

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 18TH MARCH 2019, AT 6.02 P.M.

PRESENT: Councillors R. L. Dent (Chairman), M. T. Buxton, M. Glass, S. R. Peters, S. P. Shannon, M. A. Sherrey, L. J. Turner and S. A. Webb

Officers: Mrs. V. Brown, Mr. D. Etheridge and Mrs. P. Ross

23/18 **APOLOGIES**

Apologies for absence were received on behalf of Councillors C. J. Spencer (Vice-Chairman), H. J. Jones and C. M. McDonald.

24/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

25/18 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 12th November 2018 were submitted.

Councillor M. A. Sherrey noted a typographical error under Minute No. 16/18, in which her surname had been misspelt.

RESOLVED that the minutes of the meeting of the Licensing Committee held on 12th November 2018, be approved as a correct record, subject to the preamble above.

26/18 **HACKNEY CARRIAGE STAND IN MARKET STREET SERVICE ROAD**

This item was deferred and was not discussed.

27/18 **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY - ACCEPTABLE LEVEL OF TINT ON WINDOWS**

The Licensing Committee was asked to consider a report that detailed a number of options with regard to a requirement in the Council's Hackney Carriage and Private Hire Licensing Policies in respect of the level of tint permitted on the windows of licensed Hackney Carriage and Private Hire vehicles.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) informed the Committee that during December 2017 and

February 2018, that the Council had consulted on the proposed amendments to the Council's policies on the licensing of Hackney Carriage and Private Hire vehicles and drivers.

The proposals related to two areas within the policies that had caused some difficulty since the Hackney Carriage and Private Hire Handbook was last updated in March 2016. One of the areas of difficulty was with regard to 'Tinted Windows', as the Handbook stated:

"Any vehicle to be licensed for the first time, with the exception of special event vehicles, is NOT permitted to have a tint where they conceal the identity of the passenger inside. The Licensing Officer will examine a vehicle prior to test to ensure that the level of tint on the windows does not conceal the identity of passengers inside the vehicle."

Members were reminded that at the Licensing Committee meeting held on 12th March 2018, that the Committee had considered the results of the consultation, as detailed at Appendix 1 to the report. The five options presented were discussed in detail with Members further discussing the use of the window tint meter purchased by WRS; which measured the total amount of visual light transmission through a window and any coatings on a window.

Officers were then tasked to conduct further research with regard to the precise amount of visible light to be transmitted. This research would also include testing vehicles that had been presented to Licensing Sub-Committee Hearings, with tinted windows, with the window tint meter. This was to determine the amount of visible light transmitted through the windows of those specific vehicles.

Paragraph 3.13 in the report highlighted that 9 licensed vehicles were tested and that the amount of visible light transmitted through the rear windows of each vehicle was as follows:

- 3%, 14%, 14%, 16%, 21%, 24%, 34%, 36%, 74%

Appendix 2 to the report provided summarised details of the research carried out into the policies in place at other local authorities.

The Senior Practitioner (Licensing), WRS, drew Members' attention to paragraph 3.15 in the report, which detailed the Department for Transport's publication "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance", with regard to "Tinted Windows" which stated:

"The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations."

The Senior Practitioner (Licensing), WRS, drew Members' attention to paragraph 3.7 in the report and the five options for Members consideration.

Members thanked the Senior Practitioner (Licensing), WRS, for his comprehensive report and for the time he had taken on all of the research conducted.

Members accepted that manufacturers now fitted, factory tinted windows as standard on vehicles for environmental reasons; and noted that the Senior Practitioner (Licensing), WRS, had found it difficult trying to obtain specific information, with regard to factory fitted tinted windows, from the manufacturers he had contacted.

Further in depth discussion followed whereby Members raised a number of questions on:-

- Safeguarding for both the travelling public and licenced drivers.
- Setting an appropriate level for tinted windows, as there was quite a disparity with the vehicles that had been presented to Licensing Sub-Committee Hearings and subsequently tested using the window tint meter.

In response to Members questions, the Senior Practitioner (Licensing), WRS, clarified that any vehicles that failed the vehicle inspection test, due to the level of tint on the windows, would still be presented to a meeting of the Licensing Sub-Committee for determination.

