

# Swindon Borough Council

## Licensing Committee

**Thursday, 5 October 2017**

Committee Room 6, Civic Offices, Swindon

**At 5.30 p.m.**

### **Conservative Councillors**

Alan Bishop  
Wayne Crabbe  
Emma Faramarzi  
Colin Lovell  
Nick Martin  
Eric Shaw (Vice-  
Chair)  
Caryl Sydney-Smith  
Vera Tomlinson  
(Chair)

### **Labour Councillors**

Abdul Amin  
Paul Dixon  
Steph Exell  
Derique Montaut  
Carol Shelley  
Nadine Watts  
Peter Watts

**Committee Officer:** Shaun Banks (Telephone: 01793 463606)

sbanks@swindon.gov.uk

Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH  
(Telephone 01793 445500)

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## **AGENDA**

**1. Apologies for Absence**

**2. Minutes** (Pages 3 - 6)

To receive the minutes of the meeting held on 15<sup>th</sup> June and 6th July 2017.

**3. Declarations of Interest**

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

**4. Public Question Time**

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

**5. Review of the Licensing of Vehicles with Tinted Windows** (Pages 7 - 16)

**6. Street Trading**

(Report to follow)

**Date of Despatch:** 27 September 2017

**Public Question Time** - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://www5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

**Access Arrangements** – *The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

**LICENSING COMMITTEE**

**THURSDAY, 15 JUNE 2017**

PRESENT:- Councillors Vera Tomlinson, Abdul Amin, Alan Bishop, Paul Dixon, Steph Exell, Emma Faramarzi, Colin Lovell, Derique Montaut, Eric Shaw, Caryl Sydney-Smith, Nadine Watts and Peter Watts.

Apologies for absence were received from Councillors Wayne Crabbe, Nick Martin and Carol Shelley.

**6. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

**7. Minutes**

Resolved – That the minutes of the meeting held on 19<sup>th</sup> May 2017, be confirmed and signed as a correct record.

**8. Public Question Time**

No public questions were asked.

**9. Consideration to Review Hackney Carriage Upper-Age Limits**

The Committee received a report setting out a request from a hackney carriage operator for the Council to review its upper age limits for hackney carriage vehicles. It was noted that a representative from the hackney carriage operator seeking a review of the policy was unable to attend the meeting.

Resolved – That the report be deferred until the July meeting of this Committee in order to allow a representative from the hackney carriage operator seeking a review of the policy to attend to make representations to the Committee.

**10. Review of the Policy Relating to the Licensing of Vehicles with Tinted Windows**

The Committee considered (a) a report of the Council's Licensing Officer setting out a request from vehicle providers to remove the Council's restriction regarding tinted windows on licensed vehicles, and (b) written representations received from Flight Link Executive Travel and T 'N' C Cars supporting a change in policy.

Resolved – (1) That the restriction on tinted windows for plated cars be amended to permit factory tint only on vehicle rear windows, and rear quarter lights on estate vehicles, effective from 31<sup>st</sup> July 2017.

(2) That officers submit a report to this Committee in respect of the policy on tinted windows for non-plated hackney carriage and private hire vehicles.

**11. Model Conditions for Kennels**

The Council's Licensing Officer submitted a report setting out the proposed review of the licence conditions for kennels within the Borough under the Animal Boarding Establishments Act 1963.

Resolved – (1) That approval be given for a consultation on the proposed revised conditions for kennels within the Borough with licensed establishments other relevant organisations.

(2) That the results of the consultation referred to in (1) above be reported to this Committee.

## **LICENSING COMMITTEE**

**THURSDAY, 6 JULY 2017**

PRESENT:- Councillors Abdul Amin, Alan Bishop, Steph Exell, Nick Martin, Derique Montaut, Carol Shelley, Caryl Sydney-Smith, Vera Tomlinson, Nadine Watts, Peter Watts, Wayne Crabbe, Colin Lovell and Eric Shaw.

Apologies for absence were received from Councillors Paul Dixon and Emma Faramarzi.

### **12. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### **13. Public Question Time**

No public questions were received during the meeting.

### **14. Consultation for Registration and Code of Conduct for Commercial Dog Walkers**

The Council's Licensing Manager submitted a report seeking the Committee's approval to go to public consultation on a draft Code of Conduct for Commercial Dog Walkers.

Resolved – That the draft Code of Conduct for Commercial Dog Walkers be approved for public consultation and the results of the consultation exercise be submitted to this Committee for consideration.

