

AGENDA FOR

LICENSING AND SAFETY PANEL

Contact:: Andrea Tomlinson
Direct Line: 0161 253 5133
E-mail: a.j.tomlinson@bury.gov.uk
Web Site: www.bury.gov.uk

To: All Members of Licensing and Safety Panel

Councillors : C Cummins, J Grimshaw, S Hurst,
G Keeley, K Leach, C Morris, B Mortenson, T Rafiq
(Chair), M Smith, C Walsh, S Wright and Y Wright

Dear Member/Colleague

Licensing and Safety Panel

You are invited to attend a meeting of the Licensing and Safety Panel which will be held as follows:-

Date:	Thursday, 9 January 2020
Place:	Meeting Rooms A & B
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing and Safety Panel are asked to consider whether they have an interest in any of the matters on the agenda, and if so, to formally declare that interest.

3 MINUTES OF THE LAST MEETING *(Pages 1 - 12)*

The Minutes of the Meeting held on 28 November 2019 are attached.

The Minutes of the Meeting held on 18 December are attached.

4 PUBLIC QUESTION TIME

Questions are invited from members of the public present at the meeting on any matters for which this Panel is responsible.

Approximately 30 minutes will be set aside for Public Question Time if required.

5 REVIEW OF VEHICLE SIGNAGE AND DRIVERS BADGE *(Pages 13 - 20)*

A Report from the Assistant Director (Legal and Democratic Services) is attached.

6 TESTING OF TINTED GLASS ON VEHICLES TO BE LICENSED AS HACKNEY CARRIAGES / PRIVATE HIRE VEHICLES *(Pages 21 - 26)*

A Report from the Assistant Director (Legal and Democratic Services) is attached.

7 URGENT BUSINESS

Any other business, which by reason of special circumstances, the Chair agrees may be considered as a matter of urgency.

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 28 November 2019

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

Public Attendance: 4 Member of the public were present at the meeting.

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

LSP.1 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.2 MINUTES OF THE LAST MEETING

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 17 October 2019 be approved as a correct record and signed by the Chair.

LSP.3 PUBLIC QUESTION TIME

Mr Charles Oakes on behalf of the Hackney Carriage Drivers Association raised an issue regarding the report on the vehicle signage report on the agenda and what he perceived as a misleading reference to the removal of plates. In response Ms Angela Lomax, Head of Trading Standards and Licensing advised the panel that the query had been raised by Mr Oakes in writing and she had responded. Ms Lomax read out the response and provided Mr Oakes with a written copy.

Ms Donna Short on behalf of the Private Hire Drivers Association asked a question about a matter raised at the last meeting regarding tinted windows. Ms Lomax indicated that she had not yet been able to respond but would do so.

Mr Warriach on behalf of the Private Hire Drivers, Bury asked/raised 3 questions/issues:

1. When will the MOT station open?
2. Could he make a presentation to the panel as to why the signs on the front of vehicles should be removed?
3. What progress had been made regarding the redesigning of drivers badges?

The Chair advised that in respect of the second issue, drivers and their representatives had provided sufficient information on the last occasion to explain why this was to be reviewed. Their representations had resulted in the report on the agenda for consideration by the Panel.

In relation to question 1, Ms Lomax advised that she has emailed the Director and Assistant Director of the service that operates the testing station situated at

Bradley Fold. The response she has received is that the keys will be handed over on 9 December 2019 but the station is also awaiting a DVSA inspection before it can operate. It was accepted that this is later than originally planned. In relation to question 3, Ms Lomax advised she has made enquiries to see if this could be done internally but it cannot. The current provider is able to do this, but the cost will increase and will have to be passed on to drivers. This is still be progressed.

LSP.4 OPERATIONAL REPORT

The Assistant Director (Legal and Democratic Services) submitted a report advising Members on operational issues within the Licensing Service.

The report set out updates in respect of the following issues:

Taxi Working Group Meeting

The Licensing Unit Manager attended the Greater Manchester Taxi Working group meeting held at Transport for Greater Manchester on 5 November 2019. Discussion was around the clean air agenda and common minimum licensing standards.

