

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

**Also in
attendance:**

Public Attendance: No 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.1 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.2 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.3 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.

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 as a licensed vehicle. Michael explained that he had spoken with the driver being referred to and had seen the proof of sale.

- A private hire driver 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.

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.

- A private hire driver 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.

LSP.4 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 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 Council Constitution reserves the determination of the design of the vehicle plates and badges to the Licensing and Safety Panel.

The Local Authority 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.

Regarding identification badges, the Local Authority 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.

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.

Members were requested to consider the options, one for the vehicle licence plates and one for the identification badges:

- 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.

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 or Private Hire Vehicle be modified to reduce the size of the front plates.
2. That the new sized plates be introduced 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.5

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.

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.

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.

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.

Questions were asked by the Panel in relation to manufacturer's tint and factory fitted glass.

Members were 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.

Delegated decision:

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

To amend the Councils Policy requirements relating to vehicle tints for rear windows to only have manufacturer's factory fitted tints ("privacy glass").

COUNCILLOR T RAFIQ
Chair

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