard of proof which is 'on the balance of probabilities' rather than the higher criminal threshold.

16. The policy provides guidance to any person with an interest in Hackney carriage and private hire licensing. In particular, but not exclusively:

- Applicants for Hackney carriage and private hire licences
- Existing licensed drivers and operators whose licences are due for renewal
- Licensing officers
- Members of the Public Safety and Protection committee
- Magistrates hearing appeals against local authority decisions

17. The below changes are proposed to the current policy:

FIT AND PROPER PERSON POLICY			
Provision	Change	Reasons	Date of Change
DVLA Licence Check	Applicants who hold a; <ul style="list-style-type: none"> • community licence, • exchangeable licence 	This ensures licence holders convert their foreign driving	1 September 2017

	<p>or</p> <ul style="list-style-type: none"> Northern Ireland driving licence <p>may still be granted a Hackney carriage or private hire driver licence. Such applicants will be required to exchange their driving licence to a Full DVLA Driving Licence before the renewal of their first private hire or hackney carriage driver licence.</p>	<p>licence to a DVLA licence. This enables the council to conduct a search on the DVLA records to ascertain if any endorsements are recorded on the licence.</p>	
<p>Enhanced Disclosure and Barring Service (DBS) Check</p>	<p>An enhanced DBS check, or future equivalent as specified by the Licensing Manager, must be completed through the Licensing Team.</p> <p>a. The application must be submitted through the Council's Licensing Department and for new applicants the returned DBS certificate must be less than six months old when the private hire or Hackney carriage driver licence application is ready to be issued.</p> <p>b. Existing licensees must supply a new enhanced DBS certificate (completed through the Council's Licensing Department) on renewal every three years.</p> <p>c. The Council will have the right to require a further DBS check to be completed at the licensees expense at any time during the currency of the licence should the Council have reason to doubt the fitness of the licence holder to hold the</p>	<p>To reflect the Criminal Records Bureau becoming the DBS and to update the existing policy to reflect the approach already taken by the council.</p>	<p>1 September 2017</p>

	licence.		
Medical Test	<p>Applicants shall demonstrate that they have satisfied the medical standard as specified by the Council, by a registered medical practitioner selected by the Council to assess the drivers fitness. This will be a Group 2 medical as specified by the (DVLA) for PCV HGV drivers. A completed medical examination report must be provided by new applicants. Existing drivers must supply a medical examination report as follows:</p> <ul style="list-style-type: none"> i. Every five year period from the age of 45, ii. Annually from the age of 65 <p>The Council will also have the right to recall the licence holder at any time during the currency of the licence for a medical examination should the Council have reason to doubt the fitness of the licence holder to hold the licence.</p>	To clarify that licence holders are required to carry out a further medical at set intervals (this is already reflected in DVLA policy and followed by the council)	1 September 2017
Knowledge Test	<p>All new applicants must pass a knowledge test as specified by the Council relevant to the licence type applied for. The test will include a requirement that the applicant demonstrates a sufficient level of communication skills such as are reasonably required for the licence to be conducted in a proper manner.</p> <p>Current private hire driver licence holders applying for a Hackney carriage driver licence must pass the knowledge test at Hackney carriage standard.</p>	<p>To clarify that existing private hire drivers applying for a Hackney carriage driver licence must pass the test at Hackney carriage standard.</p> <p>This reflects the approach already taken by the Council.</p>	1 September 2017

Gold Standard	<p>All new applicants for a Hackney carriage or private hire driver licence must provide information to the Council to show they have completed the Bristol Gold Standard.</p> <p>Applicants who already hold a current Hackney carriage or private hire driver licence do not have to undertake the Bristol Gold Standard if applying for the alternative licence.</p>	To amend the existing policy to permit licence holders who already hold a private hire or Hackney carriage driver licence issued by the council to be granted the other licence without undertaking the Gold Standard course.	1 September 2017
Driving Test	All new applicants must pass a further driving test as specified by the Licensing Manager in consultation with the Chair of the Public Safety & Protection Committee.	To reflect the fact the Driving and Vehicle Standards Agency (DVSA) no longer carry out practical tests for private hire or Hackney carriage drivers.	Date of Committee
Training for existing licensed drivers	All existing Hackney Carriage and Private Hire drivers will be required from time to time to attend mandatory training as set by the Council. Completion of any training may be a requirement of licence renewal	To introduce a new requirement to enable the Council to provide refresher training to ensure that standards are maintained	1 September 2017
Expired Licences	See below table	To update the existing policy to reflect the approach already taken by the Council.	Date of Committee
APPLICATION DATE		REQUIREMENT FROM APPLICANT	
Up to seven days after the expiry of the previous licence*		<ol style="list-style-type: none"> 1. Complete application form for the grant of a licence 2. Pay an application fee in 	

	addition to the yearly licence fee
Between seven days and up to six months after the expiry date*	<ol style="list-style-type: none"> 1. Complete application form for the grant of a licence 2. Pay an application fee in addition to the yearly licence fee 3. Complete and submit DBS check and pay current fee
Between six months and up to 12 months after the expiry date*	<ol style="list-style-type: none"> 1. Complete application form for the grant of a licence 2. Pay an application fee in addition to the yearly licence fee 3. Complete and submit DBS check and pay current fee. The licence can only be issued on return of a satisfactory result.
12 months and over from expiry*	TREAT AS NEW APPLICANT
<p>*Where an expired licence is being renewed by a driver who still holds a current Hackney carriage or private hire driver licence the above criteria will not apply with the exception that a grant application form and grant fee in addition to the licence fee will be required.</p>	

Other Options Considered

18. Do nothing: This would not leave the Council in a suitable situation as the policy was last updated in August 2012. The policy needs updating to take into account a number of external changes and ensure the policy adequately ensures all licence holders meet the fit and proper person test.

Risk Assessment

19. As set out in the below tables:

The risks associated with the implementation of the recommendations of the report							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
		1	Any policy decision is open to challenge		Low	Low	

The risks associated with <u>not</u> implementing the recommendations of the report							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation)	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
		1	Failure to amend the policy as recommended could lead to applicants obtaining a licence when they are not fit an proper persons to do so.		Medium	Medium	

Equalities Impact Assessment

20. An Equality Impact Assessment has been produced and is attached as Appendix B.

Legal and Resource Implications

Legal:

There is no statutory duty to consult upon the proposed policy changes and nor is there a general common law duty to do so. A duty of consultation will however exist in circumstances where there is a legitimate expectation of such consultation, usually arising from an interest which is held to be sufficient to found such an expectation, or from some promise or practice of consultation. In this case the Council has consulted with representatives from the taxi trade in line with previous practice.

Where a consultation process is undertaken, case law guides on what constitutes lawful consultation and from this some key guiding principles have been established, in summary that those being consulted must:

- (i) be provided with material upon which a decision is likely to be made;
- (ii) be given enough time for intelligent consideration of that material and to respond to it;
- (iii) be given the opportunity to make considered representations;
- (iv) have their representations conscientiously considered.

It is therefore important that members are satisfied that that any consultation process allows sufficient time to enable any person or body wishing to make representations

to obtain relevant material, to consider it and to put their representations to the Council.

Legal advice given by: Lynne Harvey, Solicitor, Legal Services

Financial:

This report updates policy guidance regarding the 'fit and proper' conduct of licence applicants and licence holders.

No financial impact is planned.

Financial advice given by: Jemma Prince (Finance Business Partner) 27/7/17

Land

Not applicable

Personnel:

While Hackney Carriage and Private Hire drivers are not employees of Bristol City Council, it is important that when they are operating vehicles licensed by Bristol City Council and on behalf of Bristol City Council, clear standards of suitability are adhered to – both in terms of the protection of citizens and maintaining the reputation of the Council. This report clearly advocates going above the minimum requirement, and reflects good practice around the performing of DBS checks and allows for an objective judgement of whether the individual applying for a license is a “fit and proper person”.

Personnel advice given by: Alex Holly, HR Business Partner, Talent and Resourcing

Appendices:

Appendix A Draft Fit and Proper Person Policy
Appendix B Equality Impact Assessment

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None



Hackney Carriage and Private Hire Driver Fit and Proper Person Policy

All applicants and licence holders shall satisfy the Council that they are a fit and proper person to hold such a licence. The Medical Fitness Policy and Training Policy shall form part of the fit and proper person test.

Fit & Proper Person is the statutory test set out in the relevant legislation and is a pre-requisite before an applicant can be granted a licence. There is no statutory definition of Fit & Proper Person but there is case law that aids the Council's understanding of its meaning. In simple terms, it means the applicants suitability to hold a licence by complying with the minimum expected standards as detailed in the Policy.

Drivers must at all times remain fit & proper persons whilst licensed. In the event of complaint or reported incident the driver's fitness will be considered in the context of the fit & proper person policy, with reference to the guidelines relating to the relevance of criminal behavior, and appropriate action taken.

DVLA Licence check

1. All new applicants for Hackney carriage and private hire drivers' licences and all existing licensees on their next application for renewal shall be required on application (and on renewal every three years thereafter) to provide information in the form of a DVLA history check;
2. Applicants who hold a;
 - a. community licence,
 - b. exchangeable licence or
 - c. Northern Ireland driving licence

may still be granted a Hackney carriage or private hire driver licence. Such applicants will be required to exchange their driving licence to a **Full DVLA Driving Licence before** the renewal of their first private hire or Hackney carriage driver licence.