### **15. Consideration to Review Hackney Carriage Upper-Age Limits**

The Committee considered (a) a report of the Council's Licensing Manager setting out a request from the proprietor of Swindon Black Cabs to remove the upper age limit on purpose built wheelchair accessible Hackney Carriage vehicles, (b) letters and emails received from (i) Swindon Black Cabs, (ii) Mr Lucas (Taxi Driver), (iii) Mr Bates (Taxi Driver) and (iv) Mr Stocker (Taxi Driver) in respect of the request, and (c) oral submissions received from Mr Bates at the meeting.

Resolved – (1) That the request from the proprietor of Swindon Black Cabs to remove the upper age limit on purpose built wheelchair accessible Hackney Carriage vehicles be refused.

(2) That approval be given to increasing MOT inspections for Hackney Carriage vehicles aged between 12 and 15 years to three per annum in order to ensure the mechanical fitness of vehicles are maintained.

(3) That the Council's Licensing Manager continue to be granted delegated authority to refuse to licence wheel chair accessible Hackney Carriage vehicles after inspection if in the opinion of the Licensing Manager the vehicle has not be properly maintained in accordance with the Council's approved guidelines.

**16. Review of the Policy Relating to the Licensing of Vehicles with Tinted Windows**

This item was withdrawn with the agreement of the Committee.

**17. Review of Street Trading**

This item was withdrawn with the agreement of the Committee.

**Consideration to review the Licensing of vehicles with tinted windows**  
**Licensing Committee** **Date: 5 October 2017**

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Review Author: Kathryn Ashton – Licensing Manager

Wards: All

Parishes Affected: All

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**1. Purpose and Reasons**

- 1.1 The purpose of this report is to consider the requests from the trade to amend the Council's policy on the suitability of vehicles fitness to be licensed for use as Hackney Carriage or Private Hire with regards tinted windows. This report is to consider removing the restriction regarding tinted windows on private hire vehicles designated as 'plate exempt'.
- 1.2 Plate exempt vehicles or special occasion vehicles are operated under contract and work for operators licensed as chauffeur companies. These vehicles are normally prestige vehicles.
- 1.2 Letters requesting removal of the current restriction have been received from the proprietors of Flight link Executive Travel and T 'N' C Cars and are shown at Appendix A and Appendix B.

**2. Recommendations**

That the Committee:

- 2.1 Agree to the request for the removal of the tint restriction on private hire vehicles licensed with a plate exemption, on all glass beyond the 'B' post (see fig 1 at 3.2) which is the rear glass. All other glass should meet the Road Vehicles (Construction and Use) Regulations 1986 which specify the minimum levels of light which must pass through the windscreen and the front windows of the vehicle; and
- 2.2 Apply this only in respect of plate exempt vehicles and **not** to any vehicles where a combination of routine private hire and chauffeur work takes place.

**3. Detail/Background**

- 3.1 The Road Vehicles (Construction and Use) Regulations 1986 as amended specifies the minimum levels of light that must pass through the windscreen and front side windows. For vehicles first used prior to 1 April 1985, the windscreen and front side windows must allow at least 70% of light to be transmitted through them. For vehicles first used on or after 1 April 1985, the light transmitted through the windscreen must be 75% and 70% through the front side windows. If the glass is tinted to a point whereby it lets less light through, then the vehicle does not meet the legal requirements. The Road Vehicles (Construction and Use) Regulations 1986 specify the minimum levels of light which must pass through the windscreen and the front windows of the vehicle. These Regulations do not extend to the remaining windows in a vehicle.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)

## Consideration to review the Licensing of vehicles with tinted windows

### Licensing Committee

Date: 5 October 2017

- 3.2 Officers will allow any vehicle which does not meet the above requirement. Hence a vehicle would not pass an MOT and/or be deemed acceptable to be a licensed taxi if it did not allow the appropriate amount of light through the windscreen and front side windows.
- The legislation does not lay down any criteria for any other windows within the Vehicle.
  - Excessively tinted glass, rear of the 'B' post, (see Fig. 1 below), is referred to as Privacy Glass. Privacy glass is defined as glass that is of a darker shade (regardless of how much darker) behind the 'B' post of a vehicle when compared to the glass that is in front of it.
  - When Hackney Carriage & Private Hire vehicles undergo an inspection, local Licensing authorities will need to determine what constitutes tinted 'privacy' glass. As explained above, the Regulation is quite specific with regard to permissible light levels for tinted glass for windscreens and front side windows, but not for windows behind the "B" post.
  - Lack of visibility caused by 'tinted glass' is seen as a serious public safety issue. It is deemed best practice and in the interests of passenger and driver safety, and an aid to enforcement, if there is good visibility through windows behind the "B" post.
  - In practice Authorities have local policies which support the national legislation. These lay down local requirements the vehicle design is normally expected to reach.
  - It should be noted the amount of light that is transmitted through any window can be measured with a light meter device. Swindon Borough Council Licensing Authority carries out such checks.



Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)



# **Consideration to review the Licensing of vehicles with tinted windows**

## **Licensing Committee**

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- 3.3 In June 2017, The Council resolved to modify the conditions applying to private hire vehicles and hackney carriage saloon vehicles newly-presented for licensing that would allow for the rear screen to retain a manufacturer tint with all other windows on the vehicle retaining glass that allows the transmission of at least 70% of light. No vehicle should be considered for licensing that has an applied tint
- 3.4 The Council, in licensing vehicles as Hackney Carriages or for Private Hire work, is responsible for ensuring that the vehicle is suitable in type, size and design to be licensed. Officers have noted that vehicles with dark tinted windows and privacy glass are becoming more popular and manufacturers are now supplying these as standard, particularly in higher quality vehicles.
- 3.5 Therefore vehicle providers are finding it increasingly difficult to source vehicles that meet the current Council requirements. For those companies operating in a competitive market such as described in Appendix A, have clients that expect that the vehicle provided has tinted glass fitted on the rear windows beyond post 'B' as standard.
- 3.6 Officers are of the opinion the overarching principle behind the licensing of private hire and hackney carriage vehicles is one of public safety. Based on this overarching principle the Council implemented a tinted window policy.
- 3.7 Officers are of the opinion that in the light of current issues such as Child Sexual Exploitation (CSE) that the current reasons for maintaining the tint restriction on private hire and hackney carriage vehicles which are used daily for transporting members of the public are still valid. However it is recognised that the type of clientele using chauffeur companies under contract for journeys to airports and to business meetings using plate exempt vehicles are not at the same risk posed to children and vulnerable adults.

### **4.0 Options**

- 4.1 The current restriction remains the same, namely, all licensed vehicles, either plated or plate exempt with a factory tint on the rear windscreen.
- 4.2 The restriction is removed in respect of plate exempt vehicles allowing a factory tint on all windows beyond the 'B' post and excluding those covered by The Road Vehicles (Construction and Use) Regulations 1986.
- 4.3

### **5.0 Consultation with the trade**

- 5.1 There has been no separate formal consultation with individual licence holders.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)

**6. Conclusion**

- 6.1 It is intended that if Members agree to any change in conditions, that this will be implemented on the 1 November 2017.
- 6.2 It is not intended for the proposed condition to be retrospective and apply to those vehicles currently licensed. Operators of existing vehicles will not be permitted to modify their windows by fitting darker glass or to apply laminated film to glass, which would make the vehicle non-compliant with the condition.

**7 Financial and Procurement Implications**

- 7.1 There are no direct financial implications arising from the report.
- 7.2 Any amendment or removal of the Tint restriction would not impose additional costs nor generate any income for the Council.
- 7.3 However there will be cost to the Council in terms of officer time in the carrying out of the more extensive inspections to ensure that officers do not fetter their discretion

**8 Legal and Human Rights Implications**

- 8.1 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.
- 8.2 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder) this report relates to the requirements of licensing legislation.

**9.0 Diversity Impact Assessment**

It is not considered that the preparation of a DIA is required in respect of this report.

**10.0 Consultees**

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)

# **Consideration to review the Licensing of vehicles with tinted windows**

## **Licensing Committee**

**Date: 5 October 2017**

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The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

### **11.0 Appendices**

12.1 Appendix A - Request from Flight link

12.2 Appendix B - Request from T 'N' C Cars

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Ms Kathryn Ashton,  
Licensing Office  
Taxi and Private Hire Licensing  
Swindon Borough Council  
Wat Tyler House  
Beckhampton Street  
Swindon  
SN1 2JH

6 June 2017

Dear Kathryn,

Flightlink Executive Travel Ltd  
Operator's Licence Number - PO 0036

I am writing to find out if there is a possibility to review one of the rules in the Hackney Carriage & Private Hire Handbook of Swindon Borough Council reference the percentage of light transmission through the windows of vehicles licensed to be used for private hire.

