

BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Wednesday, 17th October, 2018

Present:- Councillors Les Kew (Chair), Rob Appleyard, John Bull, Anthony Clarke, Deirdre Horstmann, Dine Romero, Will Sandry and Mark Shelford (in place of Michael Norton)

Also in attendance: Cathryn Brown (Team Manager Licensing and Environmental Protection), John Dowding (Senior Public Protection Officer), Cathy McMahon (Public Health Development), Celia Lasheras (Health Improvement Officer) and Shaine Lewis (Team Leader Resources - Legal Team)

Guests:

28 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

29 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

30 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Emma Dixon, Michael Norton and Peter Turner. Councillor Mark Shelford substituted for Councillor Dixon.

31 DECLARATIONS OF INTEREST

There were none.

32 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

33 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

Mr Paul Roles made a statement.

He commended the Council for leading the way forward on the improvement of air quality. Many drivers want this, because they have to breathe the air of the city all day. There were, however, concerns about the proposed rules for the age of vehicles, namely less than 4 years for new vehicles and review of vehicles 10 years old. Euro 6 diesel engines were first introduced in September 2015, so vehicles of this standard could already be 3 years old. For financial reasons this is the ideal age for a vehicle to be brought into the taxi trade. Such vehicles are often ex-company and rental cars, which are frequently replaced after 42 months. They have often been serviced regularly to a high technical standard and are ideal for an independent

taxi driver in a small business to purchase. The Euro 5 diesel engine originated in 2011; vehicles of this type would be subject to review by the Licensing Authority in less than 3 years from now. The consultation on the Clean Air Zone had only begun the previous day; he suggested that any decisions on the revised taxi vehicle policy should be deferred until the consultation had been completed.

He then turned to the proposed conditions on the dress of drivers and showed some examples of shorts which he considered unacceptable and a pair of dress shorts, which he argued should be permitted. The big difference with dress shorts was that they had a belt. He said that in Florida there was a very high-class restaurant which admitted customers who wore dress shorts. As far as knew not one of the 292 licensing authorities in England had banned shorts. As for footwear, the overwhelming majority of drivers did not want flip-flops, because they considered them to be dangerous. High-heeled shoes were also not suitable footwear for taxi drivers.

The Chair thanked Mr Roles for his statement and assured him that his comments would be taken on board.

34 MINUTES OF PREVIOUS MEETING: 11 JULY 2018

The minutes of the meeting of 11 July 2018 were approved as a correct record and signed by the Chair.

A Member referred to paragraph 2.3 of the resolution on page 5 of the minutes (agenda page 9):

“To endorse the adoption of the revised Street Trading Policy provided at Annex E.”

and commented that as there was no Annex E to the minutes, it should be clarified where the Policy could be found.

35 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND ASSOCIATED CONDITIONS

The Team Manager (Licensing and Environmental Protection) presented the report.

She said that that most of the proposed changes to the Policy related to three objectives:

1. Compliance with Bath's Clean Air Plan. The Taxi Policy and the Clean Air Plan had been co-ordinated, so that that they would both be considered at the meeting of the Cabinet in December. There had been positive conversations with the taxi trade about the use of electric vehicles.
2. The need for awareness training on child sexual exploitation.
3. The need to ensure that all drivers have the necessary English-speaking skills, in order to promote public safety. A test was proposed to ensure that all new applicants

have the necessary communication skills to be able to discharge the very responsible role of being a taxi driver.

There were other areas where changes were proposed, including taxi drivers' dress. Drivers would be expected to give a professional appearance as appropriate to people providing a service to the public. Consultees had made comments about specific issues such as shorts and flip-flops. The proposed condition on dress could be reworded if the Committee desired this. Alternative wording that Members might find acceptable might be "drivers shall at all times be respectably dressed and clean and tidy in their appearance" and examples could be given of unacceptable dress. If shorts are permitted, they should be professional-looking shorts and the condition should clarify what was meant by "professional-looking".

In view of the significant changes proposed there were a number of consultation initiatives. Every driver had been sent a copy of the proposed policy and conditions. There was also an online survey. Drivers were invited to a debate and about thirty attended. Feedback from the trade had indicated that they were generally happy with what was being proposed. Conversations with the trade were continuing.

Members made comments and asked questions to which the Team Manager (Licensing and Environmental Protection) responded.