Enhanced Disclosure and Barring Service (DBS) Check

3. An enhanced DBS check, or future equivalent as specified by the Licensing Manager, must be completed through the Licensing Team.
 - a. The application must be submitted through the Council's Licensing Department and for new applicants the returned DBS certificate must be less than six months old when the private hire or Hackney carriage driver licence application is ready to be issued.
 - b. Existing licensees must supply a new enhanced DBS certificate (completed through the Council's Licensing Department) on renewal every three years.
 - c. The Council will have the right to require a further DBS check to be completed at the licensees expense at any time during the currency of the licence should the Council have reason to doubt the fitness of the licence holder to hold the licence.

Medical Fitness

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

Medical test

4. Applicants shall demonstrate that they have satisfied the medical standard as specified by the Council. Applicants shall supply a Council medical examination report completed by their own GP, or other doctor who works at the applicant's own registered medical practice. This will be a Group 2 medical as specified by the (DVLA) for PCV/HGV drivers. A completed medical examination report must be provided by new applicants. Existing drivers must supply a medical examination report as follows:
 - i. Every five year period from the age of 45,
 - ii. Annually from the age of 65The Council will also have the right to recall the licence holder at any time during the lifespan of the licence for a

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

Skills Requirement

The Council can require applicants or licence holders to pass certain tests and undertake training in order to hold or continue to hold a licence. The Council can also require existing drivers to undertake mandatory training so that their skills and knowledge are refreshed. This training may be a condition of the renewal of the licence. The current requirements are set out below

Knowledge Test

4. All new applicants must pass a knowledge test as specified by the Council relevant to the licence type applied for, i.e. Hackney carriage or private hire driver licences. The test will include a requirement that the applicant demonstrates a sufficient level of communication skills to be a licence holder.
5. Current private hire driver licence holders applying for a Hackney carriage driver licence must pass the knowledge test at the Hackney carriage standard.

Gold Standard

6. All new applicants for a Hackney carriage or private hire driver licence must provide information to the Council to show they have completed the Bristol Gold Standard training programme.
7. Applicants who already hold a current Hackney carriage or private hire driver licence do not have to undertake the Bristol Gold Standard training if applying for the alternative licence.

Driving Test

8. All new applicants must pass a further driving test as specified by the Licensing Manager in consultation with the Chair of the Public Safety & Protection Committee.

Training for Existing Licensed Drivers

9. All existing Hackney carriage and private hire drivers will be required from time to time to attend mandatory training as set by the Council. Completion of any training may be a requirement of licence renewal

Expired Licences

10. In the event a private hire or Hackney carriage driver licence expires the following applies:

APPLICATION DATE	REQUIREMENT FROM APPLICANT
Up to seven days after the expiry of the previous licence*	<ol style="list-style-type: none"> 1. Complete application form for the grant of a licence 2. Pay an application fee in addition to the yearly licence fee
Between seven days and up to six months after the expiry date*	<ol style="list-style-type: none"> 1. Complete application form for the grant of a licence 2. Pay an application fee in addition to the yearly licence fee 3. Complete and submit DBS check and pay current fee
Between six months and up to 12 months after the expiry date*	<ol style="list-style-type: none"> 1. Complete application form for the grant of a licence 2. Pay an application fee in addition to the yearly licence fee 3. Complete and submit DBS check and pay current fee. The licence can only be issued on return of a satisfactory result.
12 months and over from expiry*	TREAT AS NEW APPLICANT
<p>*Where an expired licence is being renewed by a driver who still holds a current Hackney carriage or private hire driver licence the above criteria will not apply with the exception that a grant application form and grant fee in addition to the licence fee will be required.</p>	

Bristol City Council Equality Impact Assessment Form



(Please refer to the Equality Impact Assessment guidance when completing this form)

Name of proposal	Hackney carriage and private hire vehicle policies
Directorate and Service Area	Neighbourhoods and Communities, Regulatory Services
Name of Lead Officer	Nick Carter, Regulatory Services Manager

Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

1.1 What is the proposal?

The proposal is to make amendments to the policy that sets out the Council's requirements to hold a hackney carriage/private hire licence.

The proposals are set out below:

- Applicants who hold a community licence, exchangeable licence or Northern Ireland driving licence will be required to exchange their licence to a full DVLA licence prior to the renewal of their first hackney carriage or private hire driver licence.
- Amend reference in the existing policy from CRB (Criminal Records Bureau) to the Disclosure and Barring Service (DBS). Also update the policy to reflect the approach currently taking by the Council.
- To amend the medical examination test section to clarify the requirements of the DVLA Group 2 criteria with regard to frequency of testing.
- To clarify the requirement for current private hire driver licence holders applying for a Hackney carriage driver licence to pass the knowledge test at Hackney carriage standard. This reflects the approach currently taken by the Council.
- To delete reference to the Driving and Vehicle Standards Agency (DVSA)

which no longer carries out tests for hackney carriage and private hire drivers.

- Gold Standard – to amend the existing policy to permit applicants who currently hold a private hire or hackney carriage driver licence to apply for the other licence without the requirement of undergoing the Gold Standard training course.
- Expired licences – To update the existing policy to reflect the approach already taken by the council
- To update the training details by the inclusion of a requirement that existing licensed drivers may need to undertake mandatory training as a condition of the renewal of their licence

DVLA Licence Check

The Local Government (Miscellaneous Provisions) Act 1976 provides that the Council shall not issue a licence to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised. In this regard authorised (in addition to a full DVLA licence also means a person who is authorised by virtue of section 99A(1) of the Road Traffic Act 1988 [or section 109(1)] of that Act to drive in Great Britain a motor car.].

This means Applicants who have held a;

- community licence,
- exchangeable licence or
- Northern Ireland driving licence

For 12 months may legally be granted a private hire or hackney carriage licence. At present the Council has no method of checking endorsements against foreign driving licences. The proposed requirement for licensees who hold such a licence to exchange it to a DVLA licence before first renewal will enable the council to check any endorsements held on record. The impact on the licensee would be a requirement to pay the DVLA a fee for such a change, currently set at £43.

Enhanced Disclosure and Barring Service (DBS) Check

The proposal alters the policy to state DBS check as opposed to the Criminal Records Bureau Check which no longer exists. It also sets out the timescales when further checks are required which are already followed by the Council and have been for a considerable period.

Medical Test

The proposed change amends the wording to reflect the intervals at which medicals are due. These timescales are the same as set out in the DVLA Group 2 guidance which is already followed by the Council.

Driving Test

The change alters the wording from the no longer available Driving Vehicle and Standards Agency test to a test as specified by the Licensing Manager in consultation with the chair of the PSP Committee. Other tests are available but a decision as to which one to specify has yet to be taken.

Gold Standard

The impact of this change is that persons who have held a hackney carriage or private hire driver licence since before 1 August 2012 will not have to undergo the Gold Standard training course. This change reflects the fact that these licensees are experienced members of the trade who would already have the necessary skills and experience to provide high levels of customer service.

Training Requirement

The proposal is that existing licensed drivers may from time to time be required to undertake mandatory training as a condition of the renewal of their licence. The purpose of this is to refresh skills and knowledge. This could include, for example, training around safeguarding and disability awareness

Expired Licences

This proposal puts into policy the approach already adopted by the Council in determining what steps are required by new applicants who previously held a licence, details below:

APPLICATION DATE	REQUIREMENT FROM APPLICANT
Up to seven days after the expiry of the previous licence*	<ol style="list-style-type: none">1. Complete application form for the grant of a licence2. Pay an application fee in addition to the yearly licence fee
	<ol style="list-style-type: none">1. Complete application form for

Between seven days and up to six months after the expiry date*	<p>the grant of a licence</p> <ol style="list-style-type: none"> 2. Pay an application fee in addition to the yearly licence fee 3. Complete and submit DBS check and pay current fee
Between six months and up to 12 months after the expiry date*	<ol style="list-style-type: none"> 1. Complete application form for the grant of a licence 2. Pay an application fee in addition to the yearly licence fee 3. Complete and submit DBS check and pay current fee. The licence can only be issued on return of a satisfactory result.
12 months and over from expiry*	TREAT AS NEW APPLICANT
<p>*Where an expired licence is being renewed by a driver who still holds a current Hackney carriage or private hire driver licence the above criteria will not apply with the exception that a grant application form and grant fee in addition to the licence fee will be required.</p>	

Step 2: What information do we have?

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

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

Based on the demographics of the City of Bristol the majority of citizens which are potential taxi customers:

- 77.9% are White British compared to 80.5% the national average
- 16.7% have a Limiting Long-term Illness or Disability which is lower than the national average of 17.9%
- 50% are women which is in line with the national average,
- 15.7% are aged between 16-24, 38% aged between 25-49, 14.5% aged between 50-64, 13.2% aged over 65.

Disability

The Office for Disability Issues has updated Department for Work and Pensions estimates which show there are 11.2 million disabled people in Great Britain, of whom 5.2 million are adults of working age, 5.2 million are over state pension age and 0.8 million are children (Disability prevalence estimates 2010/11) .