Public Protection Managers Group

The Head of Trading Standards and Licensing attended a workshop event on 24 October 2019 about selective licensing. Topics covered houses in multiple occupation.

Air Quality (Taxi and Private Hire Vehicles Database)(England and Wales) Regulations 2019

The Licensing Service are currently working on the implementation of these regulations which places a statutory duty to provide the following information relating to hackney and private hire vehicles to create a centralised database:

- Vehicle Registration Mark
- Licence Dates
- Type of licence Hackney or Private Hire
- Licensing Authority Name
- Licence Plate Number
- Wheelchair accessible

A memorandum of understanding has been signed and the relevant privacy notice is being reviewed.

Training Event – 6 November 2019

The Licensing Unit Manager and Councillor Rafiq attended a training course on taxi licensing at Bolton Town Hall.

Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018

Following the introduction of the above regulations last year, the Licensing Service have issued renewal letters for those premises that received a one star rating (one year licence). Inspections will be undertaken in due course.

Purple Flag Assessment

The external assessment undertaken by the Association of Town Centre Managers for the Purple Flag accreditation took place on 16 November 2019. The Council is now currently awaiting the decision.

Scrap Metal Licences

The Licensing Service are currently dealing with renewal application for scrap metal licences for scrap metal sites and mobile scrap metal dealers. These licences expire every three years.

Bradley Fold

The works currently being undertaken at Bradley Fold following the fire earlier this year are nearing completion. Once the works have been completed the testing of licensed vehicles will return to Bradley Fold.

Immediate Revocation of a Private Hire Drivers Licence

On 15 November 2019, the Licensing Service received information from Merseyside Police regarding a private hire driver who was in possession of cocaine and cannabis and was arrested following a roadside drug test in which he tested positive for cocaine. The Head of Service for Trading Standards and Licensing following consultation with the Chair of the Licensing and Safety Panel decided to revoke the driver's private hire driver's licence with immediate effect.

It was agreed:

That the report be noted.

LSP.5 REVIEW OF VEHICLE SIGNAGE

The Assistant Director (Legal and Democratic Services) submitted a report advising Members that the Private Hire Drivers Association and the Hackney Carriage Drivers Association requested that the Council consider the removal of the front plate from licensed vehicles due to them being subject to attacks whilst driving on the road.

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 report went on to explain the current requirements for vehicle signage and the historical background. Information was also provided as to research on the issue together with survey findings and the opinions of affected groups including the TfGM Disability Design Reference Group (DDRG).

Questions were asked by the Panel as to evidence around attacks against drivers and the reasons, size of signs and also that consultation was to be undertaken next year regarding proposed Common Minimum Standards which will include signage on the front and rear of vehicles.

Members were requested to consider the options:

1. To agree the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association.
2. To remove the requirement for a front licence plate.
3. To implement an alternative decision following consideration of the report.
4. To refuse the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association to remove the requirement for a front vehicle licence plate.

It was agreed:

1. That the report be noted.
2. To refuse the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association to remove the requirement for a front vehicle licence plate.
3. That a report be presented to a future meeting regarding the size of vehicle signage.

LSP.6 URGENT BUSINESS

There was no urgent business reported.

LSP.7 EXCLUSION OF PRESS AND PUBLIC

Delegated decision:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to individuals who hold Licences granted by the Authority or Applicants for Licences provided by the Authority.

LSP.8 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVERS' LICENCES

The Licensing Unit Manager presented a report submitted by the Assistant Director (Legal and Democratic Services) regarding applications for Public/Private Hire Vehicles Drivers' Licences.

Applicant 13/2019 attended the meeting and was unaccompanied. The Licensing Unit Manager read the report, which was accepted by the Applicant. This explained that as part of the application procedure for a Private Hire Drivers Licence, this applicant submitted a DBS enhanced certificate and declared a caution issued by the Metropolitan Police for taxi touting in October 2014. And that the Applicant had also previously held a Private Hire Drivers Licence issued by TfL which was revoked.

In interview the Applicant explained that he had been parked and approached by an individual asking about the fare for a journey. He was then approached by others who revealed themselves to be police officers. He went on to explain that he was advised to accept the caution which he did but that he had previously driven for 35 years without any previous issues. He also explained that he did try to advise TfGL about the conviction but was told he did not need to report it but then his licence was subsequently revoked.