A. Drivers

- It is right to require drivers to be tidy in appearance, but the Council should be wary of telling people specifically how they should dress, for example not to wear shorts. "Professional-looking" varies according to the nature of the profession. Who is to be the arbiter of what is appropriate? Rules about footwear are alright in so far as they relate to the driver's ability to control his/her vehicle.
- Perhaps the standard of dress could be specified as "smart casual" and then left for individual driver's taste.
- We should require drivers to be presentable, rather than lay down overly prescriptive rules.
- Are we really going to ban a driver for wearing the wrong clothes?
- I believe that a uniform for drivers would increase the confidence of customers that they were in the hands of a fit and proper person and a capable driver. If we do not impose a uniform, it is important that drivers should have a professional look, so I would be uncomfortable about shorts.

The Team Manager (Licensing and Environmental Protection) responded that the wording of the condition on dress reflected specific comments made during the consultation. It was important that any conditions should be able to be enforced by officers, so ambiguity should be avoided.

- How do you define what a suitable standard in English is? A strong regional accent can be a barrier to communication; are we going to specify BBC English?
- In a tourist city foreign language competence would be an asset for a driver. Could some kind of marker be put on the vehicles of drivers who are able to speak a foreign language?

New applicants will be required to do an English competency test with a third party provider over the phone in the presence of officer. This will test their ability to construct sentences. A certain score will be set as the pass mark. It is something that other local authorities already require. Competence in a second language might be useful, but it is really important that all drivers have an acceptable command of English, particular in emergencies. The Council is in discussion with Bath College about the provision of English language training for drivers who do not pass the test. This would help them in their general life as well as with their role as a taxi driver

- How would changes in the policy apply to Uber drivers?

We cannot impose conditions on drivers licensed by other authorities who come to work in B&NES.

B. Vehicles

- Engine idling by taxi drivers should be addressed.
- Will charging points for electric cars be installed on taxi ranks?

Engine idling is not just an issue with taxis, but with all vehicles, and mitigation measures should apply to them all. We are consulting with the trade about the location of charging points. They would probably be located near a rank rather than on the rank. The Senior Public Protection Officer added that it should be remembered that there will be electric private hire vehicles, which do not wait on ranks, as well as electric Hackney Carriages.

- There was discussion in the past about taxis having a uniform colour to show that they were licensed by B&NES. Has that been considered as part of this review?
- Public safety should be the prime consideration. Whenever I have been abroad I have always felt safer getting into a taxi in cities where they do have a uniform livery. I accept that there are concerns about the cost of this to the trade, but there are inexpensive approaches that could be appropriate, like the use of magnetic strips or transfers.

The consultation did not seek views on vehicle livery. We note that a number of other local authorities have imposed a uniform vehicle livery. Conversations with the local trade suggest that they would not support it and an authority-wide livery would be a really significant change. It is something that the Council will keep under review.

- Do we know how many vehicles are close to the 5-year and 10-year age limits?

An analysis has been done, but officers do not have the figures for the Committee today. It is known that a large percentage of vehicles are Euro 5 diesels, which would not comply with the requirements of the Clean Air Zone. There is a proposal to give these vehicles an additional year, so that they will have three years from now to comply.

The Team Manager (Licensing and Environmental Protection) asked whether Members would be content with the following as an alternative to the draft condition relating to dress:

“Drivers will be expected to be respectably dressed and clean and tidy in appearance. Examples of unacceptable dress include flip-flops.”

A Member suggested that there should be a condition requiring footwear to be compatible with the safe control of the vehicle.

A Member said that judgments about what clothing was sexually suggestive would inevitably be subjective and might raise equality issues. Another Member responded that in the case of taxi and private hire regulation public protection had to outweigh equality issues. In order to give the public confidence it was not possible to rely on individual drivers’ discretion in this area.

A Member said that the policy could not spell out every detail, and that there would always be a need for judgment in specific cases. The Licensing Sub-Committee provided a mechanism for this.

A Member asked whether there had ever been complaints from the public about drivers’ dress. The Senior Public Protection Officer replied that from time to time he received general comments about drivers being scruffy, for example, but there had never been a formal complaint about the dress of a specific driver.

The Team Leader (Licensing and Environmental Protection) suggested that a way forward might be for Members to delegate to her the power to redraft the condition about drivers’ dress in the light of the discussion at this meeting.

