

# SHEFFIELD CITY COUNCIL

## Licensing Committee

### Meeting held 26 July 2018

**PRESENT:** Councillors David Barker (Chair), Jack Clarkson, Douglas Johnson, Mike Levery, George Lindars-Hammond, Joe Otten, Josie Paszek and Mick Rooney

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Andy Bainbridge, Lisa Banes, Neale Gibson, Adam Hurst and Cliff Woodcraft.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. MINUTES OF PREVIOUS MEETINGS**

4.1 The minutes of the meetings of (a) the Licensing Committees held on 10<sup>th</sup> and 16<sup>th</sup> May and (b) the Licensing Sub-Committee held on 6<sup>th</sup> July, 2017, 10<sup>th</sup>, 24<sup>th</sup> and 26<sup>th</sup> April, 1<sup>st</sup>, 8<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup> May, and 5<sup>th</sup> and 12<sup>th</sup> June, 2018, were approved as correct records.

#### **5. PRIVATE HIRE VEHICLE POLICY**

5.1 The Chief Licensing Officer submitted a report on a review of that part of the current Private Hire Vehicle Specification as relates to windows, as detailed in the Private Hire Operator and Vehicle Policy.

5.2 Clive Stephenson (Licensing Strategy and Policy Officer) introduced the report, stating that the current policy had been effective since November, 2016 and the matter had been widely debated with the licensed trade associations, independent drivers, the Police and other Licensing Authorities and the review had been long awaited by everyone concerned. He said that he had carried out extensive investigations with car manufacturers to ascertain window tint specifications but not all manufacturers were able to specify the tint specification, but of those that could, the majority indicated it was 65%. Clive Stephenson said that vehicles were being updated by manufacturers all the time, that personal choice came into play with regard to window tints and these sometimes fell outside the policy criteria. He added that if a driver purchased a car that didn't comply with the policy, it was very expensive to replace the glass and people were not always aware of what the light criteria was. He then directed Members to paragraph 5.2.5

of the report, and asked them to consider that where heavier tinted glass was fitted, CCTV in licensed vehicles should also be fitted.

- 5.3 In response to questions from Members of the Committee, Brendan Twomey (Legal Adviser to the Committee), advised that there was a conflict between the Regulations governing the use of tinted glass and the Government's guidance on the same. He clarified by stating that the Regulations set a standard at 70% light transmission for all windows apart from windscreens, but the Government advised Local Authorities to determine their own standard and should be mindful of the cost and inconvenience to drivers of changing the glass to comply with the regulations. Clive Stephenson stated that the Police were the Enforcing Authority, and would stop drivers who used self-administered tints to their windows, which were usually of poor quality, and did not have the kite mark on them. He added that the Licensing Service needed a standard to test against when vehicles were put through the MOT. He said it was unusual for quarter light glass to the rear of vehicles to be different from the rest, as the glass was very hard to smash, thereby very rarely needed to be replaced. Also, glass to the rear of estate cars was generally darker for the security of any luggage carried, in that people couldn't see what was inside. He further stated that the impetus for the review had arisen due to vehicles failing the MOT due to privacy glass being fitted to rear glassed windows as standard, and licensees finding it increasingly difficult to find vehicles which fitted the criteria. He added that manufacturers of high-end luxury vehicles were moving towards darker tinted glass and even "reactolight" windscreens, and stated that just 5% darker tint was hard to notice with the naked eye, adding that the Police and Licensing Enforcement Officers had a machine they could place against the windows to establish the level of the tint. Following questions and comments regarding the installation of CCTV, Clive Stephenson stated that he believed that it would be in the interests of both drivers and the public for CCTV to be fitted if heavier tinted factory glass was permitted.
- 5.4 With regard to out-of-town drivers, Clive Stephenson informed Members that it was impossible to check if those vehicles met the required specification and Enforcement Officers were unable to carry out checks on them. He said that the City Council awarded contracts to companies outside the city to do school runs and there was nothing to prevent Sheffield-based companies sub-contracting to companies not governed by Sheffield's policy. It was stated that mini-bus drivers were not checked in the same way as licensed vehicle drivers were, but it had been found that Sheffield's licensed drivers were the best in the country for adhering to taxi licensing requirements and should a person or vehicle fail to meet the policy criteria, they would be brought before the Committee.
- 5.5 Hafaes Rahman, Chairman of the Sheffield Taxi Trade Association, thanked the Committee for the opportunity to speak. He stated that he was in favour of allowing heavier tinted windows as drivers were having to spend thousands of pounds in changing the windows in their vehicles. He added that he supported the installation of CCTV which would overcome the issue of vast differences in manufacturers specifications and personal choice. Mr. Rahman stated that the majority of out-of-town vehicles and minibuses had heavily tinted windows, and they were not governed by the same policy as Sheffield's licensed drivers.

- 5.6 Lee Ward, Chairman of ALPHA (a Local Private Hire Association), also thanked the Committee for the opportunity to speak. He read from a prepared statement and added that a darker level tint had no impact, that it was easier to see out of the windows, rather than see in and due to the recent hot weather, journeys were more comfortable with tinted windows. He added that all licensed drivers were passed as fit and proper to carry passengers. He supported factory fitted glass specification as long as it carried the approved kite mark.
- 5.7 Tariq Nazir, GMB Union Representative, stated that very few taxi drivers owned brand new cars and it would be difficult to ascertain the specification of the glass by both the buyer and seller of second hand cars. He felt that changing windows, although expensive, was a one-off payment, but was unaware of the cost implication of installing and maintaining CCTV and would like to see this investigated further.
5. The Chair then referred to the options available to the Committee.

RESOLVED: That the Committee amends the Private Hire Vehicle Specification with regard to windows, under the Private Hire Vehicle Policy, as follows:-

- (a) the policy be amended by the replacement of the words “remaining glass - minimum 70% light ingress transmission”, by the words “replacement glass - minimum 60% light ingress transmission”; and
- (b) immediately after the above, the following paragraph be inserted - “Anything falling outside this criteria be brought before the Committee for its consideration”.

(NOTE: Prior to the passing of the above, an alternative motion moved by Councillor Douglas Johnson and seconded by Councillor Jack Clarkson, that the decision on the Policy be deferred, so that the Licensing Service could carry out further investigations into manufacturer specifications, and to determine how reliable the results were, was put to the vote and negated).