Delegated decision:

The Panel carefully considered the report, the oral representations by the Applicant and after taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and resolved, unanimously, that **the application for a Private Hire Driver's Licence by Applicant 13/2019 be granted.**

The Panel noted that although this was a serious matter, it was committed more than 5 years ago. The Applicant had no other complaints or convictions and appeared remorseful for his actions. The Panel therefore agreed that he was a fit and proper person to hold a licence in Bury.

LSP.9

SUSPENSION/REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

Licence Holder 12/2019 attended the meeting and was unaccompanied. The Chair outlined the procedure to be followed and the Licensing Unit Manager presented a report submitted by the Assistant Director (Legal and Democratic Services) which was accepted by the Licence Holder. This set out the reasons for the Licence Holder being before the Panel.

The report explained that the Licence Holder has a conviction on 3 October 2019 for plying for hire and driving without insurance, for which he was sentenced to a fine of £432, costs of £458, a Victim Surcharge of £32 and was awarded 6 penalty points. In addition it was noted that he had taken 12 days to notify the Licensing Department of this conviction and had his licence previously refused in 2009 due to a conviction for battery and once receiving a licence in the same year, he received a warning for plying for hire.

The Licence Holder advised the Panel that the circumstances of the most recent conviction were that he was parked and was approached by 2 men and they asked him to take them. He refused but as they continued to hang around his car and he had a similar situation in 2016 when his car was damaged, he decided to take them. He was subsequently stopped by the police and now realises he made a big mistake and should not have taken them. He stated that he was offered a caution

but did not understand what this meant and so he refused to accept it was the matter went to court. He has not been driving since that time.

Questions were asked by the Panel.

Delegated decision:

The Panel carefully considered the report and the oral representations by Applicant 12/2019 and taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, resolved unanimously, to **revoke the Licence Holders Private Hire Driver's Licence.**

The Panel noted the following:

1. That the offences were of a very serious nature,
2. That the conviction was very recent,

That the licence Holder had not notified the Licensing Service of the conviction within a reasonable period of time.

The Panel agreed that he was not a fit and proper person to hold a licence in Bury.

The Applicant was informed of their right of appeal to the Magistrates' Court within 21 days.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 7.00 pm and ended at 8.40 pm)

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 18 December 2019

Present: Councillor T Rafiq (in the Chair)
Councillors J Grimshaw and B Mortenson

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence:

LSP.1 DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting

LSP.2 EXCLUSION OF PRESS AND PUBLIC

Delegated decision:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to individuals who hold Licences granted by the Authority or Applicants for Licences provided by the Authority.

LSP.3 SUSPENSION/REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCES

Licence Holder 14/2019 attended the meeting and was unaccompanied. The Chair outlined the procedure to be followed and the Licensing Unit Manager presented a report submitted by the Assistant Director (Legal and Democratic Services) which was accepted by the Licence Holder. This set out the reasons for the Licence Holder being before the Panel.

The report explained that the Licence Holder has a conviction on 31 October 2019 for plying for hire and driving without insurance, for which he was sentenced to a fine of £120, costs of £220, a Victim Surcharge of £32 and was awarded 6 penalty points.

The Licence Holder advised the Panel that the circumstances of the conviction were that he was parked and was approached by 2 men and they asked him to take them. He refused and advised them to get a hackney carriage but they continued to hang around his and told him that there was fighting where the hackney carriages were, he then decided to take them. He was subsequently stopped by the police and now realises he made a big mistake and should not have taken them.

Questions were asked by the Panel.

Delegated decision:

The Panel carefully considered the report and the oral representations by Applicant 14/2019 and taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, resolved unanimously, to **revoke the Licence Holders Private Hire Driver's Licence.**

The Panel noted the following:

1. That the offence was of a very serious nature,
2. That the conviction was very recent,

The Panel agreed that he was not a fit and proper person to hold a licence in Bury.

The Applicant was informed of their right of appeal to the Magistrates' Court within 21 days.

