



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE LICENSING COMMITTEE**

WEDNESDAY 17TH APRIL 2019  
AT 5.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,  
WORCESTERSHIRE, B61 8DA

MEMBERS: Councillors R. L. Dent (Chairman), C. J. Spencer (Vice-Chairman),  
M. T. Buxton, M. Glass, H. J. Jones, C. M. McDonald, S. R. Peters,  
S. P. Shannon, M. A. Sherrey, L. J. Turner and S. A. Webb

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest  
  
To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 18th March 2019 (Pages 1 - 6)
4. Hackney Carriage Stand in Market Street Service Road (Pages 7 - 12)
5. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

1st April 2019



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## **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

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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."*

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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.

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The meeting closed at 6.40 p.m.

Chairman

**HACKNEY CARRIAGE STAND IN MARKET STREET SERVICE ROAD**

Relevant Portfolio Holder	Councillor P J Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	Sanders Park (directly) All Wards (indirectly)
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 To advise members of a proposal to relocate the current appointed hackney carriage stand in the Market Street service road and to request that Officers conduct a 28 days public consultation on the proposals; any objections received will be brought back before the Licensing Committee for consideration before a decision is taken about whether to proceed with the relocation of the hackney carriage stand.

**2. RECOMMENDATIONS**

**Members are asked to RESOLVE that:**

**Officers be instructed to conduct a 28 day public consultation process on the proposed relocation of the hackney carriage stand; and,**

**That any objections received will then be brought back before the Licensing Committee for consideration before a decision is taken about whether to proceed with the relocation of the hackney carriage stand.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The cost of the public notice and other administrative costs will be met from existing budgets held by Worcestershire Regulatory Services.
- 3.2 In the event that the proposed stand is appointed the cost of any additional signage and road markings required would need to be met by Worcestershire County Council as part of their budget for the walking and cycle route improvements

**Legal Implications**

- 3.3 Licensing Authorities have power under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to create, amend and revoke hackney carriage stands (ranks). This allows district councils to “appoint stands for Hackney Carriages” either on public highways or private land and the stands can be for either continual or part-time use.
- 3.4 Under the Local Government (Miscellaneous Provisions) Act 1976 s63 a district council is required to publish a notice in a local newspaper and wait 28 days from publication, after which Members will need to consider any written representations of objections made.
- 3.5 Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand a district council is required to give notice to the chief officer of police.
- 3.6 Additionally a district council cannot create a hackney carriage stand:
- (a) so as unreasonably to prevent access to any premises;
  - (b) so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator’s licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
  - (c) on any highway except with the consent of the highway authority; the maximum number of permissible points has been reached, is taken at the appropriate level, based on the merits of each individual case.

**Service / Operational Implications**

- 3.7 Officers were recently made aware of some upcoming improvements being made by Worcestershire County Council to walking and cycle routes around Bromsgrove.
- 3.8 The County Council’s £3.4 million project aims to reduce congestion in Bromsgrove by providing alternative travel choices to local residents to reduce short journeys made by car.

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- 3.9 The improvements form part of the wider transport and highways plan for the area and will see an additional six recognised walking and cycling pathways being introduced over the next two years. The work will also include improving other recognised cycleways across Bromsgrove.
- 3.10 One aspect of the proposed improvements impacts on the existing hackney carriage stand appointed by Bromsgrove District Council in the Market Street service road (the bus station). The proposed works at this location are anticipated to take place in Summer 2019.
- 3.11 The highway improvements planned at this location mean that two of the five spaces currently provided for hackney carriages to stand for hire would be lost, reducing the number of available spaces to three.
- 3.12 Officers made clear that this particular hackney carriage stand is already prone to overcrowding in the daytime and that any proposal to reduce the number of spaces available for hackney carriages to stand for hire at the location would exacerbate the situation.
- 3.13 Following further dialogue with officers from the County Council, a proposed solution has been put forwards that would see the hackney carriage stand retained for five vehicles, but being relocated across the road from its current position.
- 3.14 A drawing showing the proposed location for the new hackney carriage stand is provided at **Appendix 1**.
- 3.15 Officers consider this solution to be the best available option for retaining five spaces for hackney carriages to stand for hire at this particular location. There are also some benefits to the relocation, with hackney carriages no longer standing spaced out between entrances to properties that need to be kept clear. Also passengers would be able to enter vehicles from the near side without having to walk out into the road.
- 3.16 In order to implement the proposed relocation, it is necessary for the Council to undertake the required legal process to appoint a new hackney carriage stand and revoke the appointment of the existing hackney carriage stand at this location.
- 3.17 The first stage of this process is to consult on the proposals with the chief officer of police and via a public notice that needs to be published in a local newspaper.
- 3.18 Members are asked to instruct officers to carry out the required consultation with any objections received being brought back to the Licensing Committee for consideration later in the year.

