

# Licensing Committee

A meeting of Licensing Committee was held on Monday, 7th September, 2009.

**Present:** Cllr Bill Woodhead (Chairman); Cllr Jim Beall, Cllr Dick Cains, Cllr Ken Dixon, Cllr Jean Kirby, Cllr Alan Lewis and Cllr Maurice Perry.

**Officers:** M Vaines (DNS); P K Bell, J Nertney (LD).

**Also in attendance:** A Fidler, M Zarooof (Tees Valley Cabs); M Saieed (Mick I think there was another 3 there from the Hackney Assoc but I didnt get their names did you get them?)M Akram (Taxi Driver).

**Apologies:** Cllr Mrs Kath Nelson, Cllr Mrs Eileen Craggs, Cllr Kirton, Cllr Tina Large, Cllr Roy Rix and Cllr Colin Leckonby and Cllr Salt.

## **L        Declarations of Interest**

**39/09**

There were no interests declared.

## **L        PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY - VEHICLE 40/09    REQUIREMENTS IN RESPECT OF TINTED WINDOWS**

Consideration was given to a report on a request from the trade to relax the Private Hire and Hackney Carriage Licensing Policy requirements relating to tinted windows and its application to existing licensed vehicles with effect from their next license renewal in September/October 2009.

At the meeting held on 27th January 2009 Members recommended a revised policy in respect of Private Hire and Hackney Carriage Licensing for approval by Cabinet (Minute 77/08 refers). This policy was approved with effect from 6th March 2009.

Within that policy document was a section relating to "Tinted Windows" which was as follows:-

"123. The windows (excluding the windscreen which must have a minimum light transmission of 75%) of any vehicle shall not have been treated so that less than 70% of light is transmitted through it, unless the following criteria can be met in which case there will be no minimum light transmission.

- The vehicle is an executive hire or novelty hire vehicle or stretch limousine operating under an exemption notice and
- The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (i.e. under the age of 18 years). The driver must not act as the accompanying adult; and
- Approval has been given by the Council

124. The Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.

125. Existing licensed vehicles that do not meet this standard will be allowed until their next renewal date to comply."

Members were respectfully reminded that during the consultation process no comments were received from the trade on this part of the policy other than a request to consider including a special consideration for existing vehicles from having to comply with the requirement when "clear glass" was not available for the particular model of vehicle.

Members also considered and rejected a request at the meeting in January to delay the implementation of the policy in view of the economic climate.

Since the implementation of the policy in March 2009 the Licensing Unit had dealt with one complaint from the proprietor of an existing licensed vehicle who wished to replace his vehicle with one that did not meet the standard for tinted windows. He eventually replaced the windows at a cost of some £900.

A letter had been received from representatives of the Stockton Hackney Carriage Drivers Association and two Private Hire Operators requesting that consideration be given to amending the policy to grant "grandfather rights" to existing licensed vehicles from the need to comply with the requirement in relation to tinted glass. A copy of the letter was attached to the report.

A letter had also been received from a vehicle proprietor who purchased a vehicle that did not meet the standard prior to the new policy being approved. A copy of this letter was attached to the report.

Members were respectfully reminded that the figures of 75% and 70% light transmission were taken from the Road Vehicle (Construction and Use) Regulations 1986, as amended, for motor vehicles first used on or after 1st April 1985, but the figures only related to the front windscreen and the front side windows respectively. There were no legal requirements for the remaining windows on a vehicle. An extract from the regulations and a copy of an explanatory leaflet produced by the Vehicle and Operator Services Agency (VOSA) was attached to the report for Members information.

Members were reminded that the renewal dates for existing licensed vehicles was 30th September for hackney carriages and 31st October for private hire vehicles.

Prior to the adoption of the Policy the Council had no requirements relating to specifications for tinted windows and did not have the equipment to measure the light transmission values. This had caused problems in determining vehicle licence applications in respect of vehicles that were presented with extremely dark tints to the windows, especially when "after market" tinting had been applied i.e. through the use of sticky plastic film or an aerosol spray to the inner surface of the windows. In the absence of any national guidelines the figures from the regulations i.e. 70% for the remaining windows were suggested in the consultation document and remain in the policy, as this allowed for and was met by some factory fitted tints.

Whilst officers agreed that there was no evidence that heavily tinted glass had been a factor in any incident involving passenger or driver safety it was made

clear that neither had this issue been included in investigations carried out by officers into complaints concerning alleged misconduct of drivers and equipment to carry out such tests on vehicle windows had only recently been purchased by the Council.

It was reported that voluntary "tint tests" had been carried out on licensed vehicles between 24th August and 4th September 2009. The results from the tests were as follows:-

572 - Current Licenced Vehicles  
367 - Vehicles took the tint test  
328 - Passed the tint test  
39 - Failed the tint test  
205 - Vehicles did not take the tint test

If Members were minded to allow "grandfather rights" to existing licensed vehicles with windows that did not comply with the policy it was recommended:-

1. That these "grandfather rights" should be for a limited period e.g. until the next Policy review or three years whichever was the shorter period, allowing proprietors more time to replace their vehicle.
2. That an additional condition should be placed on the vehicle licence prohibiting transfer of the vehicle to any other proprietor and paragraph 125 of the policy should be amended accordingly.
3. Any replacement vehicle would need to comply with the policy requirements as would any new vehicle.

The members of the taxi licensing trade that were in attendance at the meeting were given the opportunity to state their case.

In making their decision Members took into account the report that had been presented to them and the comments made by members of the taxi trade at the meeting.

RESOLVED that "grandfather rights" be allowed subject to:-

1. Grandfather rights be granted to existing licensed vehicles which would otherwise fail the policy requirement in relation to tinted windows. The grandfather rights for existing licensed vehicles shall apply for a limited period, namely until the next review of the transport licensing policy or three years whichever is the sooner.
2. Any applications for transfer of vehicles licences for those vehicles which have grandfather rights in relation to tinted windows shall be determined on their merits by Officers in consultation with the Chair of Licensing Committee.
3. Any replacement vehicle must comply with the policy requirements.
4. Any new vehicle must comply with the policy requirements.