LSP.4 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES

1. Applicant 15/2019 attended the meeting and was unaccompanied. The Chair welcomed the Applicant and introduced the Licensing and Safety Panel and outlined the procedure to be followed.

The Licensing Unit Manager read the report which explained that as part of the application procedure for a Private Hire Licence, the applicant submitted a DBS criminal record check which had disclosed the following convictions:

On 29 January 2002 the applicant had been convicted of Failing to Surrender to Custody at appointed time contrary to Bail Act 1976 s.6(1) and had received a sentence of £25 fine.

On 27 March 2002 the applicant had been convicted of Grievous Bodily Harm contrary to Offences Against the Person Act 1861 s.20 and had been sentenced to 6 months Young offenders institute.

On 10 May 2002 the applicant had been convicted of Assault on a Police Officer contrary to Police Act 1996 s.89(1) and had been sentenced to 2 months Young offenders institute (consecutive with previous conviction)

On 10 May 2002 the applicant had been convicted of Failing to Provide a Specimen for analysis contrary to Road Traffic Act 1988 s.7(6). And had been sentenced as follows: Disqualified from driving 2 years, Driving licence endorsed. Also on 10 May 2002 the applicant had been convicted of Disorderly Behaviour or words likely to cause harassment alarm or distress contrary Public Order Act 1986 s.5(1)(a) but had received no separate penalty.

On 19 October 2005, the applicant had been convicted of Driving a Motor Vehicle with excess alcohol contrary to Road Traffic Act 1988 s.5(1)(a) and had received a Fine of £45, Disqualified from driving for 3 years and had his Driving licence endorsed

On 25 January 2006 the applicant had been convicted of Using a Vehicle without insurance contrary to Road Traffic Act 1988 s.143(2). The Applicant received a Community Order for 12 months. Also on 25 January 2006 the applicant was convicted of Driving whilst disqualified contrary to Road Traffic Act 1988 s.103(1)(b) and received a sentence of Community Order 12 month supervision requirement, unpaid work requirements for 200 hour.

On 19 April 2007 the applicant had been convicted of Driving whilst Disqualified contrary to Road Traffic Act 1988 s.103(1)(b) the Sentence received was 3 months imprisonment and Driving licence endorsed. Also on 19 April 2007 the applicant was convicted of Driving a motor vehicle with excess alcohol contrary to Road Traffic Act 1988 s.5(a)(1). He received the following Sentence: Imprisonment 3 months concurrent. Disqualified from driving for 6 years and Driving licence endorsed.

The Criminal record check highlighted the following caution:

Assault Occasioning actual body harm contrary to Offences Against the Person Act 1861 s.47. Caution date: 9 July 1998.

The following conviction falls within current conviction guidelines:

On 17 January 2013 the applicant was convicted of Failure to provide a specimen for analysis contrary to Road Traffic Act 1988 s.7(6) and was Disqualified from driving 5 year, received a Curfew requirement with electronic tagging and Community order 16/10/13. The applicant was also ordered to pay Costs £85 and Victim Surcharge £60.

The Applicant addressed the Panel and explained that he had undertaken a course of 14 sessions in relation to driving and alcohol and the driving ban had been lifted early and his driving licence restored in 2016.

The applicant explained that he was self-employed and had 2 children and that his wife was a carer who worked nights.

The Applicant stated that he was embarrassed by his criminal record and that he had changed since his last convictions.

Delegated decision:

The Panel carefully considered the report and the oral representations by the Applicant and after taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the panel agreed unanimously, that **the application for a Private Hire driver's licence by Applicant 15/2019 be refused.**

The Panel noted the serious nature of the convictions outlined in the report and concluded that on the evidence presented the applicant was not a fit and proper person to hold a private hire licence.

The Panel noted the Guidelines on the relevance of previous convictions and other information as stating that simply remaining free from conviction will not

generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence, and that multiple offences or a series of offences over a period of time may demonstrate a pattern of inappropriate behaviour.

2. Applicant 16/2017 attended the meeting and was accompanied by his wife. The Chair welcomed the Applicant and introduced the Licensing and Safety Panel and outlined the procedure to be followed.