DPTAC research in 2002 found that disabled people were more satisfied with taxis and minicabs services compared to other forms of transport which was partly attributed to the level of personal service provided by drivers of these vehicles (Attitudes of Disabled People to Public Transport; research study conducted for Disabled Persons Transport Advisory Committee). Taxis and minicabs are vital for many disabled and older people and for some the only accessible transport mode (Beuret, 1995).

Disabled persons are reported to travel approximately a third less often than those who are not disabled, but disabled people use taxis and private hire vehicles approximately 67% more than people who are not disabled. (Disabled Persons Transport Advisory Committee, *Attitudes of Disabled People to Public Transport – a research study conducted for the Disabled Persons Transport Advisory Committee* (November 2001).)

Licence holders

In Bristol there are currently 1883 licensed Hackney carriage drivers and private hire drivers in total. We currently hold equalities information for nearly one third of hackney carriage drivers (29%) of which 19% are White British, 81% BME .

2.2 Who is missing? Are there any gaps in the data?

We do not currently have equalities data on the profile of the majority of licenced taxi/private hire drivers. Measures have been implemented in order for equality information to be collected for licence holders.

2.3 How have we involved, or will we involve, communities and groups that could be affected?

Consultation was carried out with the Taxi Forum, whose members represent the taxi trade.

Step 3: Who might the proposal impact?

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

Age

No negative impact anticipated.

Disability

No negative impact anticipated.

Ethnicity

A significant proportion of licensed drivers are members of the BME community as such a change to require community and exchangeable licences to be converted to a DVLA licence may have a limited impact through the £43 cost. However non-DVLA licences are only presented on rare occasions and in such occasions any negative impact is offset by the ability to check on an applicant's motoring convictions which would otherwise not be possible.

Ethnic background can increase the risk of certain medical conditions. For example for Bangladeshis, Indians and Pakistanis, and people with an African Caribbean background, cardiovascular risk can be higher than for the rest of the UK population. However whilst some ethnicities are at greater risk of certain conditions, this disadvantage is offset by the need to protect the travelling public and ensure that applicants are medically fit to hold a licence.

Gender

No negative impact anticipated.

Pregnancy and Maternity

No negative impact anticipated.

Religion & belief
No negative impact anticipated.

Sexual orientation
No negative impact anticipated.

Transgender
No negative impact anticipated.

Any other relevant specific groups
No negative impact anticipated.

3.2 Can these impacts be mitigated or justified? If so, how?

The impact with regard to DVLA driving licences can be justified through the improved protection for the travelling public and the limited additional cost to the licensee of £43.

Whilst some ethnicities are at greater risk of certain medical conditions, this disadvantage is justified by the need to protect the travelling public and ensure that applicants are medically fit to hold a licence.

3.3 Does the proposal create any benefits for people with protected characteristics?

The potential introduction of mandatory training linked to the licence renewal process will provide an opportunity to introduce training that will help protect people with protected characteristics, it is envisaged that the training would include safeguarding and input around providing support for other vulnerable people

3.4 Can they be maximised? If so, how?

Step 4: So what?

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with

protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

4.1 How has the equality impact assessment informed or changed the proposal?
Whilst some negative impacts have been identified as a result of the EQIA these can be justified by the need to protect the travelling public.
4.2 What actions have been identified going forward?
A report will be drafted to be placed before the council's Public Safety and Protection Committee.
4.3 How will the impact of your proposal and actions be measured moving forward?
The next stage is for a report to be presented to committee recommending that members should approve the proposals for amending our Suitable Person Policy

Service Director Sign-Off: 	Equalities Officer Sign Off: Wanda Knight
Date: 03/08/2017	Date:01/08/17

BRISTOL CITY COUNCIL

PUBLIC SAFETY AND PROTECTION COMMITTEE

15 August 2017

Report of: Strategic Director, Neighbourhoods
Title: Hackney Carriage Vehicle Advertising Policy
Ward: Citywide
Officer Presenting Report: Nick Carter, Regulatory Services Manager
Contact Telephone Number: 0117 357 4900

RECOMMENDATION

That the Public Safety and Protection Committee:

- a) **Agree to adopt a policy for advertising displayed on Hackney carriage vehicles**
- b) **Amend the Hackney Carriage Vehicle Policy to alter the location on which advertising can be displayed.**
- c) **To amend the Hackney Carriage vehicle licence conditions to permit advertising in accordance with the proposed amendments to the vehicle policy.**
- d) **To amend the Hackney Carriage and Private Hire Vehicles Inspection Standards to permit advertising/tints on a vehicles rear window.**

Summary

On 28 February 2017 members agreed a number of policy changes regarding the administration of Hackney carriage licences. One of those changes was to allow all over advertising on Hackney carriages. At present there is no policy in place to govern the content of adverts displayed. The purpose of this report is to adopt a policy for advertising on licensed Hackney carriage vehicles. Associated changes are also proposed to the respective vehicle conditions and policies as outlined below.

The significant issues in the report are:

The draft policy outlines the type of content that will not be permitted in advertising displayed on licensed vehicles and outlines the proprietor's responsibilities with regard to the displayed advertising.

Policy

1. The policy aims to ensure that advertising displayed on Hackney carriages is appropriate, of good quality and is not offensive, indecent or illegal.

Consultation

2. **Internal:**

- a. Legal Services

3. **External:**

The Council has consulted with representatives of the taxi trade.

Context

4. Hackney carriages play an integral part of the local public transport infrastructure. They provide a flexible form of public transport and can play an increasingly important role in improving accessibility.
5. The overriding aim of the Council as the licensing authority is to protect the safety of the public. The Hackney Carriage Vehicle Policy aims to ensure that licensed vehicles in Bristol are safe, comfortable, properly insured, accessible, and are not unnecessarily polluting.
6. The display of advertising does not undermine these aims and the adoption of this policy will allow Hackney carriage proprietors, as responsible members of the business community, to gain extra revenue without unnecessary procedures.

Proposal

7. The proposal is to adopt a policy to govern the content of adverts displayed on Hackney carriages attached at **Appendix A**. If approved it is also proposed to make the following alterations to the vehicle policy and licence conditions:

HACKNEY CARRIAGE VEHICLE POLICY			
	Change	Reasons	Date of Change
Advertising	To remove the restriction from advertising being displayed on the below locations:	To permit advertising to be displayed on these areas. It is not envisaged that this	1 September 2017

	<p><i>a. the boot lid (apart from vehicle manufacturers' and vehicle component suppliers' badges);</i></p> <p><i>b. the front elevation, i.e. radiator grill and the area either side of it;</i></p>	will have any negative impact.	
Advertising	<p>To amend the policy to remove the requirement for prior approval for advertising. The below section will be amended:</p> <p><i>Any requests for advertising shall be submitted in writing with information as specified by the Licensing Manager. Requests must be approved in writing prior to display. Requests that do not comply with the council's Hackney Carriage Advertising Policy will not be approved. Advertising on the exterior of the cab may cover all or part of the complete exterior body shell and the full width and height of the rear window, except for:</i></p> <p>And replaced with:</p> <p><i>Advertising that complies with the Council's Hackney Carriage Advertising Policy may be displayed. Advertising on the exterior of the cab may cover all or part of the complete exterior body shell and the full width and height of the rear window, except for:</i></p>	To reduce the administrative burden on the trade	1 September 2017
HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS			
	Change	Reason	Date of Change
Bristol Blue and Advertising Condition	<p>The deletion of the existing condition set out below:</p> <p><i>Condition imposed in</i></p>	Update of existing condition to reflect new	1 September 2017

	<p><i>respect of certain licensed vehicles that are not coloured Bristol blue (or other approved similar shade) at the date of grant of the licence</i></p> <p><i>In this condition "Bristol Blue" means the colour identified by the British Standard code BS 381C (108) (or any European Standard code which may supercede or replace it); and "Exterior Paintwork" means those parts of the visible exterior bodywork of the licensed vehicle to which colour was applied by the manufacturer as standard for vehicles of the same year, make and model as the licensed vehicle.</i></p> <p><i>12. The Licensed Vehicle may not be used in standing or plying for hire in any street within the administrative area of the City of Bristol unless its exterior appearance accords with the vehicle specification policy that was effective from 1 May 2008, that is to say that:</i></p> <p><i>(i) Any advertising that may lawfully be displayed on the exterior of the vehicle shall only be displayed on the sides of the vehicle in those areas (or part thereof) situated beneath the side windows;</i></p> <p><i>(ii) Save for any area where advertising is displayed in accordance with the condition in (i) above, all Exterior Paintwork shall be uniformly coloured Bristol</i></p>	<p>advertising policy</p>	
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	<p>Blue</p> <p>To be replaced with</p> <p><i>In this condition "Bristol Blue" means the colour identified by the British Standard code BS 381C (108) (or any European Standard code which may supersede or replace it); and "Exterior Paintwork" means those parts of the visible exterior bodywork of the licensed vehicle to which colour was applied by the manufacturer as standard for vehicles of the same year, make and model as the licensed vehicle.</i></p> <p><i>The Licensed Vehicle may not be used in standing or plying for hire in any street within the administrative area of the City of Bristol unless its exterior appearance accords with the vehicle specification policy that was effective from 16 August 2017, that is to say that:</i></p> <p><i>Advertising on the exterior of the cab may cover all or part of the complete exterior body shell and the full width and height of the rear window, except for:</i></p> <p><i>a. the front windscreen, side windows and any other glass areas;</i></p> <p><i>b. the tyres and/or the rims and bumpers;</i></p> <p><i>Save for any area where advertising is displayed all Exterior bodywork shall be uniformly coloured Bristol</i></p>		
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	<i>Blue.</i>		
Hackney Carriage and Private Hire Vehicles Inspection Standards			
	Change	Reason	Date of change
Tints	<p>The current inspection standards state:</p> <p><i>h. The light transmitted through the windscreen must be at least 75%.</i></p> <p><i>The front side windows must allow at least 70% of light to be transmitted through them.</i></p> <p><i>The remaining windows must allow at least 65% of light to be transmitted through them.</i></p> <p>This will be amended to read:</p> <p><i>h. The light transmitted through the windscreen must be at least 75%.</i></p> <p><i>The front side windows must allow at least 70% of light to be transmitted through them.</i></p> <p><i>Rear side windows must allow at least 65% of light to be transmitted through them.</i></p> <p><i>The vehicles rear window is exempt from the light transmission test.</i></p>	<p>To reflect the fact that advertising on the rear window is now permitted on Hackney carriages.</p> <p>This change will also exempt a private hire vehicles (PHVs) rear window from the light transmission test. Whilst PHVs are not permitted to have rear window advertising it is not considered that this change impacts on public safety as it does not impact on a passengers ability to see into the licensed vehicle prior to entry.</p>	1 September 2017

