

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 9 January 2020

Present: Councillor T Rafiq (in the Chair)
Councillors C Cummins, J Grimshaw, K Leach, C Morris,
M Smith and S Wright

Public Attendance: There were 7 members of the public were present at the meeting.

Apologies for Absence: Councillor S Hurst, Councillor G Keeley, Councillor C Walsh and Councillor Y Wright

LSP.284 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.285 MINUTES OF THE LAST MEETING

Delegated decisions:

1. That the Minutes of the Meeting held on 28 November 2019 be approved as a correct record and signed by the Chair.
2. That the Minutes of the Meeting held on 18 December 2019 be approved as a correct record and signed by the Chair.

LSP.286 PUBLIC QUESTION TIME

- Mr Shafqat Mahmood referred to a recent incident where a licensed driver had sold his vehicle to a private buyer and had been contacted shortly afterwards by a Licensing Officer who stated that he needed to show proof that the vehicle had been sold.

Mr Michael Bridge, the Licensing Unit Manager explained that as a named proprietor the licensed driver has a responsibility to inform the Licensing Unit that the vehicle has been sold to ensure that the vehicle is no longer registered to him. Mr Bridge explained that he had spoken with the driver being referred to and had seen the proof of sale.

- Mr Charles Oakes on behalf of the Hackney Carriage Association asked about whether the constitution of the Licensing and Safety Panel was politically balanced.

The Chair advised that this question had previously been submitted in writing and a written response had been provided.

- Mr Charles Oakes asked whether the Council believed it had the power to override primary legislation.

The Head of Legal Services advised that if legislation provides the Council with a duty or obligation, then it must comply with that, however if it provides the

Council with a power or discretion, then it is a matter for the Council. This is the position whether stated in primary or secondary legislation.

- Mr Warraich, on behalf of private hire drivers explained that there had recently been a road traffic accident in Manchester which had resulted in the death of a private hire driver. There had also been a number of incidents of criminal damage to vehicles and incidents of racial abuse towards drivers. It was explained that Private Hire Vehicles had 12 separate identification markings on them. It was requested that the removal of the front plates be reconsidered.

Mr Michael Bridge, the Licensing Unit Manager explained that the issue of vehicle plates was being considered as an item on the agenda but this was to consider the size of plates and not the removal. Mr Bridge explained that he had been in touch with Oldham Council Licensing Department regarding their decision to reinstate front plates on their Hackney Carriages and Private Hire Vehicles and this had been confirmed.

- Mr Warriach referred to the request to introduce an online system where drivers could make payment without having to come to the Town Hall. This had been requested in June 2019 and nothing had been introduced as yet.

Michael Bridge, the Licensing Unit Manager explained that he had requested that IT support look at the possibility of developing a payment system.

- Mr Shafqat Mahmood explained that one of his colleagues had purchased a vehicle for a large sum of money but the vehicle had failed the MOT due to the tinting of the windows.

Michael Bridge, the Licensing Unit Manager explained that it is the responsibility of the vehicle owner to make sure that their vehicle complies with all of the required regulations and that they ask the relevant questions at the time of purchase.

- Mr Charles Oakes on behalf of the Hackney Carriage Drivers Association referred to the MOT testing station at Bradley Fold. Mr Oakes stated that a number of dates had been reported for the reopening of the facility but it still remained closed.

Ms Angela Lomax, Head of Trading Standards and Licensing explained that she was in contact with the Operations department on a daily basis with regards to the opening of the Station. Operations had advised that they were waiting for the DVSA to approve the station. Ms Lomax explained that as soon as she had a definitive date she would contact the drivers associations to inform them.

- Mr Oakes referred to the MOT testing station and asked whether the Council would consider opening a second station.

Ms Lomax explained that the new Director of Operations had recently come into post at the Council. Ms Lomax would be meeting with her as soon as possible and the issue of testing stations would be discussed and a report considered.

LSP.287 REVIEW OF VEHICLE SIGNAGE AND DRIVERS BADGE

The Assistant Director (Legal and Democratic Services) submitted a report regarding the size requirement of the front licence plate of a Hackney Carriage or Private Hire Vehicle and the size requirement for a licensed driver's identification badge.