It was explained that as part of the application procedure for a Private Hire Drivers Licence, this applicant submitted an application form on the 5th February 2019. Checks were undertaken by the Licensing Service of the Disclosure and Barring Service and DVLA which came back clear.

As part of the application procedure to become a Private Hire Driver within Bury; applicants are expected to take and pass a knowledge test. The test is designed to establish the applicant's knowledge of licence conditions some of which relating to conduct, roads and locations within the borough of Bury. It takes place at 13.00 every other Wednesday. When applicants are called into the Council Chamber they are immediately told to turn off their mobile phones or put them into 'airline mode' so as to prevent them being used. During the pre-test introductions applicants are told that the knowledge test is being carried out under test conditions and drivers are not permitted to talk, confer, use notes or pieces of paper or use mobile phones. Applicants are told that they are not obligated to stay until the end of the test and can leave if they feel they have done enough. Once the test is started the Enforcement Officer stays in the Council Chamber with the applicants and continually observes the applicants to ensure test conditions are maintained.

This applicant undertook the knowledge test on the 22nd May 2019. Part way through the test the Enforcement Officer was walking around the Council Chamber and saw that this applicant had placed his mobile phone on his thigh under the desk. A map application was clearly visible and open on the phone screen. The applicant was immediately approached and informed that he had failed the test and asked to leave.

The applicant has tried to rebook his knowledge test and following a discussion between the Enforcement Officer and Licensing Unit Manager the decision was taken to speak to the applicant.

The applicant was interviewed on the 4th June 2019. He stated that he had been using his mobile phone immediately prior to the test to establish the roads near the locations featured in the home study pack. He stated that he had failed to listen to the enforcement officer at the start of the test citing his diabetes and fasting in line with Eid. He claimed to have received a text message partway through the test and through force of habit removed his phone from his pocket to read the text. He denied that he had been using his phone as a satnav device during the test and had not intended to cheat.

Since the interview; the applicant has now fulfilled all the pre-requisites required to become a private hire driver.

The Applicant stated that it wasn't his intention to look at his phone and this had been a mistake. The Applicant explained that he had held a premises licence for 16 years and had never had any issues with this.

Delegated decision:

The Panel carefully considered the report and the oral representations by the Applicant and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and resolved, unanimously, that the **application for a Private Hire driver's licence by Applicant 16/2019 be granted.**

The panel noted that the Applicant was of previous good character and that looking at his telephone had been a genuine mistake. The Panel agreed that the Applicant was a fit and proper person to hold a licence in Bury.

3. Applicant 17/2019 attended the meeting and was unaccompanied. The Licensing Unit Manager read the report, which was accepted by the Applicant.

It was reported that the Applicant has been the holder of a Private Hire Licence since 15 November 2016 which was his first licence with Bury and was granted for a 3 year period.

On 3rd December 2019 the Applicant had attended the licensing service reception to renew his private hire driver's licence. During the appointment he had declared that on 14 November 2019 he had been convicted of Assault by Beating contrary to s.39 of the Criminal Justice Act 1988 and had received a Conditional Discharge, Victim surcharge of £20 and Costs of £400.

It was reported that the Applicants renewal application had therefore been halted.

The Applicant explained that this was this first ever offence of any type and he was very sorry that it had happened. He had an argument with his wife that had become heated and he had pushed her out of the way. The police had been called and he had been advised to plead guilty which he had done. He stated that he still resided at the family home.

Delegated decision:

The Panel carefully considered the report, the oral representations by the Applicant and after taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and resolved, unanimously, that **the application for a Private Hire Driver's Licence by Applicant 17/2019 be refused.**

The Panel noted the following:

1. That the offence was of a serious nature,
2. That the conviction was very recent,

The panel took note of paragraph 7b of the Policy and Guidelines document which stated that 'users of private hire vehicles have a right to expect that

Document Pack Page 12

Licensing and Safety Panel, 18 December 2019

drivers are not individuals with a predisposition toward a propensity for violent behaviour at any level.'

The Panel agreed that he was not a fit and proper person to hold a licence in Bury.

