

REPORT TO	ON
GENERAL LICENSING COMMITTEE	11 JULY 2017

Jan 2017



TITLE	AUTHOR	Agenda item No.
APPLICATION FOR VEHICLE TO BE ASSESSED FOR (I) FITNESS FOR EXECUTIVE HIRE AND (II) EXEMPTION FROM POLICY REQUIREMENTS ON TINTED WINDOWS	PETER HAYWOOD	3

1. PURPOSE OF THE REPORT

A report on a request for the Council to depart from its published policy on tinted windows with regard to the following Private Hire Vehicle for “executive travel” - a white coloured Kia Sportage Kx4 registration mark MA16 PYX.

2. RECOMMENDATIONS

In relation to a Kia Sportage Kx4 registration mark MA16 PYX, the Committee is requested to:

2.1 determine whether it wishes to indicate its willingness to:

- a) receive a future application for a Private Hire licence which would enable the vehicle to be used for “executive travel” in accordance with section 7.13 of the Licensing Policy; and
- b) with regard to the tinted windows on the vehicle, consider whether members would wish to depart from the current policy requirements (as set out in section 7.5 of the Licensing Policy).

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe	X	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	

4. BACKGROUND TO THE REPORT

4.1 Mr and Mrs Holland of 4 Greystock Close, Bamber Bridge PR5 6YS jointly hold Private Hire Operators Licence PHO004. They trade as “Chauff / Air” and the two vehicles on their fleet are (i) a black Chrysler 300C model (vehicle registration MA07 DXR) and (ii) a silver Chrysler 300C (registration KP07 WXB). Both of these vehicles have been considered as “executive vehicles” by this Council (and as such have been exempted from the requirement to display external plates in accordance with the Licensing Policy). This was last confirmed in a decision by the General Licensing Committee on 9 June 2015.

4.2 Mr and Mrs Holland are intending to sell the silver Chrysler and replace it with a white Kia Sportage Kx4 registration mark MA16 PYX. It is their intention that this vehicle would also be

used for “executive hire”, and members’ views are sought on whether the criteria set out in section 7.13 of the current Licensing Policy are met. Section 7.13 of the Licensing Policy is reproduced in Appendix 1 below.

- 4.3 With regard to tint levels, when the vehicle was brought in for Council officers to undertake a preliminary check at the end of May 2017 it was established that the vehicle failed the light transmission test (as defined in Licensing Policy). Mr and Mrs Holland have also checked the light transmission on the Kia and have informed the Council that light transmission is at a level of 45% only.
- 4.4 In accordance with the Council’s Policy on vehicle tints (Appendix 1), which requires a light transmission level of 70%, this vehicle would not be suitable for licensing as a Private Hire Vehicle. Mr and Mrs Holland have therefore requested that Committee consider departing from this policy in respect of the Kia Sportage (Appendix 2).
- 4.5 Members may wish to bear in mind that, at their meeting on 13 June 2017, they agreed to consult on an amendment to the Licensing Policy which (if implemented) would allow vehicles used for executive travel to be exempted from the tint requirement.
- 4.6 Mr and Mrs Holland have been asked to make this vehicle available for the Committee’s inspection.

5. POLICY REQUIREMENTS

- 5.1 The current Licensing Policy requires a minimum of 70% light transmission; see Appendix 1. Appendix 1 goes on to confirm that an owner may seek an exemption from the 70% figure where the rear windows of the vehicle do not meet this requirement. It is this provision that Mr and Mrs Holland are seeking to take advantage of in appearing before members.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial issues arising from this report.

6.2 Comments of the Monitoring Officer

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a local authority shall not grant a private hire vehicle licence unless it is satisfied amongst other things as to the suitability to its size, condition, safety and comfort. Members are also requested to consider the points below in respect to the request for an exemption to 7.5 of the Council’s policy.