**4. RISK MANAGEMENT**

- 4.1 Failure to carry out the legal process to appoint a newly located hackney carriage stand could lead to a reduction in the number of spaces available for hackney carriages to stand for hire at this location. This would exacerbate existing problems with “over-ranking” at the location and provide an additional risk to public safety.

**5. APPENDICES**

Appendix 1 – Drawing showing proposed location of hackney carriage stand.

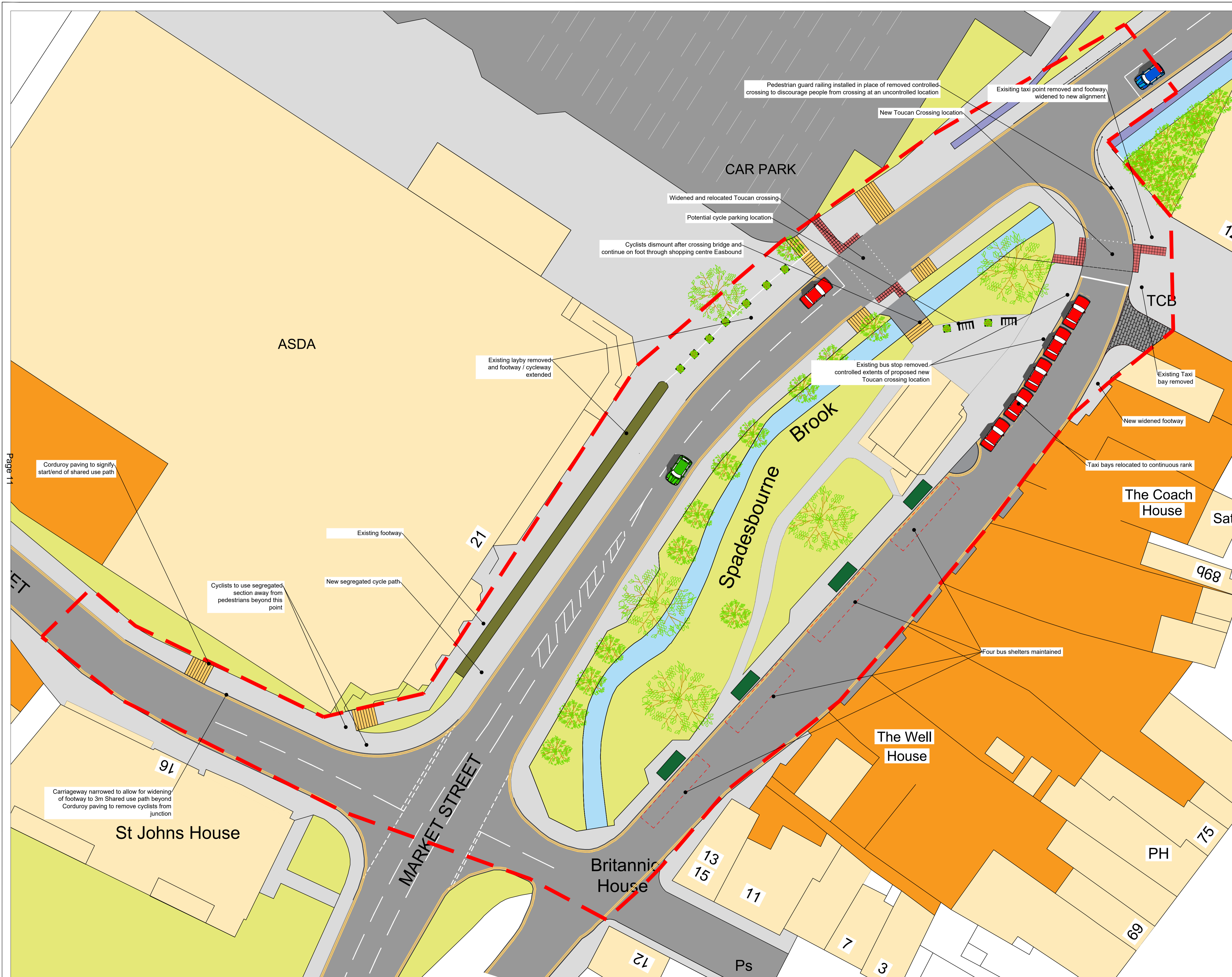
**AUTHOR OF REPORT**

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Rev	By	Chkd	Apprvd	Date	Description



Project  
 NPIF  
 BROMSGROVE

Drawing  
 CONCEPT PLAN  
 MARKET STREET

Drawn by: AJH Date: 11.03.19  
 Checked by: - Date: -  
 Approved by: - Date: -  
 Drawing No. NPIF - WCC - C003d Revision -

Drawing Scale: 1/500 @ A1

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