The Applicant was informed of their right of appeal to the Magistrates' Court within 21 days.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 1.00 pm and ended at 2.30 pm)

REPORT FOR DECISION

Agenda Item	
--------------------	--

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	9th JANUARY 2020
SUBJECT:	REVIEW OF VEHICLE SIGNAGE AND DRIVERS BADGE
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	Following a request from the Private Hire Drivers Association and the Hackney Carriage Drivers Association to modify the size requirement for a front licence plate from a licensed Hackney Carriage or Private Hire Vehicle and to modify the size requirement for a driver's identification badge. This report considers the options.
OPTIONS	Options <ul style="list-style-type: none"> • To remain with the existing policy relating to the size of vehicle licence plates • To remain with the current size for driver identification badges • To modify Council Policy relating to the size of vehicle licence plates to that of a smaller size front vehicle plate • To modify Council Policy with the requirement for driver identification badges to that of a smaller badge
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No

Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals including a Judicial Review
Statement by Executive Director of Resources:	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs to the service if appeals are lodged by licence holders with the Magistrates and Crown Courts.
Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

Background

- 1.1 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 Council Constitution

reserves the determination of the design of the vehicle plates and badges to the Licensing and Safety Panel Bury currently requires vehicle licence plates to be attached to both the front and rear of the vehicle. The existing plates are approximately 24.13cm by 17.78 cm.

- 1.4 They are white for hackney carriages and yellow for private hire vehicles. They contain the following information:-
 - A licence number;
 - The vehicle registration number;
 - A description of the make/colour of the vehicle;
 - The number of passengers to be carried;
 - The licence expiry date.
 - The Bury Council Logo
- 1.5 Bury currently require a driver 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.
- 1.6 It is over 10 years since the Licensing and Safety Panel last considered modifications to vehicle signs and ID badges. Members resolved to retain both as they were.
- 1.7 Members will recall at the meeting of the Licensing and Safety Panel on the 28th November 2019, members considered a report about the removal of the front plate on licensed vehicles in Bury. Members resolved:
 - That the report be noted.
 - To refuse the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association to remove the requirement for a front vehicle licence plate.
 - That a report be presented to a future meeting regarding the size of vehicle signage.

Issues

2.0 Costs

- 2.1 Following the decision of the Licensing and Safety Panel on the 28th November 2019, the licensing service have contacted the current supplier (VIP) and they have provided alternative examples.
- 2.2 Should members resolve any modifications the cost of new plates will be payable by a vehicle owner on annual renewal and by drivers for badges on 3 yearly renewal unless required sooner then the fee will become immediately payable.
- 2.3 The licensing service are currently going through a tender procurement process in relation to the provision of licensing peripherals provided to the hackney carriage and private hire trades. It is anticipated that the contract will commence on the 1st April 2020. The proposed alternative plate and badge are from the current supplier and maybe subject to change in the event of a new supplier.

3.0 Accessibility

- 3.1 On the 5th September 2019, TfGM Disability Design Reference Group (DDRG), met with a GM Licensing Manager's representative, and TfGM staff. DDRG have wide ranging disabilities and impairments. There were a number of concerns discussed relating to licensed vehicles and of particular relevance to this report was as follows:-

- All taxi and PHVs should display (at least A4 size) a photo (recent!), name and badge number of the driver in the vehicle so all passengers can identify the driver and ensure they're getting into the right vehicle.
- Many drivers don't wear badges – and the font on the badges is often too small to read for partially sighted passengers.
- Vehicle livery needs to meet a consistent standard across GM. All stickers should be easily readable and reasonably large in size to accommodate for those who are partially sighted.

4.0 **Proposed Greater Manchester Common Minimum Standards**

- 4.1 The Proposed Greater Manchester Common Minimum Licensing Standards does make reference to the display of vehicle licence plates as follows:

"All vehicles will display licence plates on the front and back of the vehicle. These will be permanently affixed and must not be magnetic to safeguard against unlicensed vehicles being able to pose a licensed vehicle."

These draft proposals are currently on hold and have yet to be consulted on.

- 4.2 Detailed at Appendix 1 is a table showing a comparison of the vehicle licence plates for other Greater Manchester Authorities.