Other Options Considered

8. Do nothing: The policies can be left in its present form. However this places an unnecessary burden on the trade.

Risk Assessment

9. As set out in the below tables:

The risks associated with the implementation of the recommendations of the report							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	Any policy decision is open to challenge	Low	Low	Officers have consulted with key representatives of the taxi trade.	Low	Low	

The risks associated with <u>not</u> implementing the recommendations of the report							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	Failure to amend the policy will place an unnecessary restriction on the trade	Medium	Medium	Determine and publish the revised policy	Low	Low	

Equalities Impact Assessment

10. An Equality Impact Assessment has been produced and is attached as **Appendix B**.

Legal and Resource Implications

Legal:

Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council a wide discretion to attach to the grant of a Hackney Carriage Licence such conditions as considered reasonably necessary which may include a requirement for any Hackney Carriage to be of such design, appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.

There is no statutory duty to consult upon the new advertising policy nor the proposed policy changes and nor is there a general common law duty to do so. A duty of consultation will however exist in circumstances where there is a legitimate expectation of such consultation, usually arising from an interest which is held to be sufficient to found such an expectation, or from some promise or practice of consultation. In this case the Council has consulted with representatives from the taxi trade in line with previous practice.

Where a consultation process is undertaken, case law guides on what constitutes lawful consultation and from this some key guiding principles have been established, in summary that those being consulted must:

- (i) be provided with material upon which a decision is likely to be made;
- (ii) be given enough time for intelligent consideration of that material and

to respond to it;

- (i) be given the opportunity to make considered representations;
- (ii) have their representations conscientiously considered.

It is therefore important that members are satisfied that that any consultation process allows sufficient time to enable any person or body wishing to make representations to obtain relevant material, to consider it and to put their representations to the Council.

Legal advice given by: Lynne Harvey, Solicitor

Financial:

This policy sets out amendments to advertising content and location on Hackney Carriage vehicles. No financial impact is planned.

Financial advice given by: Jemma Prince (Finance Business Partner) 27/7/17

Land

Not applicable

Personnel

There are no HR implications arising from the content of this report.

Personnel advice given by: Alex Holly, (HR Business Partner) 27.07.2017

Appendices:

- Appendix A** Advertising Policy
- Appendix B** Equality Impact Assessment

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None



Policy for Advertising on Hackney Carriage Vehicles

Purpose

1. All advertisements appearing on Bristol City Council licensed Hackney carriages must be in accordance with this policy.

Where advertisements may be displayed

2. Any advertising must be displayed in accordance with the Council's Hackney Carriage Vehicle Policy.

Required content standards of advertising

3. Advertisements shall not be displayed where any of the following apply:
 - The advertisement does not comply with the law or incites someone to break the law.
 - The advertisement promotes or endorses goods or services which may be contrary to Council policies or strategies.
 - The advertisement is inconsistent with the obligations of Bristol City Council's Hackney Carriage Vehicle Policy.
 - The advertisement is likely to cause widespread or serious offence to members of the public.
 - No advertisement will be permitted that directly or indirectly promotes or indirectly promotes discrimination against persons with protected characteristics as defined in the Equalities Act 2010.
 - The advertisement relates to or advertises alcohol, nudity, gambling, smoking materials (including E cigarettes) or is of a political nature.
 - The advertisement depicts or refers to indecency or obscenity or uses obscene or distasteful language.
 - The advertisement relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours.

- The advertisement depicts direct or immediate violence to anyone shown in the advertisement.
 - The advertisement condones or provokes anti-social behaviour.
 - The advertisement could reasonably be seen as likely to cause pressure to conform to an unrealistic or unhealthy body shape, or as likely to create body confidence issues, particularly among young people.
 - The advertisement contains negative references to Bristol City Council services.
 - Advertisements that become obsolete e.g. an event that has already passed or become old/worn out presenting a negative image such as peeling edges must be removed as soon as possible.
 - Advertisements that promote or encourage positive aspects of Bristol will be encouraged. This includes:
 - Public Health messaging
 - Tourism & Events
 - Industry & Commerce
 - Cultural awareness, diversity, inclusivity and positive relations.
 - The advertisement is inconsistent with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP) Code or any code which may replace it.
 - The advertisement contravenes the Road Vehicles (Construction and Use) Regulations 1986 as amended or any similar legislation.
4. The licensee remains responsible for the content of any advertisement displayed on his/her vehicle. It remains the licensee's responsibility to comply with the current law and British Code of Advertising Practice referred to above, irrespective of any consent to display the advertisement which may have been given by the Licensing Authority.
5. It is the licence holder's responsibility to ensure that none of the advertising material obscures the driver's vision, the vehicle's licence plates, or constitutes a danger to passengers or the public or other road users where they are displayed on the vehicle.
6. Materials used for advertisements must be of a quality not easily defaced or damaged. Advertisements must be affixed directly to the body of the vehicle or initially attached to a magnetic panel which is then attached to the vehicle.

7. The holder of a vehicle licence shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on a licensed vehicle that is present when it is supplied by the manufacturer and that is aimed at assisting passengers to identify the type or features of the vehicle.
8. The Council shall have no responsibility to the organisation represented or the vehicle owner, operator, proprietor, driver or any other person should any situation occur whereby the display of the advertisement has a detrimental effect on that person, or a that person's good name or reputation.
9. The Council reserves the right to suspend the licence of any vehicle displaying signs that breach the above policy.
10. If you have any queries regarding this policy, please contact the Licensing Department at licensing@bristol.gov.uk

Bristol City Council Equality Impact Relevance Check



This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required. Please read the guidance prior to completing this relevance check.

What is the proposal?	
Name of proposal	Hackney Carriage Vehicle Advertising Policy
Please outline the proposal.	<p>On 28 February 2017 members agreed a number of policy changes regarding the administration of Hackney carriage licences. One of those changes was to allow all over advertising on Hackney carriages. At present there is no policy in place to govern the content of adverts displayed. The purpose of this report is to adopt a policy for advertising on licensed Hackney carriage vehicles.</p> <p>The draft policy outlines the type of content that will not be permitted in advertising displayed on Hackney carriage vehicles and outlines the proprietor's responsibilities with regard to the displayed advertising.</p> <p>The policy aims to ensure that advertising displayed on Hackney carriages is appropriate, of good quality and is not offensive, indecent or illegal. The policy will act as a guide to those wishing to advertise on licensed Hackney carriages and remove the requirement for adverts to be approved by Officers</p>
What savings will this proposal achieve?	Advertising will no longer require pre-approval which will save Officer time.
Name of Lead Officer	Carl Knights

Could your proposal impact citizens with protected characteristics? (This includes service users and the wider community)
Please outline where there may be significant opportunities or positive impacts, and for whom.
Based on our current data 81% of licensed Hackney carriage drivers are BME. The proposal will reduce the administrative burden on the members of the trade wishing to earn additional income from placing advertising on their licensed vehicle.
Please outline where there may be significant negative impacts, and for whom.
No negative impact anticipated.

Could your proposal impact staff with protected characteristics? (i.e. reduction in posts, changes to working hours or locations, changes in pay)
Please outline where there may be significant opportunities or positive impacts, and for whom.
None anticipated.
Please outline where there may be negative impacts, and for whom.
No negative impact anticipated.

Is a full Equality Impact Assessment required?	
Does the proposal have the potential to impact on people with protected characteristics in the following ways: <ul style="list-style-type: none"> • access to or participation in a service, • levels of representation in our workforce, or • reducing quality of life (i.e. health, education, standard of living) ? 	
Please indicate yes or no. If the answer is yes then a full impact assessment must be carried out. If the answer is no, please provide a justification.	No. There is no change proposed in any of these areas.
Service Director sign-off and date:  03/08/2017	Equalities Officer sign-off and date: Wanda Knight 18/7/17

BRISTOL CITY COUNCIL

PUBLIC SAFETY AND PROTECTION COMMITTEE

15 AUGUST 2017

Report of: Strategic Director, Neighbourhoods

Title: Private Hire Vehicles - Exemption from requirement to display vehicle identification plate policy

Ward: Citywide

Officer Presenting Report: Nick Carter, Regulatory Services Manager

Contact Telephone Number: 0117 357 4900

RECOMMENDATION

The committee are recommended to:

1. Note the responses received as part of the external consultation
2. Adopt the Private Hire Vehicles - Exemption from requirement to display vehicle identification plate policy with effect from 1 September 2017.