<p>Other implications:</p> <ul style="list-style-type: none"> • Risk • Equality 	<p>The purpose of the tint requirement is to ensure that any undesirable activity in the rear of Private Hire vehicles cannot be unduly concealed. However, it is acknowledged that there may be instances – with particular regard to executive vehicles – where such a restriction may be relaxed due to the nature of the work and the relevant client group. Members are asked to consider these issues in examining the vehicles for which an exemption is requested.</p> <p>None</p>
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<ul style="list-style-type: none">• HR	None
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8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

- Appendix 1 – extract from current Licensing Policy
- Appendix 2 – request from Mr and Mrs Holland

Appendix 1

Licensing Policy

Relevant extracts relating to Private Hire vehicles

Section 7.13 – external plates / executive hire

Where a private hire vehicle is of exceptional quality and is to be used exclusively for executive hire work, the proprietor may apply for an exemption from the requirements to display the licence plate on the exterior of the vehicle and the private hire door stickers.

Such applications will be considered at the next scheduled meeting of the General Licensing Committee.

The Committee will take into account factors including, but not restricted to:

- The make and model of the vehicle
- The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation
- Whether any particular contracts rely on the specific use of the vehicle.
- The nature of the Operator's business
- How and where the vehicle is advertised and marketed

The Committee will not take into account the personal or financial circumstances of a proprietor when considering a departure from this policy

Section 7.5 Windows

All factory fitted glass in the vehicle shall permit a minimum of 70% light transmission and no vehicle shall be fitted with additional film designed to tint or darken the glass.

In respect of private hire vehicles licensed prior to the implementation of this policy, an exemption from the 70% requirement may be applied to factory fitted glass to the rear of the driver's pillar on application to the Licensing Unit.

Appendix 2

Request from Chauff/Air

From: dorothy holland [<mailto:alldot1@blueyonder.co.uk>]

Sent: 05 June 2017 09:38

To: Licensing <Licensing@southribble.gov.uk>

Subject: Committee Meeting

Dear Members of the Committee

We would like to approach the Committee for their consideration on giving us consent to have exemption from displaying Private Hire plates which we have had on our hi-end vehicles for more than 10 years, due to executive transfers that we carry out in the course of our business. If you would like to check you will find we have exemplary character and conduct and would like to carry on as such.

We now feel that due to the new rules as from June 2016, our business will suffer because of the parameters that you have now put in place

No 1. The choice of vehicle is no longer ours to make.

No 2. The aesthetics of a hi-end vehicle will be judged by the personal choice of the clientele who use our company ie tinted rear windows which make the majority of customers feel special.

The fact of replacing all the rear windows will increase the likelihood of oxidisation more quickly because of new paintwork being disturbed. It's not just replacing a window for a window, it involves taking too much of the vehicle to pieces and disturbing window seals, paintwork seals and possibly invalidating the car's warranty in the event of water leakage.

We are unable to afford a £60,000 Mercedes, which it appears is the criteria for 'luxury vehicle', but we have chosen to purchase the best specification of a particular make of vehicle which we feel our customers will be more than happy to be conveyed in. This car is well-appointed and comes with all the up-to-minute technology, leather seats and attributes and a 'sunshine' roof which opens up. Even so, we have spent well over £24,000 which we are sure is classed as luxury to many people and is to us, and to be faced with spending hundreds of pounds on top of this to replace slightly tinted glass, which enhances the look of the vehicle, is prohibitive. Also, the new vehicle we wish to be licensed as a private hire vehicle is more compatible with Allan's disability ie easier for him to get in and out of, and we have the added expense of having it converted for him to drive.

We know the ruling applied from June 2016. The only way we could ascertain the percentage of light through the glass was by way of the Licensing Department's meter. The resultant 45% we feel is not dark, there is plenty of visibility to see into the rear of the car.

As we only deal with airports, we consider it is unfair to be classed with town taxis. Our pre-booked journeys are from valid home addresses to the airport and return.

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We know the Committee is a fair and just body of people as they have been in the past towards us.

We await with great anticipation and bated breath for the next Committee meeting in July.

Regards

Allan and Dorothy Holland Chauff/air