5.0 **Proposed National Standards**

- 5.1 In February this year a report was published "Vehicle Licensing Moving Britain Ahead February 2019 " which included the Government's response to the Report of the Task and Finish Group on Taxi and Private Hire as follows:

TFG (Task & Finish Group) Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

- 5.2 Government Response

3.11 It is clearly important that people are able to identify a licensed vehicle and driver, minimising the risk of them travelling in vehicles that are not licensed or correctly insured.

3.12 It is also common that people do not understand fundamental differences between taxis and PHVs; comments from the Suzy Lamplugh Trust in the annex to the TFG report highlight that over a quarter of people believe PHVs

can be hired directly through the driver.

3.13 There are divergent standards through England as to what a taxi and PHV may look like, or display. These differences range from the minor e.g. whether an operator's details can or must be displayed (either permanently or in a form which can be removed) to specifying what colour vehicles must be in order to be licensed.

3.14 The Government will consider what vehicle and driver identification requirements should be included within national minimum requirements, focussing on supporting safety. Over and above national minimum standards, local considerations (particularly in respect of vehicle licensing conditions) will remain important.

6.0 Best Practice

- 6.1 The Department for Transport - TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE 2010 makes reference to vehicle identification as follows:

"Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

A licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring.

7.0 Conclusions

- 7.1 Members are requested to consider the report. Members are requested to choose 2 options one for plates and one for badges .The options are as follows:
- To remain with the existing policy relating to the size of the front vehicle licence plate;
 - To remain with the existing policy relating to the size of driver's identification badge;
 - To modify Council Policy relating to the size of vehicle licence plates and amend the requirement for the front vehicle plate to a smaller sized plate;
 - To modify Council Policy with the requirement for driver identification badges and amend the requirement relating to the size of the driver's badge to one of a smaller size.

List of Background Papers:-

Document Pack Page 18

Previous Minutes of the Licensing and Safety Panel - 28th November 2019

Contact Details:-

Mr M. Bridge

Licensing Office

3 Knowsley Place

Duke Street

Bury

BL9 0SW

Telephone: 0161 253 5209 Email: m.bridge@bury.gov.uk

Licence Requirements for Other Greater Manchester Authorities

Authority	Front Plate	Rear Plate	Other Information
Bolton	Yes - Small	Yes	
Bury	Yes	Yes	
Manchester	Yes – Small	Yes	
Oldham	No	Yes	Due to be reviewed asking members to consider going back to two plates
Rochdale	Yes	Yes	
Salford	Yes	Yes	
Stockport	No	Yes	Planning to change to two plates
Tameside	Yes	Yes	
Trafford	No	Yes	
Wigan	No	Yes	

This page is intentionally left blank

REPORT FOR DECISION

Agenda Item	
--------------------	--

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	9th JANUARY 2020
SUBJECT:	TESTING OF TINTED GLASS ON VEHICLES TO BE LICENSED AS HACKNEY CARRIAGES / PRIVATE HIRE VEHICLES
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report relates to a request to remove the Council policy requirement, relating to rear window tints for Hackney Carriage and Private Hire vehicles.
OPTIONS	<ul style="list-style-type: none"> To amend the Council's policy requirements relating to vehicle tints for rear windows to only have manufacturer's factory fitted tints ("privacy glass") To refuse the proposed amendment and retain the current policy requirements for licensed vehicle rear window tints
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	The costs of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Equality/Diversity implications:	Yes (see paragraph below)
Considered by Monitoring Officer:	The report is in accordance with the appropriate legislation (set out in the body of the report).
Wards Affected:	All
Scrutiny Interest:	Internal Scrutiny Panel

TRACKING/PROCESS
Lynne Ridsdale

DIRECTOR: Deputy Chief Executive –

Chief Executive/ Joint Leadership Team	Executive Member/Chair	Ward Members	Partners
√			
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 Members will be aware 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 testing of such vehicles is carried out by the Councils testing centre at Bradley Fold. The vehicle has to meet the standards of a class 4 MOT inspection, together with other comfort and appearance standards stipulated by the Council.
- 1.2 On the 4th April 2012, members of the Licensing and Safety Panel considered a report in relation to window tints in licensed vehicles. Members of the Licensing and Safety Panel agreed that, in the interest of public protection, to enable police and enforcement staff to be able to see inside vehicles the panel would adopt the following criteria in relation to tinted glass on hackney carriages and private hire vehicles:
- The light transmitted through the windscreen must be at least 75%
 - The light transmitted through all remaining glass with the exception of the rear window, must be at least 70%