After careful consideration of all of the five options, as detailed at paragraph 3.7 in the report, it was agreed that Option D and part of Option C be adopted as follows:

RESOLVED

- a) to remove the requirement from the Hackney Carriage and Private Hire Handbook that:

“Any vehicle to be licensed for the first time, with the exception of special event vehicles, is NOT permitted to have a tint where they conceal the identity of the passenger inside. The Licensing Officer will examine a vehicle prior to test to ensure that the level of tint on the windows does not conceal the identity of passengers inside the vehicle”; and

- b) that it be replaced with a requirement that the glass was to the manufacturer's standard specification and vehicles were presented to licensing in an unmodified state. Vehicles fitted with films, foils, privacy glass (entirely black or reflective glass), or any other aftermarket tinting, would be referred to a meeting of the Licensing Sub-Committee; unless the films, foils, privacy glass and any other

aftermarket tinting was removed and the vehicle returned to the manufacturer's standard specification.

28/18

AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME - CONSULTATION

The Committee considered a report which provided details of the proposed amendments to the Hackney Carriage and Private Hire Penalty Point Scheme.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), reminded the Committee that at the Licensing Committee meeting held on 12th November 2017, Members requested that a further report be provided with a view to amending the Hackney Carriage and Private Hire Penalty Point Scheme; to include a reference to a driver leaving a vehicle's engine running whilst the vehicle was stationary on a public road.

Members were further informed that Rule 123 of the Highway Code stated:

*"You **MUST NOT** leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while that vehicle is stationary on a public road. Generally, if the vehicle is stationary and is likely to remain so for more than a couple of minutes, you should apply the parking brake and switch off the engine to reduce emissions and noise pollution. However it is permissible to leave the engine running if the vehicle is stationary in traffic or for diagnosing faults"*

The penalty point schemes already provided officers with the power to issue penalty points for breaching Rule 112 of the Highway Code with regard to the inappropriate use of a vehicle horn.

Therefore officers were of the view that it would be reasonable to amend the Hackney Carriage and Private Hire Penalty Point Scheme in order to enable officers to issue penalty points for breaches of Rule 123 of the Highway Code.

Appendix 2 to the report detailed the draft revised Hackney Carriage and Private Hire Penalty Point Scheme. Should Members approve the draft revised penalty point scheme, officers from WRS would conduct further consultation on the draft revised Hackney Carriage and Private Hire Penalty Point Scheme with licence holders and other relevant organisations. The consultation exercise would also provide an opportunity to invite comments more widely on the existing scheme and whether other matters should be removed or included within the scheme.

The results of the consultation exercise would then be presented to a future meeting of the Licensing Committee.

The Chairman thanked the Senior Practitioner (Licensing), WRS, for presenting his report.

RESOLVED:

(a) that the draft revised Hackney Carriage and Private Hire Penalty Point Scheme, as detailed at Appendix 2 to the report, be approved for the purpose of consultation with licence holders and other relevant organisations' and to invite comments more widely on the existing scheme; and

(b) that, as detailed in the preamble above, following consultation with licence holders, other relevant organisations and more widely, the consultation results be presented to a future meeting of the Licensing Committee.

29/18

LICENSING COMMITTEE WORK PROGRAMME

The Committee considered the Work Programme for 2018/19.

With the agreement of the Chairman and Licensing Committee Members, the Hackney Carriage Stand in Market Street Service Road report to be included on the Work Programme, with an additional Licensing Committee meeting to be scheduled for April 2019.

RESOLVED that the Licensing Committee Work Programme for 2018/2019 be updated to include an additional meeting in April 2019, as detailed in the pre-amble above; and the items discussed and agreed during the course of the meeting.

30/18

ANY OTHER BUSINESS

With the agreement of the Chairman, the Council's Legal Adviser took the opportunity to remind Committee Members of a recent email from the Licensing and Support Services Manager, Worcestershire Regulatory Services (WRS).

The email provided all Bromsgrove District Councillors with detailed information and a link in order to respond to the Department for Transport Consultation on Statutory Guidance to Licensing Authorities on Taxi and Private Hire Licensing.

The Council's Legal Adviser further informed the Committee that the Licensing and Support Services Manager, WRS, was happy to receive any responses to the consultation from Licensing Committee Members and that she would then include any comments received in a collective response to the Department for Transport.

The Democratic Services Officer agreed to resend the email to all Councillors, as a reminder of the consultation and would include the consultation end date and time.

Licensing Committee
18th March 2019

The meeting closed at 6.40 p.m.

Chairman