

LICENSING COMMITTEE

8 July 2019
10.30 - 11.20 am

Present: Councillors Bird (Chair), Thittala (Vice-Chair), Johnson, Massey, McPherson, McQueen, Moore, Pippas, Porrer and Summerbell

Officers

Team Manager (Commercial & Licensing): Gemma Tilley

Team Leader (Environmental Health and Licensing Support): Wangari Njiiri

Legal Adviser: Paul Weller

Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL

19/8/Lic Apologies

Apologies were received from Councillors Gehring and Sargeant (Councillor Johnson attended as the Alternate).

19/9/Lic Declarations of Interest

No declarations of interest were made.

19/10/Lic Minutes

The minutes of the meeting held on 28 January and 22 May 2019 were approved as a correct record and signed by the Chair.

19/11/Lic Public Questions

A private hire driver made the following points:

- i. Agreed with the principle of safeguarding the public and the reason for the current requirement of low tinted windows.
- ii. Vehicles were being manufactured with darker tinted windows.
- iii. He had contacted the Department of Transport who did not support the changing of windows after manufacture. He explained that the information he received from the Department of Transport said that if windows were changed after vehicle manufacturing, it would be considered modified. These modifications were 'unapproved' until the

vehicle was tested/serviced, at which point they could become re-approved.

- iv. Asked the Committee to be mindful of this.

Councillors noted an email they had received from the Chairman of Cambridge Hackney Carriage Association which made the following points:

- i. Asked Members to reconsider the current tint requirement and have no specification for Taxi window tints. Tinted windows on new vehicles was fast becoming standard with all manufacturers.
- ii. Currently many drivers are forced to pay for expensive replacement glass
- iii. Electric vehicles were very hard to keep cool (air conditioning takes a large current to operate), thus the vast majority come pre-fitted with tinted windows to minimise solar effect.
- iv. The trade asked for card payment to be made mandatory.

Councillor Moore agreed the Licensing Committee should review its tint policy. The Council wished to support drivers moving from petrol/diesel to electric and low emission vehicles. Suggested that film tinted or totally blacked out windows should not be approved to be licensed. A lesser tint should be selected if available (so passengers could be seen, for safety reasons and so enforcement officers could monitor numbers in vehicles).

Councillor McPherson asked for clarity on how to keep electric vehicles cool. The private hire driver said electric vehicles needed a reducer to make air conditioning work efficiently. Having air conditioning in the vehicle reduced the distance an electric vehicle could travel as it used up the battery faster. This should be less of an issue in future when batteries were more efficient.

Councillor Summerbell asked if tinted windows should be installed in electric and non-electric licensed vehicles to keep them cooler and so use less air conditioning. Councillor Moore said the council was encouraging licensees away from petrol/diesel vehicles towards electric and ultra-low emission ones. So non-electric vehicles should not be an issue in future.

19/12/Lic Review and Update of Taxi Tint Specification Requirement

The Committee received a report from the Team Manager (Commercial & Licensing).

The Officer's report advised that under the powers conferred to Cambridge City Council under the Town Police Clauses Act 1847 and the Local

Government (Miscellaneous Provisions) Act 1976, (as amended), Cambridge City Council has responsibility for licensing Hackney Carriage, Private Hire and Dual Licence Drivers as well as vehicle proprietors and Private Hire Operators within the City.

The current Hackney Carriage & Private Hire Licensing Handbook, is guidance provided to all drivers, vehicles and operators and was last updated in April 2019.

Since January 2019, Licensing officers have noted that some vehicles wishing to be licensed are failing their Certificate of Compliance, due to vehicle rear passenger windows not complying with Cambridge City Council current window tint requirement. As a result, in order for vehicle to be licensed, vehicles are requiring to get their windows replaced.

Taxi licensing policies have been implemented to transform the vehicle fleet into a low emission fleet which will lead to a significant reduction in emissions and a significant improvement in air quality in Cambridge.

The taxi trade has requested the City Council to reconsider the current tint requirement due to the lack of electric vehicles manufactured in the car market that meet current tint requirements.

The taxi trade has also expressed concern during Taxi Trade Forums, over the cost of changing windows, the requirement of purchasing electric vehicles, and the need to install CCTV cameras in their vehicles.

Following research, there are several options to Cambridge City Council include:

- Retain current tint requirement (70% transition/ 30% tint).
- Have no specification for Taxi window tints.
- Allow for manufactured window tint up to a specific level of tint, i.e maximum tint of either 70%, 80% or 90%, ensuring complete black out tints are not permitted.

In response to Members' questions the Team Leader (Environmental Health and Licensing Support) said the following:

- i. Dealers gave conflicting information whether window tint levels recommended by officers would allow licensed drivers a wider choice of vehicles. It was anticipated that 70% tint would do so. Manufactures were changing their specifications over time so the levels of tint in windows may change over time.