- 1.3 A further report was considered by the Licensing and Safety Panel on 5th September 2012 to review the Council's Policy in relation to the use of tinted glass in licensed vehicles. Members of the Licensing and Safety Panel agreed that the Policy be amended to allow the rear windows of licensed vehicles to have tinted glass of not less than 25% light transmission and to allow tinted glass of less than 25% light transmission in vehicles used exclusively for executive hire (normally chauffeur driven vehicles).

2.0 INTRODUCTION

- 2.1 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. In respect of motor vehicles first used on or after 1st April 1985, the limits are:

1. The light transmitted through the windscreen must be at least 75%.
2. The front side windows to either side of the drivers head must allow at least 70% of light to be transmitted through them.

If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet legal requirements as it restricts the driver's vision, especially in dark conditions. This 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.

Any vehicle breaking the law could result in the Police or DVSA issuing a prohibition notice, stopping the vehicle from being used on the road until the extra tint is removed in addition a penalty notice or court summons could be issued.

- 2.2 Although it is an offence for drivers not to conform with the above regulations, the assessment of glass tinting does not form part of the MOT test. The reason given by the Department for Transport (VOSA) for this is that although excessively tinted glass is seen as a serious issue, it currently affects only a small number of the 24 million vehicles tested annually.
- 2.3 There are no legal requirements for tinting the rear windscreen or rear passenger windows, however the Licensing and Safety Panel took the decision in 2012 to introduce a policy to include requirements for tints for rear windows, as a number of vehicle proprietors started to fit window tints.

3.0 CURRENT VEHICLE TESTING REGIME

- 3.1 The Council's testing station is currently testing vehicles to ensure compliance with the above regulation and Council policy. Vehicle examiners test vehicle glass with calibrated equipment. Vehicles 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.

4.0 ISSUE

- 4.1 The request by the trade is to remove the requirements in Council policy relating to the tinting of rear windscreen or rear passenger windows.
- 4.2 The legislation as described in 2.1 still remains the same with regards to window tints.
- 4.3 The proposal in the Greater Manchester common minimum standards relating to window tints states as follows:
- Manufacturer tint only and none fitted following manufacture will be allowed.
 - Specification for tints as follows:

There must be a clear view of the interior and passengers. The light transmission must meet the following criteria:
 - Front windscreen – minimum 75% light transmission
 - Front side door glass - minimum 70% light transmission
 - Remaining glass (exc. rear window) minimum 70% light transmission
- 4.4 The minimum standard proposals relating to rear windows is manufacturer's tint only.
- 4.5 The Licensing Service have not received any complaints whilst undertaking enforcement duties since the implementation of the current policy.

5.0 IMPACT ASSESSMENT

- 5.1 An Equality Impact Assessment has been completed in relation to this proposed amendment to the vehicle testing criteria. Subject to members approval, the policy will come into force as directed by the Licensing and Safety Panel and will not be applied retrospectively to existing vehicle licence holders, other than to inform them of their legal obligations. The Licensing Service currently encourages new vehicle licence applicants who are unsure of the type or specification of vehicles the Council is prepared to licence, to liaise with them prior to purchasing a vehicle, so that they can be advised accordingly. Officers will consider a vehicle presented to them at the Town Hall by a potential vehicle licence applicant before a formal application to licence the vehicle is made. This service will continue.

6.0 CONCLUSION

- 6.1 Members are requested to consider the following options:
- To amend the Councils Policy requirements relating to vehicle tints for rear windows to only have manufacturer's factory fitted tints ("privacy glass").
 - To refuse the proposed amendment to the Current Policy.

List of Background Papers:-

Previous Minutes of the Licensing and Safety Panel

Contact Details:-

Mr M. Bridge
Licensing Office
Town Hall
BuryBL9 OSW
Telephone: 0161 253 5209 Email: m.bridge@bury.gov.uk

This page is intentionally left blank