On page 40 paragraph (number ix) of the current handbook it states "*Licensed vehicles must allow at least 75% light transmission through the front windscreen and no less than 70% of light transmission through all other windows. Any vehicle which does not meet this condition will not be eligible for licensing as a Hackney Carriage or Private Hire vehicle*"

You may or may not be aware that Flightlink Executive Travel Ltd is a chauffeur company providing airport and inter-office transfers for international corporate businesses in around the South West. We currently have a fleet of 26 vehicles - 20 E Class Mercedes Benz and 6 MPV vehicles including the Mercedes Viano model. None of our vehicles are older than 3 years due to the robust fleet replacement programme we have in place and we are now looking to replace 4 of the MPV vehicles. This is proving a problem as Mercedes no longer manufacture the Viano but has replaced it with the V Class which only comes with tinted windows and therefore not compliant with your requirements. At the time when we tried to place the order for the new vehicles (with clear windows) we were informed that we cannot change the window specification as the V Class manufactured for the UK market only comes with the tinted window option.

As you will appreciate this presents a huge problem for us. Flightlink have a unified fleet brand that our customers have grown accustomed to and is fitting with the type of service they expect and demand. We would not want to be put in a position where we are forced to run older less reliable vehicles and thereby giving our customers an inferior service, which will definitely cause damage to our business. It is in the light of this that we would really appreciate if you could see your way to giving Flightlink Executive Travel Ltd, dispensation in this instance to add the new V Class to our fleet, albeit with the privacy glass.

In order to support our case I would like to put a number of other points to you for consideration for a certain amount of leeway to Flightlink in this instance:

1. My understanding is that this rule was made in the first place to safeguard the general public by allowing members of your enforcement team to see into the vehicles at all times. I would

make the point that Flightlink does not transport ANY members of the general public. Our business model is based around business travel booked at least 12 to 24 hours in advance of travel, transporting senior members of corporate companies between their offices and homes in Wiltshire to the main airports (Heathrow, Gatwick, Bristol, Birmingham, etc.)

2. Flightlink is a member of the LPHCA (Licensed Private Hire Car Association) and all of my London colleagues in the same type of business (corporate travel) have privacy glass in all of their vehicles. I do appreciate that we operate in Swindon and by that there are different rules however one of the largest providers in London have privacy glass in all their MPVs (c. 4,000 in total)
3. Flightlink is a company committed to high standards and therefore the delivery of a high quality service. The first interface customers have with our business is through our drivers and our vehicles. As part of our operating procedures, all our drivers are uniformed, wearing dark suits and ties and all of our vehicles undergo a full valet before each trip. This is underpinned by achieving ISO 9001 accreditation since 2008 (certified by UKAS) - the only chauffeur company in the region with this achievement.
4. Flightlink is also an IIP (Investor in People) recognised company - again not other chauffeur company in Swindon has achieved this standard.
5. We have a total of 45 drivers (40 are PAYE employees) and as previously mentioned, we have 26 vehicles with the aim to increase our fleet in the course of the next 12 months to meet the increased demands as set out in our business plans. Since the beginning of business in 1994, none of our drivers has failed to operate within the rules and regulations of Swindon Borough Council.

I hope that you will take the above into consideration while reviewing our request for Flightlink Executive Travel Ltd to use and licence the V Class Mercedes Benz vehicles with privacy glass for private hire purposes.

I want to thank you for having taken the time to evaluate and consider my request. If I can supply any further information which can help you with this decision or if you think a short meeting could be beneficial, I will be more than happy to comply.

Yours sincerely

Cecilia van Zyl  
**Managing Director**  
**Flightlink Executive Travel**



## **TnC Cars Limited Swindon**

**tnccars@yahoo.com**

**www.tnccars.co.uk**

April 2017

To whom it may concern,

I [redacted] off TNC CARS LTD

OPERATOR LICENCE PO0174

I AM WRITING TO ASK IF THERE CAN BE CONSIDERED TINTED  
WINDOWS IN OUR CARS AS KNOW MOST CARS COME FACTORY  
MADE WITH TINT AND IT COSTS MORE TO DE TINT THEM

I HAVE SEE A FEW CARS WITH TINTED WINDOWS ABOUT AND  
HOPE YOU WILL CONSIDER THIS REQUEST AS I MAY UPDATE MY CAR  
SOON TO AND WE ARE AN AIRPORT COMPANY SO NOT MUCH LOCAL  
WORK DONE IN AREA

[redacted]  
Many thanks

Management of TnC Cars

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