Summary

Members are asked to consider adopting a formal policy with regard to determining applications for exemption from the requirement to display private hire licence plates. Applications for exemption from the requirement to display identification plates may only be considered where a set of specific requirements are met.

The significant issues in the report are:

The policy outlines the type of operational business need and describes the minimum standard of vehicle comfort and condition appropriate before we will consider an application for plate exemption. The policy should be read in conjunction with our existing policy relating to private hire vehicles and establishes additional criteria that officers and members will take into account when determining an application for a private hire vehicle to be exempt from displaying external identification plates.

Policy

1. The practice of displaying a vehicle plate is to ensure clear identification of licensed vehicles by licensing officers, police officers and the hiring public. A strict policy in displaying plates can help prevent the highly illegal practice of unlicensed vehicles operating for hire and reward and can also prevent confusion with hackney carriage vehicles.

2. The aim of the draft policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates.

Consultation

3. Internal

N/a

4. External

A consultation ran for 6 weeks from Monday 19th October 2015 to Sunday 29th November 2015. A survey link was sent to all PHV operators and proprietors and was available on the Bristol City Council Consultation Hub. The link was also provided as part of the Council's Taxi Newsletter on Monday 26th October 2015, which was sent to over 400 known members of the taxi trade.

In total 41 responses were received. Of the respondents who were not in favour, the general consensus was that all private hire drivers should have to display an identification plate. Bristol City Council recognises however that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

Three additional responses were received, whereby two members of the taxi trade and one councillor sent comments directly to the Licensing Team.

A summary of the responses is included at Appendix 2.

Due to the length of time that has passed since the 2015 consultation members of the Taxi Forum were consulted with in April 2017. No additional responses were received.

Context

5. The Local Government (Miscellaneous Provisions) Act 1976 requires that PHVs display an identification plate and drivers of those vehicles wear a driver's badge. The same legislation also allows Bristol City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a Private Hire Driver badge.
6. Bristol City Council has seen an increase in the number of applications for Private Hire Vehicles (PHV) to be exempt from the requirement to display PHV Licence identity plates. A policy is needed to ensure a consistent approach is taken to such applications, that there is a transparent decision making process and to ensure that public safety is not compromised.
7. For vehicles used by the general public, the display of identification plates on a licensed vehicle and of the driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public and to enforcement authorities that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.

8. There are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some circumstances the identification of the vehicle as a licensed vehicle may allow “high risk” passengers to be more readily targeted putting both them and the driver at risk. For example, vehicles used by Government Ministers or celebrities.
9. According to some members of the trade the display of the vehicle plate externally may deter some corporate customers from using a private hire service.

Proposal

10. Exemptions from displaying identification plates may be in respect of individual vehicles only based upon demonstrable evidenced based need. Applications for exemptions relating to a fleet of vehicles will not be allowed. Each application will be assessed on its own merit.
11. Applications for exemption from the requirement to display identification plates may be considered where the following requirements are met;
 - a) Vehicles must be of a standard of comfort and equipped to a level higher than that of a ‘standard’ Private Hire Vehicle.
 - b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
 - c) The type of work undertaken is ‘executive’ in nature. The type of work that may be considered ‘executive’ may include:
 - i) Corporate bookings to transport employees and clients on business related journeys
 - ii) Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking
 - iii) Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a private hire vehicle
 - d) The percentage of ‘executive’ work undertaken by the vehicle must constitute at least 75% of the total work carried out by the vehicle.
 - 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.
 - f) A dress code commensurate with executive work is required.
12. The full policy is attached at appendix 1.
13. Application and renewal fee to be set at the next fees review.

Other Options Considered

14. Option 1

Do nothing. Applications for plate exemptions shall be considered on an individual basis but members and officers will not rely on any policy. There would be a risk of a lack of a consistent approach.

15. Option 2

No plate exemptions shall be granted for any licensed private hire vehicles. Current practise has however already involved the agreement of some exemptions.

16. Option 3

Plate exemptions for private hire vehicles that are specifically vintage or classic vehicles. In view of the vast numbers of makes and models of vehicles available, it is best practice not to produce a policy listing specific vehicles that would be approved, as this list will require constant updating.

Risk Assessment

17. The report outlines the main options that may be considered by members and the possible implications of policy changes.

Public Sector Equality Duties

16a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to -
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

- 16b)** An equality impact relevance check has been undertaken and it has been agreed that a full assessment is not necessary. The executive vehicles will be used by a very limited group of staff, elected members or visitors. All of whom will be booking the vehicle through an account where appropriate checks are made. This policy does not affect the general public or the vast majority of staff who will continue to use taxis with the relevant identification plate.

Legal and Resource Implications

Legal

Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 provides that no person shall use or permit to be used a private hire vehicle unless the private hire plate issued by the Council is exhibited on the vehicle.

Section 75(3) of the same Act gives the Council a discretionary power to grant a dispensation to a proprietor of a private hire vehicle from displaying the licence plates.

There is no statutory duty to consult upon the proposed policy and nor is there a general common law duty to do so. A duty of consultation will however exist in circumstances where there is a legitimate expectation of such consultation, usually arising from an interest which is held to be sufficient to found such an expectation, or from some promise or practice of consultation. In this case the Council has consulted with representatives from the taxi trade in line with previous practice.

Where a consultation process is undertaken, case law guides on what constitutes lawful consultation and from this some key guiding principles have been established, in summary that those being consulted must:

- a. be provided with material upon which a decision is likely to be made;
- b. be given enough time for intelligent consideration of that material and to respond to it;
- c. be given the opportunity to make considered representations;
- d. have their representations conscientiously considered.

It is therefore important that members are satisfied that that any consultation process allows sufficient time to enable any person or body wishing to make representations to obtain relevant material, to consider it and to put their representations to the Council.

Legal advice given by: Lynne Harvey, Solicitor, Legal Services

Financial

This report proposes the policy that Private Hire vehicles be treated as exempt from the requirement to display external identification plates. No financial impact is planned at this time.

Financial advice provided by Jemma Prince (Finance Business Partner) 27/7/17

Land

Not applicable

Personnel

There are no HR implications arising from the content of this report.

Personnel advice given by: Alex Holly, HR Business Partner, Talent and Resourcing

Appendices:

Appendix 1 – Draft Private Hire Vehicles - Exemption from requirement to display vehicle identification plate policy

Appendix 2 – Equality Impact Assessment Relevance Check

Appendix 3 – Responses to consultation

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None



Private Hire Vehicles

EXEMPTION FROM REQUIREMENT TO DISPLAY VEHICLE IDENTIFICATION PLATE POLICY

1. Statement of intent

1.1 The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates.

2. Introduction.

2.1 The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety. The visible licence number of the vehicle and driver affords members of the public and other persons such as the Police traceability via the local licensing authority.

2.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate and drivers of those vehicles wear a driver's badge. The same legislation also allows Bristol City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a Private Hire Driver badge.

3. The policy

3.1 Exemptions from displaying identification plates may be in respect of individual vehicles only based upon demonstrable evidenced based need. Applications for exemptions relating to a fleet of vehicles will not be allowed.

3.2 Each application will be assessed on its own merit.

3.3 Applications for exemption from the requirement to display identification plates may be considered where the following requirements are met;

- a) Vehicles must be of a standard of comfort and equipped to a level higher than that of a 'standard' Private Hire Vehicle. It is not intended to form a prescriptive list of acceptable vehicles because this may be subjective and require frequent update. However as a guide vehicles equal to or above luxury brands of vehicles such as 'S' and 'E' Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8

series, Jaguar, Tesla, Rolls Royce and Bentley saloons may be acceptable (The highest specification executive type cars from other manufacturers may also be considered). Equally large high specification MPVs such as the Volkswagen Caravelle or Mercedes Vito which enable meetings on the move may be considered. Relevant considerations as to whether a vehicle meets this standard include but are not limited to cost, reputation, specification, appearance, perception, superior comfort levels and seating specification i.e. whether the vehicle offers additional space per passenger opposed to standard vehicles.

b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating. Interior seating will usually be leather and the cabin air conditioned to maintain passenger comfort.

c) The type of work undertaken is 'executive' in nature. There must be a demonstrable need for an exemption to apply rather than a one off contract. The type of work that may be considered 'executive' may include:

- i) Corporate bookings to transport employees and clients on business related journeys
- ii) Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking
- iii) Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a private hire vehicle

The fact that the hirer pays a higher fee for hiring what may be referred to as an Executive Hire Car (compared to what the hirer may pay for a non-exempt Private Hire Vehicle displaying private hire plates and signage) may be indicative (but not conclusive) that the nature of the business is Executive Hire and that the exemption may be appropriate.

d) The percentage of 'executive' work undertaken by the vehicle must constitute at least 75% of the total work carried out by the vehicle. An application to renew an exemption from the display of identity plates must be accompanied by a copy (preferable electronic) of the relevant Private Hire Operator records to evidence the nature of the work carried out over the previous licence period. Operator records must also detail evidence of contracts with clients which require vehicles supplied to be exempt from the display of identity plates.