- ii. Officers had no data how many licensed vehicles currently had 70% window tints.
- iii. Taxis met current specifications. The tint policy would be applied in future if agreed. Officers had kept a list of vehicles that did not meet the current 30% tint maximum and 70% transition requirement, as their windows were much darker. This list includes those vehicles tested at Certificate of Compliance since April 2019, that had failed there Certificate of Compliance in regards to dark tinted windows. Once members had decided on new tint requirement, these vehicle owners would be contacted regarding what was required of their vehicle windows.
- iv. (Reference agenda pack P29). All listed Toyota cars met current licensing policy and should meet/exceed future tint policy ones.
- v. The window tint policy would be applied to vehicles when they were being tested for their Certificate of Compliance (not required before). Depending what rear window specification was agreed by Members, vehicles would be required to comply with this at their next Certificate of Compliance test.
- vi. The policy to require installation of CCTV in licensed vehicles was agreed in 2017, but its implementation had been delayed.

Councillor Johnson suggested amending recommendation 2.4 to remove the word “no”, to avoid a double negative.

2.4 ~~No~~ film tinted windows will not be approved to be licensed.

The amendment was **unanimously agreed**.

In response to Councillor Johnson’s amendment the Team Leader proposed the following amendment which was agreed.

2.3 Only vehicles with manufactured tinted windows, ~~meeting up to~~ above standard will be approved to be licensed.

The Committee:

Considered and **unanimously approved** the following change to current Taxi Window tint specification:

- i. 70% window tint maximum and 30% transition minimum for rear passenger windows (as per Appendix E of the Officer’s report).

- ii. Only vehicles with manufactured tinted windows, up to above standard will be approved to be licensed.
- iii. Film tinted windows will not be approved to be licensed.
- iv. Front windscreen and Front passenger and driver windows to meet national legal requirement.

19/13/Lic Review and Update of Hackney Carriage and Private Hire Taxi Licensing Policy

The Committee received a report from the Team Manager (Commercial & Licensing).

The Officer's report advised that under the powers conferred to Cambridge City Council under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended), Cambridge City Council has responsibility for licensing Hackney Carriage, Private Hire and Dual Licence Drivers as well as vehicle proprietors and Private Hire Operators within the City.

The Hackney Carriage and Private Hire Licensing policy (the 'policy') was produced in order to provide the Council, its officers, the trade and the public with appropriate guidelines that put the Council's licensing requirements into practice in a clear and transparent manner. In exercising its discretion in carrying out its regulatory functions, the Council shall have regard to the Hackney Carriage and Private Hire Licensing policy document.

At Full Licensing Committee on 28 January 2019, Members agreed for a public consultation to be undertaken on the existing Hackney Carriage and Private Hire Licensing Policy. The Consultation took place from 4 February 2019 until 10 March 2019.

Members were requested to review responses received during the public consultation and determine if:

- i. There should be a mandatory requirement for Hackney Vehicles or Private Hire, or both Hackney Vehicles, Private Hire to carry card payment method to accept debit/credit card payments.
- ii. The addition of information on NR3 should be added to policy.

Members were also requested to consider the timescale for implementation.

In response to the report, the Committee supported the introduction of card payment facilities in licensed vehicles.

The Team Leader (Environmental Health and Licensing Support) said the following in response to Members' questions:

- i. NR3 was not a statutory database. Local Authorities were encouraged to sign up to it as it was a good scheme. It was thought that the neighbouring councils had either signed up or were in the process of signing up to NR3, this included Wolverhampton and South Cambs.
- ii. It was a lengthy process to review the NR3 database so officers proposed to only do so when a licence was due for renewal. If councillors wanted more frequent checks (eg every 6 months) then a change to policy was recommended.
- iii. (Reference agenda pack P49).
 - a. It was illegal to display a sign refusing credit card payments that were less than £10.
 - b. It was illegal to add credit card service fees to the journey charge.
 - c. There were exceptional circumstances where credit card payments could be cancelled by the card holder, but they would need to demonstrate they had not approved/authorised payment.

The Committee:

Considered responses received from the consultation (Appendix C of the Officer's report) and **unanimously agreed:**

- i. The mandatory requirement of card payment methods to be applicable for both Hackney and Private hire vehicles.
- ii. The addition of NR3 information.

Considered and agreed the following proposed implementation plan:

- iii. The installation of payment card machine will need to be in place at the next vehicle Certificate of Compliance, as of 12 August 2019.
- iv. Changes in the Policy in relation to NR3 with immediate effect.

The meeting ended at 11.20 am

CHAIR