

**MINUTES OF THE LICENSING COMMITTEE  
HELD ON**

23 January 2018

7.30 - 8.19 pm

**PRESENT**

**Committee Members**

Councillor Lanie Shears (Chair)  
Councillor Edna Stevens (Vice-Chair)  
Councillor Ian Beckett  
Councillor Nick Churchill  
Councillor Karen Clempner  
Councillor Maggie Hulcoop  
Councillor Bill Pryor  
Councillor John Strachan

**Officers**

Michael Pitt, Environment and Licensing Manager  
Adam Sherwood, Licensing Officer  
David Taylor, Principal Environmental Health Officer  
Denise Westwood, Junior Legal Assistant  
Jo Maskell, Governance Support Officer

**APOLOGIES**

Councillor Michael Garnett  
Councillor Tony Hall

32. **DECLARATIONS OF INTEREST**

None.

33. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 21 November 2017 are agreed as a correct record and signed by the Chair.

34. **MATTERS ARISING**

None.

35. **WRITTEN QUESTIONS AND PETITIONS**

The written questions and answers are appended to these minutes.

36. **COMMITTEE WORK PLAN**

The Committee received its Work Plan for the current municipal year.

**RESOLVED** that

- (a) the Work Plan is noted;
- (b) a report entitled 'Gambling Act Policy Review' is added to the unallocated items, with the intention of finalising the policy review during the 2018/19 municipal year.

37. **TINTED WINDOWS IN PRIVATE HIRE VEHICLES**

Further to Minute 26(a), the Committee received a report reviewing the Licensed Vehicle Standards Policy regarding tinted windows in private hire vehicles.

Currently the policy on tinted windows was that all newly licensed private hire vehicles must have windows with at least 50% light transmittance. However, in light of issues raised since this policy was introduced, the Committee considered the possible options to amend the policy by allowing windows with less light transmittance.

**RECOMMENDED TO FULL COUNCIL** that the Licensed Vehicle Standards regarding tinted windows in private hire vehicles be amended to permit tinted glass windows, provided that they are only supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows. Do-it-yourself window tint film kits are not permissible.

38. **HACKNEY CARRIAGE AND PRIVATE HIRE ENFORCEMENT POLICY**

The Committee received a report proposing revisions to the Hackney Carriage and Private Hire Enforcement Policy to take account of changes to the availability of driver assessments.

**RECOMMENDED TO FULL COUNCIL** that the revised and updated Hackney Carriage and Private Hire Enforcement Policy, as set out in Appendix 2 of the report, be approved, subject to the following amendments under the heading of 'Licensing Sub-Committee':

- (a) The fourth bullet point under 'Where cases are referred to the Licensing Sub-Committee, the Licensing Team will:' be amended to read:

‘Allow the licence holder (with or without representation) the opportunity to address the Sub-Committee to present his/her case and provide supporting evidence.’;

(b) The final paragraph to read:

‘In situations where immediate action is required to secure public safety, or the licensing authority is unable to convene a Licensing Sub-Committee within a reasonable time, the Environment and Licensing Manager shall, under delegated authority and in consultation with the Chair or Vice Chair of the Licensing Committee, take action.’

39. **DRIVER ASSESSMENT**

Since the Driver and Vehicle Standards Agency (DVSA) had ceased providing assessments for taxi and private hire drivers, the Council had established a list of three approved organisations to undertake them.

In order to fill gaps in the current provision, the Committee received a report proposing amendments to the approved list of driving standard assessment providers. These proposals would give driver licence applicants more choice and also include assessments for those with vehicles adapted for transporting people while seated in a wheelchair.

**RECOMMENDED TO COUNCIL** that the proposals for additional providers of driver assessment in accord with DVSA criteria for the purposes of Hackney Carriage and private hire driver licensing, as set out in paragraph 7 of the report, be approved.

40. **REFERENCES FROM OTHER COMMITTEES**

None.

41. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

**LICENSING COMMITTEE – 23 JANUARY 2018  
WRITTEN QUESTIONS FROM THE PUBLIC**

**1. Question from David Stockbridge to the Chair of the Licensing Committee**

Does the Chair of the Committee feel it was reasonable to introduce Euro 4 Standards immediately, when in the public consultation it referred to a 2018 onwards implementation?

**Reply from Councillor Lanie Shears, Chair of the Licensing Committee**

*The Council's Policy with regard to this issue is that:*

- a. Vehicles brought forward to be licensed for the first time or after a lapse in their license that are not Euro 4 compliant will not be accepted to be licensed as private hire vehicles.*
- b. Vehicles that have been continuously licensed since 22 November 2016 which are not Euro 4 compliant will not be relicensed after 22 November 2019.*

*This allowed a long phase-out period for any existing licensed vehicle.*

*The Euro 4 standard was first a requirement for new vehicles in 2006 and there is now a very wide range of vehicles available on the second-hand market as replacements for non-compliant vehicles.*

*This appears to be both consistent with the outcome of the consultation carried out by the Council and a reasonable balance between the interests of protecting health-based air quality standards and the interests of vehicle proprietors.*

**2. Question from Jeremy Williams to the Chair of the Licensing Committee**

Can the Chair of the Committee explain why a private hire vehicle compliance certificate and an MOT certificate, issued for 12 months by the Council's nominated contractor is deemed unacceptable 14 days later by Harlow Council licensing officers?

**Reply from Councillor Lanie Shears, Chair of the Licensing Committee**

*The Council has no control over the use of, or changes to, a vehicle between testing and being licensed. Until two years ago, the Council required that a vehicle be tested on the same day that it was licensed. This ensured that vehicles had been tested no more than a year before the expiry of their licence, but did cause logistical problems for proprietors at times.*

*A change was brought about to allow proprietors some flexibility. The Council will now accept vehicles being tested up to 14 days in advance of the licence being issued. This appears to reflect a reasonable balance between public safety concerns and the interests of proprietors. The fact that a test certificate more than 14 days old is not accepted for licensing purposes is a proper application of formal policy.*

**3. Question from Robert Mossop to the Chair of the Licensing Committee**

At the Licensing Committee meeting in July 2017, in order that Councillors could make an informed decision, why was the Committee not provided with a report which detailed the impact the revised compliance condition regarding the level transmittance to the rear windows of private hire vehicles would have on the private hire trade, the public, consumers and to diversity of vehicles, especially people carrier style vehicles?

**Reply from Councillor Lanie Shears, Chair of the Licensing Committee**

*The Council carried out a consultation on this and a number of other vehicle standards issues before adopting the current policy, providing the opportunity for trade representatives, the public and other affected parties to make representations. The responses received were properly reported to the Licensing Committee.*

*I note that a report on this subject appears on the agenda for the present meeting and suggests that a wide range of suitable compliant vehicles is in fact available on the used market.*