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

f) A dress code commensurate with executive work is required. Applicants to provide details of the dress code (suit/jacket or equivalent) which the operator(s) for whom they work require them to adhere to. Dress code must be followed at all times the vehicle is being used to undertake a booking relating to executive work.

3.4 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying identification plates they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the application fee; which will be non-refundable.

3.5 A notice of exemption from displaying identification plates will be granted at the

Council's discretion. The applicant must provide sufficient documentary evidence to support their application. Such evidence may include:

- a) A letter from each customer indicating:
 - i) Why they require a vehicle which does not display an identity plate,
 - ii) Whether they require privacy glass, and why privacy glass is required.
 - iii) The type of vehicle they require.
- b) A letter from the Private Hire Operator for who work is undertaken stating the vehicle registration number of the vehicle to which this application relates and detailing the work that will be carried out and the percentage of the work to be carried out.
- c) Copies of written contracts with customers.
- d) Copies of invoices

3.6 The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.

3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will issued as soon as practical after the decision is made.

3.8 Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will also be exempted from the need to display the two internal plates.

3.9 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicles current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

3.10 Exemption notices may be renewed annually. An application to renew the exemption must be accompanied by the renewal fee which is non-refundable.

3.11 The authority to determine any application for an exemption notice is by virtue of this policy delegated to the Licensing & Trading Standards Manager and Licensing Team Leader.

3.12 Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with the requirements for private hire vehicles contained within the Private Hire Vehicle licence conditions.

3.13 The below conditions apply to all Private Hire Vehicles granted an exemption from displaying identification plates and are in addition to the criteria and general conditions applicable to all Private Hire Vehicles

- a. The valid Private Hire Vehicle plates issued to the licence holder shall be kept within the vehicle at all times and shall be produced for inspection by an authorised officer of Bristol City Council or a Police Officer upon request.

- b. The exemption notice shall be retained within the vehicle at all material times and shall be produced for inspection by an authorised officer of Bristol City Council or a Police Officer upon request.
- c. In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- d. The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- e. During the period of the exemption notice, the driver shall not be required to wear a Private Hire Driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- f. The second Private Hire Driver's identification badge must at all times be displayed in a prominent position in the vehicle.
- g. Failure to comply with the above terms will invalidate the exemption granted with immediate effect.
- h. These terms shall remain valid for the term of the notification unless replaced by a different scheme or system of identification.
- i. All licence plates shall be displayed at all times unless the vehicle is being used for executive type work including weddings.
- j. The exemption will cease to have effect on selling or transferring the vehicle to another party. The exemption notice must be returned to the Council along with the private hire vehicle identification plates unless being sold to for use as a Private Hire Vehicle in Bristol; in which case, only the exemption notice has to be returned.
- k. A taximeter will not be installed in the vehicle.
- l. During the period of exemption the driver is required to comply with the dress code previously supplied to the Council.
- m. The proprietor shall notify the Council of any change in the use of the vehicle by the end of the following working day.

3.14 The below conditions apply to all Private Hire Operators who operate vehicles to which an exemption from display of plates has been granted. These conditions are in addition to the general conditions applicable to all Private Hire Operators.

- a. Bookings taken in respect of clients who require vehicles exempt from the display of plates must be paid for on account. No payment can be made to the driver of the vehicle at time of hiring.
- b. Bookings in respect of clients who on occasion require vehicles exempt from the display of plates must be subdivided into to those which
 - i) Require vehicle to be exempt from display of plates
 - ii) Do not require vehicles exempt from the display of plates

Copies of records detailing the division of work to be kept for 12 months from period of hire and must be provided to the Council on request.

- c. Copies of contracts with clients who require vehicles exempt from the display of plates must be kept for 12 months from date of commencement and provided to the Council on request.
- d. Dress code commensurate with executive work (suit/jacket or equivalent) to be in place in relation to bookings taken for vehicles exempt from the display of plates. Drivers of such vehicles to be required by the operator to comply with the dress code during the hire period.

PHV Plate exemption policy consultation responses

The consultation ran for 6 weeks from Monday 19th October 2015 to Sunday 29th November 2015. A survey link was sent to all PHV operators and proprietors. The link was also provided on the Council's Taxi Newsletter on Monday 26th October 2015.

In total 41 responses were received to the survey (all were online responses).

Of the positive comments that were received:

1. Privacy was cited as a key issue for the introduction of a plate exemption.
2. Executive work and weddings were specifically cited as reasons for the introduction of a plate exemption.

Of the negative comments that were received:

1. All private hire vehicles should be recognisable by the public.
2. All private hire drivers should have to display their badge.
3. The exemptions are exclusive and elitist.
4. The exemptions make it harder to protect public safety.

Question 1: Please indicate whether you are

Of the 41 responses to the survey, 18 were members of public, 16 were an existing PHV operator or proprietor, 4 were a Bristol City Council employee, 2 were either an MP or councillor and 1 respondent identified themselves as 'other'. No responses were received from a residents' group.

Question 2: What is the first part of your postcode?

Responses from members of the public were received from across the city and outside the local authority boundaries including BS7 (3 respondents), BS6 (3 respondents), BS13 (4 respondents), BS5 (6 respondents) and BS16 (6 respondents).

Question 3: Have you read the draft policy?

Of the respondents that completed the survey 36 replied that they had read the proposed policy and 4 responded that they had not read it (one respondent skipped this question).

Question 4: Do you agree that in certain circumstances Private Hire Vehicles should not be allowed to apply for an exemption from the requirement to display identification plates?

16 respondents agreed that in certain circumstances Private Hire Vehicles should be allowed to apply for an exemption from the requirement to display identification plates. 7 respondents were opposed to the exemption. 7 respondents skipped this question. 11 respondents provided comments as part of this question.

The following additional positive comments were received:

- 1. I think if a Private Hire Vehicle is doing over 75% Executive work then yes they should be allowed exemption*
- 2. High risk specialist vehicles only should be allowed an exemption*
- 3. Yes. Not only plates but having the tinted windows helped a lot when they were working on there laptops or having a nap on way back from a busy meeting or long flight. Having the privacy helped a lot*
- 4. Reason being privacy of the client is in such cases as when you are always picking up as when performing as a wedding car and any other specialist V I P job where anonymity is required*
- 5. Only when on those specific jobs*

The following additional negative comments were received:

- 1. As what may be described as an 'executive' I fail to see why any car should be exempt from displaying the same signage as every other PHV. This is about public awareness of the fact that a vehicle is a PHV. I am not sure that being an 'executive' is a differentiator between what is publicly displayed or not*
- 2. ALL PHVehicles should be recognisable by the public*
- 3. ALL private hire vehicles should be recognisable by the public.*
- 4. I believe ALL private hire vehicles should be required to display badges and plates at all times.*
- 5. As stated in your opening sentence - it gives public safety reassurance to the customer*
- 6. No. I strongly disagree with the policy and no information has been provided in which exemption could be justified.*

Question 5: Do you agree with the requirements (section 3.3) set out in the policy?

21 respondents agreed with the requirements (section 3.3) set out in the policy. 13 respondents did not agree with the requirements. 7 respondents skipped this question. 13 respondents provided comments as part of this question.

The following additional positive comments were received:

1. *As reasons above. Customers like privacy and don't get distracted*

The following additional negative comments were received:

1. *All hire cars should be identifiable in some way. Even executives need to know they are getting in the right car.*
2. *Whether a car is expensive and has a leather interior should not be a differentiator, for the public about whether a car is obviously a PHV or not. From a public safety perspective it would be very simple for a well dressed person in a smart, expensive car to impersonate a PHV driven service, if there are not obvious outward signs/signage.*
3. *No exemptions*
4. *See answer above (I believe ALL private hire vehicles should be required to display badges and plates at all times).*
5. *Because I do not think there should be any exemptions.*
6. *How does the licensing authority think it will enforce such rules as a dress code etc when no enforcement seems to happen with the current rules?*
7. *No official to verify that vehicle is licensed and safe for public use*
8. *Because I don't agree there should be any exemption.*
9. *Some tv/film companies do not want shirt & tie worn. A caveat is needed*
10. *75% of works is far to high*

The following additional neutral comments were received:

1. *Not sure if this refers to registration plates or not - you've really not made this clear, therefore my answers are based on the assumption that it does refer to this.*
2. *i feel i can't answer this question as i read the draft 10 mins ago and can't go back to check what section 3.3 was about*

Question 6: Do you agree with the amended conditions (section 3.14) that apply to all Private Hire Vehicles granted an exemption from displaying identification plates)?

21 respondents agreed with the amended conditions. 9 respondents did not agree with the amended conditions. 11 respondents skipped this question. 8 respondents provided comments as part of this question.