The report was presented by the Licensing Unit Manager. This explained that The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) and the Town Police Clauses Act 1847 (TPCA) make provisions for a Local Authority (district council) to issue a plate or disc for a private hire and a hackney carriage vehicle, in pursuance of a licence. This must be fixed to or 'exhibited' on the vehicle. In addition, the Local Authority can attach such conditions as it may consider reasonably necessary to the licence.

The current requirement is that vehicle licence plates be attached to both the front and rear of the vehicle. The existing plates are approximately 24.13cm by 17.78 cm.

In relation to licensed driver's identification badges, the current requirement is that a driver has to wear a photograph identification badge and have a similar badge displayed in the vehicle. The current identification badge dimensions are 11.43 cm by 8.89cm.

It was reported that it is over 10 years since the Licensing and Safety Panel last considered modifications to vehicle signs and ID badges at that time Members resolved to retain both as they were. The report went on to explain issues in relation to modifying the badges including costs, accessibility, Proposed Greater Manchester Common Minimum Standards, Proposed National Standards and best practice.

Questions were asked by the Panel to clarify the issues raised about having a front plate, cost implications and the impact of the proposed Greater Manchester Common Minimum Standards.

Delegated decision:

It was moved by Councillor Rafiq and seconded by Councillor Grimshaw and it was **resolved:**

1. That the Council Policy relating to the size of the vehicle licence plate on the front of a licensed Hackney Carriage and Private Hire Vehicle be modified to reduce the size of the front plates.
2. That the new sized plates be introduced for newly licensed vehicles and licence renewals, from April 2020.
3. That the current Council policy relating to the size requirements for identification badges for Hackney Carriage and Private Hire Vehicle remains.

LSP.288 TESTING OF TINTED GLASS ON VEHICLES TO BE LICENSED AS HACKNEY

CARRIAGES / PRIVATE HIRE VEHICLES

The Assistant Director (Legal and Democratic Services) submitted a report advising Members of a request to remove the Council Policy requirement, relating to rear window tints for Hackney Carriage and Private Hire vehicles.

The report was presented by the Licensing Unit Manager. This explained that section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1987, provides a district council with the legal authority to specify the type, size and design of vehicles it is prepared to licence, as either a Private Hire Vehicle or as a Hackney Carriage respectively.

The Road Vehicles (Construction & Use) Regulations 1986 as amended, specify the minimum levels of light that must pass through a vehicle windscreen and front windows to either side of the drivers head. This stipulation is for road safety purposes as it restricts the driver's vision, especially in dark conditions. If glass is tinted above these levels, it may prevent drivers from seeing other road users or pedestrians. It also prevents other road users and pedestrians from confirming through eye contact that they have been seen.

This is the minimum legal standard and although it is an offence to fail to comply with this, the assessment of glass does not form part of the MOT test.

However there are no legal requirement in relation to tinting the rear windscreen or rear passenger windows, albeit that the Licensing and Safety Panel in 2012 introduced a policy to include minimum levels for tints for such windows.

The Council's testing station is currently testing vehicles to ensure compliance with the above regulation and Council policy and vehicles will fail the test when presented with excessively tinted glass. Vehicles presenting with very dark glass, that appears as a mirror to someone attempting to look into the vehicle is of concern. This prevents the number of passengers being carried in a moving licensed vehicle from being counted, as well as people being able to see what is going on inside the vehicle. Although the system has worked fairly well to date, it has been requested by the Private Hire trade for the Council to review the requirements relating to tinted windows.

Questions were asked by the Panel to clarify the position in relation to manufacturer's tint and factory fitted glass and the impact of the proposed Greater Manchester Common Minimum Standards.

Delegated decision:

It was moved by Councillor Rafiq and seconded by Councillor Grimshaw and it was **resolved:**

1. That the Council's Policy requirements relating to vehicle tints for rear windows on vehicles licensed as Hackney Carriages and Private Hire Vehicles be amended to provide that licensed vehicles may only have manufacturer's factory fitted tints ("privacy glass").

2. That the new policy requirement be introduced for newly licensed vehicles only.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 7.05 pm and ended at 8.25 pm)