It was **RESOLVED** unanimously:

1. To note the responses to the public consultation and the officer recommendations;
2. to delegate to the Team Manager (Licensing and Environmental Protection) the revision of the revised hackney carriage and private hire policy to reflect the discussion by the Committee before its presentation to Cabinet;
3. to recommend adoption of sections 165-167 of the Equality Act 2010 by Cabinet.

36 REVIEW OF GAMBLING POLICY

The Team Manager (Licensing and Environmental Protection) presented the report.

Members noted that this would be the fourth revision of the Council's Statement of Principles under the Gambling Act 2005. In preparation for this revision a public consultation had been carried out between 20 April and 12 July 2018. Responses received together with officer comments and recommendations were given in Appendix A to the report.

A Member said that she was concerned that some initiatives, such as requiring the gambling industry to give funding to Gamblers Anonymous or similar organisations, while being well-intentioned, did not always work as hoped. Organisations working with problem gamblers were often not comfortable about taking money from the gambling industry. She wondered whether alternatives for helping vulnerable people had been considered. The Team Manager (Licensing and Environmental Protection) agreed that this was challenging. Some gambling establishments had experimented with setting monetary thresholds for vulnerable customers, which would trigger intervention if exceeded, with the ultimate possibility of such customers being excluded from the establishment.

A Member said that he had seen a great deal of damage caused by gambling and was entirely opposed to it. He recognised that was not what Members were being asked on this occasion, but he had to be frank about his view.

A Member said that the Council should have an appropriate and proportionate approach, and should recognise that the world had changed with the many opportunities that now existed for gambling on line. He thought the revised Statement of Principles achieved this.

RESOLVED by 6 votes in favour and 1 against:

1. To note the responses to the consultation exercise and agree that the officer recommendations should be incorporated into the revised Statement of Principles;
2. To recommend that the draft Statement of Principles, provided in Appendix B of the report, is presented to Full Council for adoption.

37 ALCOHOL HARM - PRESENTATION

Cathy McMahon, Public Health Development & Commissioning Manager, and Celia Lasheras, Health Improvement Officer, gave a presentation. A copy of their PowerPoint slides is attached as an appendix to these minutes.

Following the presentation Members made comments and asked questions to which Ms McMahon and Ms Lasheras responded.

- Perhaps people admitted to hospital for alcohol abuse should be asked to pay.

- A Reading University study showed that in 1982 the real price of alcohol was the highest since the war and now it is one of the lowest.
- In some parts of the US supermarkets can only sell beer and wine and spirits are sold exclusively at state shops. Perhaps our Government could do something similar, since the availability and price of alcohol are inversely related to consumption.
- What has been the impact of minimum pricing for alcohol in Scotland?

It is too early to tell.

- The Licensing Act regime is a permissive one.
- Why are young people drinking less?

We do not really know, but perhaps like smoking it has become less “cool”. Perhaps we have been successful in preventing drinking starting at younger ages. Experimentation amongst a small percentage of young people can start at 13/14 years and alcohol consumption amongst young people increases with age.

- A paper published in Nature about five weeks ago had a survey which showed that the average weekly consumption of one large relatively well-off group of people was 600 units a week, with a range of 400-800 units. Until I read that paper I was opposed to minimum unit pricing, on the ground that it would be a tax on the poor. I now think it would be a strong incentive for better-off people to reduce their drinking. However, I believe that the Chief Medical Officer’s guidelines on alcohol was one of the most misleading documents ever to have been issued by Central Government. If the annex to that document is read closely, there is no evidence to justify a maximum limit of 14 units per week for both men and women. There is no other country in the world that has the same limit for men and women. The statistics for the harm caused by alcohol are skewed by the inclusion of all causes of mortality and morbidity, including violence. The social harm caused by alcohol should not be minimised in any way, but the best evidence is that medical harm only kicks in at 80 units a week for 2% of the population. There is little evidence of benefit from alcohol-free days; comparisons between France and Northern Ireland suggest that it is better to drink steadily throughout the week rather than to confine drinking to one day. However, the social benefits from reduced drinking are significant.

The Committee noted the presentation and expressed its thanks to Ms McMahon and Ms Lasheras.

The meeting ended at 12.16 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services