The following additional negative comments were received:

1. *The only condition I disagree with is e). The driver SHOULD display their badge*

2. *NO exemptions*
3. *See answer above (I believe ALL private hire vehicles should be required to display badges and plates at all times).*
4. *As above (Because I do not think there should be any exemptions).*
5. *The non plated cars will still expect use of bus/taxi lanes yet will look like a private vehicle therefore encouraging more motorists to use them.*
6. *I'm sorry, I've not read draft, I can say, if a driver wants to be a taxi driver - he should display some sort of official badge plate, I don't believe there should be any exemptions.*
7. *This is clearly a somewhat biased questionnaire in its construction as you keep asking about the conditions upon which exemption can be given. Nothing is asking for examples/evidence/views etc as to why exemption shouldn't be given. How can I agree to conditions of an exemption I do not want to exist?!*

The following additional neutral comments were received:

1. *as above (i feel i can't answer this question as i read the draft 10 mins ago and can't go back to check what section 3.3 was about)*

Question 7: Please outline the reasons you feel are acceptable for applying for a PHV licence plate exemption

23 respondents answered this question and 18 respondents skipped this question.

The following positive comments were received:

1. *I would put a limit on the number of exemption issued at say 10% of licenses issued. I cannot imagine it necessary to have more than that number in Bristol.*
2. *I support that all private hire to be exemption for displaying identification plate but must be there for inspection and driver badge such driver license when be asked.*
3. *privacy to include additional safety*
4. *Wedding cars only for photographic reasons maybe. In all other cases it is irrelevant and compliance should be observed.*
5. *Plate exemption is normally a requirement set by the customer in relation to the standard of vehicle required , they would normally pay more for this . A driver/operator should have the opportunity to full fill this type of work if he/she has an appropriate vehicle . The standard of vehicle should be of a level deemed acceptable to the customer .*
6. *Important for top Business Users Important for high-end Tourist travellers To guarantee an executive car standard private hire service for those seeking it.*
7. *Its the customer who hires the vehicle and if they choose not to have plates as requested then i feel this is acceptable.*

8. *E class merc Suitably dressed Clients requirement for unmarked vehicle*
9. *As previously stated customers like the privacy to concentrate on either business calls or working on laptops on way to business meetings The other reasons are they can relax on way home from stressful meetings in the comfort of an executive car*
10. *Clients prefer the anonymity of a car that does not have taxi plates displayed as it appears more exclusive to any potential clients that may be meeting for a meeting or providing transportation to. This service also provides a more inline approach with countries such as America which provides a car service which is perceived to be a more exclusive approach to transportation as many clients are flying in from transatlantic flights. Tinted windows allows the client privacy and prevents excessive sunlight coming into the car allowing them to be able to concentrate on any work prior to any work meetings they may be attending. This also allows them to be able to hold meetings be it over the phone, Skype etc without distraction and provides a more luxurious transportation method.*
11. *For executive work ONLY. It's a specialist area. Very specific & very small. Yes they're all generally accounts. They can range from weddings to corporate meetings. They can be for celebrities or tv/film companies wishing to protect story lines & characters. In that instance it can be to protect the person from the public or paparazzi. There are other reasons too. Occasionally company's hold meetings on the run and with today's ever increasing technological advances in long range photography company's do not want commercially sensitive data entering the public domain, this can range from things like new product ranges. It can also affect stock prices if profit/loss data is released early. There are also other privacy issues where people who have been to corporate lunches would not wish themselves to be seen when they are not at their best, everybody is entitled to that privacy and company's pay money to protect their image.*
12. *Where the vehicle is as described in section 3.3(a) and will be used only for executive work. Luxury cars that conduct executive work are also likely to be used for weddings where there is no requirement to display or possess Private Hire Vehicle Identification plates. A vehicle that is required to display Private Hire Vehicle Identification plates cannot pick and choose when it will or will not display said plates, they must be displayed at all times which also then prevents that vehicle from being able to take off the plates whenever it's needed for a wedding, thus rendering it unsuitable for weddings because no-one will be happy for their wedding car to be displaying these plates.*
13. *luxury cars on private jobs*
14. *Only for reasons to support privacy anything else as well as carrying out duties as a wedding car And for VIP work in general where privacy is required .*

The following negative comments were received:

1. *I don't feel there should be exemptions. I think it is basically vanity that people want to have a vehicle that they are seen in, with the potential for others to think it is owned and not hired.*
2. *I think that all private hire vehicles should display a plate because of the possible danger to the passenger if you do not know if the vehicle is licensed to carry passengers. And the driver could be a bit untrustworthy*
3. *NONE*
4. *I do not believe exemptions should be permitted and badges and plates should be clearly displayed at all times. The reason for not displaying effectively equates to a form of elitism where the driver / operator and / or user do not wish it to be known that their vehicle is a 'taxi' or that the person travelling is in a 'taxi' rather than a 'private' vehicle.*
5. *I cannot think of any - unless the car was to be used for a personal wedding or personal funeral (immediate family in both circumstances). But if the car is to be used for commercial reasons - taking passengers - then I do not think ANY exemptions should be given. Not just for the persons in the car used for PHV, but also for other members of the public (on the road) so they can see it is a PHV.*
6. *I have been licensed by Bristol City Council for 16 years in that time I have grown my Executive travel client base to over 600 company's. The rate we provide this service at is a minimum of £50.00 start with all of our customers expecting a top level executive chauffeur service. We also run very expensive fleet with vehicles costing around £80.000 when purchased . With out the support of Bristol City Licensing giving us exemption this wouldn't have been possible. I feel if a private hire driver is applying for exemption of showing private hire plates then they would have to be doing a certain amount and to level that the clients knows the different between Private hire driver and a executive chauffeur service. I think alot of the applications fall short of these requirements. My company dont undertake any private hire work then I can be assured that the vehicle is always at a top standard.*
7. *There needs to be a distinction between 'executive' private hire and ordinary use.*
8. *NONE*

The following neutral comments were received:

1. *I believe that all vehicles whilst being used for the purpose of a PH Taxi should have plates on show and these plates show only be removed / stored in the vehicle during the duration the vehicle is being used as a Private / previously booked for Executive work. I think an exemption to having the plates physically fitted to a specific type of vehicle Executive types where it would be very detrimental to a vehicles value & appearance when the plates are not on*

show eg holes magnet marks empty plate carriers. However if the plates can be displayed to an agreeable visible standard eg Rear window in FULL view or can be fixed to a grill using cable ties of which will not damage the vehicle and can be removed and replaced very easily I think this should be acceptable but should still be applied for on an individual basis. I have seen lots of cars with plates in the Front Windscreen of which should not be acceptable in any situation.

Question 8: Do you consider that these changes may affect any Equalities Communities?

2 respondents said they felt that the changes would have an effect. 27 said they felt that the changes would not have an effect. 12 respondents skipped this question. 3 respondents provided comments as part of this question:

- 1. It is exclusive and elitist as it is to protect 'celebrities, politicians, executives' as quoted in the draft policy. Who think it is detrimental in some way to be seen in vehicle with PHV plate. This policy is not about facilitating business but pandering to operators and monied groups of people concerned with their image and it is totally and utterly wasteful of the City Council's time and money at a time when essential services are being cut.*
- 2. it's just their safety, but not affect any equalities.*
- 3. There is a real risk that (for example) women will be more vulnerable to sexual harassment, common assault, sexual assault etc in the name of "a bit of executive fun"*

Question 9: Do you have any other comments in respect of the draft policy?

Respondents were given the opportunity to make any additional comments. 15 respondents provided additional comments and 26 respondents skipped this question.

The following positive comments were received:

- 1. It seems to be fair and sensible*
- 2. On the whole I think it is very good, it's almost perfect the only change I would make is have a caveat in place that if the customer/client specifically does not want shirt, tie, jacket on a booking by booking basis, they should be allowed to do so.*
- 3. Personally I would suggest that section 3.3 should contain a sub paragraph to say that where any non executive work is conducted that the plates must be displayed as per the regulations for standard private hire vehicles, otherwise*

the whole point of protecting the public from unlicensed cars is overlooked for that possible 25% of the vehicles work. Alternatively, and perhaps, preferably, any vehicle granted an exemption on the grounds of it conducting 'executive' work, cannot carry out anything other than the 'executive' work that the exemption is for.

- 4. Discretion and care should be exercised by the authorities in issuing the exemptions certificate And it should not be granted in a carte blanche manner.*

The following negative comments were received:

- 1. I feel that not having to display the private hire license plate could result in some private hire vehicles could be very unsafe and not roadworthy*
- 2. There should not be differentiating policies for "certain" vehicles, ALL must comply to ensure public safety and concerns.*
- 3. It is exclusive and elitist as it is to protect 'celebrities, politicians, executives' as quoted in the draft policy from being who think it is detrimental in some way to be seen in vehicle with a PHV plate. This policy is not about facilitating business but pandering to operators and monied groups of people concerned with their image and it is totally and utterly wasteful of the City Council's time and money at a time when essential services are being cut. To create any exemptions weakens the whole purpose of the PHV licencing policy which is to protect the public. No concessions or exemptions should be made.*
- 4. I feel the 75% proportion of work should not be a condition because there are an increasing number of high quality vehicles licensed by BCC that would not do that much executive work , the 75% would deny those drivers the opportunity to do any executive work . I believe that the opportunity to do occasional executive work should be available and the standard of the work is easily checked from the PH Operators records should any queries / issues arise*
- 5. I can only apologise for not reading the draft policy (I don't know where it is) - but as a female/pensioner - it just seems wrong if PHV do not show their badge/plate in a very visible way/place, for safety and reassurance that the vehicle is official and properly licensed.*
- 6. providing a letter from each client may be difficult to fulfil, especially as it may be a one off booking*
- 7. This sounds like a 'done deal' and made me feel like I've just wasted my time responding to it. The policy gives no justification (that I can see) as to why exemption is actually necessary - rather than just desired - by driver and/or hirer. If passengers are at risk there are far better ways to protect them from this. It smacks of sanctioned snobbery and should not be pandered to. Given the antics many business, 'celebrities' and politicians have been found to get up to, the greater risk is to the treatment of any individual hired to 'entertain' and/or accompany them.*

The following neutral comments were received:

- 1. I did not agree that all private hire to be luxury, at least must be reasonable new and good standard condition instead of high expensive*
- 2. See previous comments / observations.*
- 3. Yes i read the policy and agree to some of the statements.How ever i can't read it again because the browser will not go back. also i love the fact that the council has a 6 page document on licensed drivers of BRISTOL using exemption plates correctly and yet have a tiny paragraph on "out of town drivers" saying they are doing what they can and saying this is a nation wide problem.Come on Bristol grow some balls and lets start cracking some heads and sorting out certain groups of individuals who constantly find ways around your licensing laws,illegal touting for hire, driving cars that shouldn't be on the road and who are rude to the Bristol public.I would like to see more officers on the road catching these drivers who flout the law.I don't see why i have to do everything by the book telling every customer my name and badge number with every journey if i want to use exemption plates when they always seem to get away with it. This is not a new thing this has been going on for years now and i am getting a bit tired of the council sitting back taking my license fee every year and doing very little to combat this issue. I could go on , but rant over FOR NOW Thanks for reading W Sawyer*
- 4. No*

Equalities Monitoring: Age

No respondents were under 18. 24 respondents were aged 18-65. 3 respondents were aged over 65. 3 respondents preferred not to answer the question. 11 respondents skipped the question.

Equalities Monitoring: Gender

Five respondents were female. 22 respondents were male. 3 respondents preferred not to answer the question. 11 respondents skipped the question.

Equalities Monitoring: Transgender

No respondents said their gender identity was different to the gender they were assigned at birth. 21 respondents said their gender had not changed. 5 respondents preferred not to answer the question. 15 respondents skipped the question.

Equalities Monitoring: Ethnicity

17 respondents were from a white British background. 4 respondents were from a

BAME background. 7 respondents preferred not to answer the question. 13 respondents skipped the question.

Equalities Monitoring: Religion/ belief

14 respondents said they had a religion or belief. 9 respondents said they did not have a religion or belief. 7 respondents preferred not to answer the question. 11 respondents skipped the question.

Equalities Monitoring: Disability

3 respondents said that they have a disability. 23 respondents said they did not have a disability. 4 respondents preferred not to answer the question. 11 respondents skipped the question.

Equalities Monitoring: Sexual orientation

1 respondent responded they identify as lesbian, gay or bisexual. 21 respondents said that they identify as heterosexual. 7 respondents preferred not to answer the question. 12 respondents skipped the question.

Comments received that were not submitted as part of the online survey

Two members of the taxi trade and one councillor sent comments directly to the Licensing Team rather than completing the online survey. The following comments from members of the trade were received:

- 1. I'm writing to say I agree with nearly all of the draft policy document, the only part of it which will cause me some difficulty is the Dress Code Policy because we are expressly asked Not to wear shirt, tie, jacket whilst we are Unit Drivers for TV Production Companies such as Mammoth Productions as this can draw unwanted attention to the driver and their passenger.
I do not think this particular production company is alone in this, as casual dress was very quickly requested of us when we did Doctor Who for the BBC. So can we have a caveat for a less formal dress code. It might be an option to put something extra in
3.15
b iii is casual dress requested?
By doing this it addresses each customers specific needs on their merits whilst sticking as closely as possible to the policy.
That aside I think it's fine even if you have managed to introduce a further fee (understandable as it creates more work for your office).*

I must congratulate the author of this policy document who was faced with a huge balancing act of concern over public safety & allowing operators to move outside the parameters of the normal policy.

- 2. If the council allowed private hire vehicles NOT TO DISPLAY their plates or the drivers not to wear their badges ..THE COUNCIL IS opening a door to a new flood of drivers that will roam the road roads ...these drivers are anybody and everybody can come out with any car and start picking people upthe council would be putting public safety at risk ...we allready have 300 drivers from outside bristol licences plying for hire on bristol Streets .. some of them are not displaying plates now they don't want bristol hackney carriage drivers To take thier photos while they are picking up illegally ... PRIVATE DRIVERS MUST DISPLAY ...private hire plates and the drives must wear a badge*

The following comment from a councillor was received:

- 1. Thank you for your email - do you think this is Uber related? I agree that 'executive vehicles' should not have to be covered in badges as long as we can ensure they can only be prebooked from reputable operators.*



Bristol City Council Equality Impact Relevance Check

This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required. Please read the guidance prior to completing this relevance check.

What is the proposal?	
Name of proposal	Exemption from requirement to display vehicle identification plate policy
Please outline the proposal.	<p>This policy is to allow that private hire vehicles which are used over 75% of the time for Executive journeys’ are exempt from needing to display a vehicle identification plate.</p> <p>The displaying of the external identification plate on a licensed vehicle and a driver’s badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public’s) safety. The visible licence number of the vehicle and driver affords members of the public and other persons such as the Police, traceability via the local licensing authority.</p> <p>The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate and drivers of those vehicles wear a driver’s badge. The same legislation also allows Bristol City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a Private Hire Driver badge.</p> <p>The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow ‘executive vehicles’ to operate without displaying external identification plates.</p> <p>Exemptions from displaying identification plates may be in respect of individual vehicles only based upon demonstrable evidenced based need.</p>

Applications for exemptions relating to a fleet of vehicles will not be allowed. Each application will be assessed on its own merit.

Applications for exemption from the requirement to display identification plates may be considered where the following requirements are met;

a) Vehicles must be of a standard of comfort and equipped to a level higher than that of a 'standard' Private Hire Vehicle.

b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.

c) The type of work undertaken is 'executive' in nature. The type of work that may be considered 'executive' may include:

i) Corporate bookings to transport employees and clients on business related journeys

ii) Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking

iii) Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a private hire vehicle

d) The percentage of 'executive' work undertaken by the vehicle must constitute at least 75% of the total work carried out by the vehicle.

e) Bristol City Council's Private Hire Vehicle Inspection Standards state that vehicles will not be accepted for licensing with blacked out windows (tints). When inspected vehicles are tested to ensure that at least 70% of light can pass through all windows. In certain circumstances some passengers may request vehicles with tinted windows. The Council will consider applications for the exemption of display of licence plates in respect of vehicles with tints. The applicant must provide

	<p>sufficient evidence with such an application to convince the Council that it should depart from its standard policy.</p> <p>f) A dress code commensurate with executive work is required.</p>
What savings will this proposal achieve?	N/a
Name of Lead Officer	Alex Smethurst

<p>Could your proposal impact citizens with protected characteristics? (This includes service users and the wider community)</p>	
Please outline where there may be significant opportunities or positive impacts, and for whom.	
Please outline where there may be significant negative impacts, and for whom.	
<p>Travellers using private hire and Hackney Cabs experience great reassurance that the drivers are assessed as being safe. This is particularly important for women who use taxis when travelling alone after dark or at other times when they may feel vulnerable to abuse or assault. It is also important for disabled people who are reliant on taxis for every day journeys and they want the assurance that they will not be exploited. Taxi users are advised to never use a taxi which does not display plates.</p> <p>A very limited number of taxis will be covered by this policy, only those used for executive journeys. Taxis which do not display a vehicle identification plate will not provide a general service and will not therefore confuse women and disabled people who are expecting the additional security of a registered taxi. Therefore there will be no impact on members of the public using taxis for their general convenience</p>	

<p>Could your proposal impact staff with protected characteristics? (i.e. reduction in posts, changes to working hours or locations, changes in pay)</p>	
Please outline where there may be significant opportunities or positive impacts, and for whom.	
<p>The vast majority of staff who use taxis will use a usual taxi with a licensed plate. Only a limited cohort of staff will use an executive vehicle without plates. The usage will be related to job role and is unrelated to their gender, ethnicity, disability etc. The taxi will be booked through a specific account and so the user can be confident the executive driver has undertaken the relevant checks. Therefore there will be no impact on staff.</p>	
Please outline where there may be negative impacts, and for whom.	
No negative impact anticipated.	

Is a full Equality Impact Assessment required?	
<p>Does the proposal have the potential to impact on people with protected characteristics in the following ways:</p> <ul style="list-style-type: none"> • access to or participation in a service, • levels of representation in our workforce, or • reducing quality of life (i.e. health, education, standard of living) ? 	
<p>Please indicate yes or no. If the answer is yes then a full impact assessment must be carried out. If the answer is no, please provide a justification.</p>	<p>No. The executive vehicles will be used by a very limited group of staff, elected members or visitors. All of whom will be booking the vehicle through an account where appropriate checks are made. This policy does not affect the general public or the vast majority of staff who will continue to use taxis with the relevant identification plate.</p>
<p>Service Director sign-off and date:</p> <p style="text-align: center;"></p> <p>03/08/2017</p>	<p>Equalities Officer sign-off and date:</p> <p>Anne James Equality and Community Cohesion Team Leader</p> <p>28 September 2015</p>