



Report to Regulatory Panel

Meeting Date: 15 Mar 23
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework: No
Public / Private: Public

Title: Application for a new Hackney Carriage Vehicle Licence
Report of: Corporate Director of Governance and Regulatory Services
Report Number: GD.13/23

Purpose / Summary: Purpose / Summary

Mr Brett Page has applied to Carlisle City Council for a Hackney Carriage Vehicle Licence in relation to a Suzuki Swace Estate car. The vehicle has tinted rear windows darker than the Council's required specification of visual light transmission. Members are asked to consider whether the application should be granted outside of policy.

Recommendations:

To reach a decision to determine the Hackney Carriage Vehicle Licence application.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

1. BACKGROUND

- 1.1. Mr Page is considering the purchase of the vehicle in question (Photographs at **Appendix 1**). He currently has a Hackney Carriage vehicle licence as is applying to change the vehicle under this licence (**Appendix 2**).
- 1.2. Mr Page attended the Civic Centre on 22 Feb 23 as he knew that the tinted windows may be in the proscribed category, and wanted to check this. Licensing Assistant Karen Blain applied the approved testing device.
- 1.3. Carlisle City Council's Private Hire and Hackney Carriage Licensing Policy 2022-2027 ('the policy') states that rear windows should have a 70% shade that vehicles presented for their first licence with need to comply with this public safety requirement prior to the licence being issued.
- 1.4. The car was found to have tinted rear windows in the proscribed category the glass being darker than the policy allows but he has requested that we accept the application and that the Regulatory Panel consider granting the licence outside Council policy.

2. APPLICATIONS

- 2.1. Mr Page's application relates to a Suzuki Swace Estate which he is considering buying in order to apply for a Hackney Carriage Licence. The car has factory fitted rear tinted windows.
- 2.2. Mr Page is a current Hackney Carriage Driver/Licence holder with eight years experience.
- 2.3. Window tints are measured by the percentage of how much light can pass through the windows. This is called Visible Light Transmission or VLT. The lower the percentage VLT is the darker the tint.
- 2.4. The rear windows showed a consistent reading of 25.1% visible light transmission. The front windscreen and driver and adjacent passenger windows are clear.
- 2.5. The Council's policy of a requirement of 70% shade/30% VLT has been explained to the applicant, however he wishes to proceed with the application and requests that the Regulatory Panel consider licencing the vehicle outside the Council's policy.
- 2.6. The Policy exists under a Safeguard concern: broadly – could a member of the public see into the car in the event that anything untoward was happening inside the vehicle?
- 2.7. Mr Page has submitted an application (**Appendix 2**) and an e-mail which can be found at **Appendix 3** with the text as follows:

'I am writing with regards to me purchasing a new vehicle to use as a taxi , Suzuki Swace 1.8 petrol, hybrid 5 star safety rating. I popped to the Civic Centre on the 22nd Feb 2023 where Karen tested the rear window tint visibility testing confirmation that the rear windows are 25.1 tint which is darker than the council Recommends (but the windows come as standard with the vehicle from new, I would like to appeal to the panel on the matter, that a small issue like this, as the vehicle offers more benefits like hybrid, better for the economy and also a 5-star safety rating for passengers. A quick response would be appreciated as the vehicle is still for sale in Suzuki Carlisle Sincerely, Mr B Page.'

3. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY 2022-2027

- 3.1. Carlisle City Council first adopted a policy on tinted windows for licensed vehicles in 2004 and this was carried forward when the Private Hire and Hackney Carriage Licensing Policy was consolidated in April 2022 following wide consultation.
- 3.2. The Policy states in Section 2.36:

Tinted Windows

The front windscreen, front driver's side window and front passenger's side window must ordinarily be clear glass. Exemption from this requirement may be given for original manufacturer's specification 'light tint' glass that does not prevent the identification of the driver and passengers from outside the vehicle.

The rear passenger windows should allow 30% visual light transmission (70% shade) (with the exception of the glass to the luggage compartment).

Vehicles presented for their first licence will need to comply with this public safety requirement prior to the licence being issued. Licensing Officers have a calibrated standard tint meter that can be used to check rear passenger windows.

This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

4. GUIDANCE, LEGISLATION AND LEGAL COMMENTS

- 4.1. As members are aware Officers do not have the delegated powers to permit any deviation from the Council's Policy which is thought to be entirely proper. The Policy was put in place to improve standards across the entire fleet of licensed vehicles operating in the Carlisle City Council are, to protect public safety and to maintain a consistent and transparent approach to determining applications for licences. It is however acknowledged that a 'blanket' policy cannot be applied in every

circumstance and there needs to be a process in place for any departure from the Policy to be considered on a case-by-case basis. While the policy binds officers in their decision making it is not binding for Members. Members should consider if it is appropriate to depart from the Policy without compromising public safety.

4.2. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, Licensing of Hackney Carriage vehicles, states:

(1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a Hackney Carriage vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

(i) suitable in type, size and design for use as a Hackney Carriage vehicle;

(ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

(iii) in a suitable mechanical condition;

(iv) safe; and

(v) comfortable;

3.1 Members should consider that the impact on a person's family of losing or not obtaining a licence is not a relative consideration and cannot be taken into account. Leeds City Council v Hussain [2003] RTR 13 DC & Cherwell DC v Anwar [2012] RTR Admin Crt

4, OPTIONS

Members should reach a decision in line with the following options

- To authorise officers to grant a Hackney Carriage Vehicle Licence
- To refuse the application
- If the application is granted Members should consider whether to delegate power to the Licensing Manager to amend the VLT in the Hackney Carriage and Private Hire Vehicle Policy.

Contact Officer: Mark.singleton@carlisle.gov.uk

**Appendices
attached to report:**

1. 1A, 1B & 1C Photographs of the car in question (the actual car).
2. Application form
3. E-mail from Mr Page to Licensing.

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- Carlisle City Council Hackney Carriage and Hackney Carriage Licensing Policy 2022-2027

CORPORATE IMPLICATIONS:

LEGAL – contained within report

FINANCE – None

EQUALITY – The public sector Equality Duty and Equality Policy has been considered by the service manager in preparing the recommendations

INFORMATION GOVERNANCE – No Information Governance implications





HYUNDAI

APPENDIX 1c



CITY OF CARLISLE
APPLICATION FOR A HACKNEY
CARRIAGE LICENCE

Lalpac Log	032477
Fee Paid	50-
Receipt No	010591
FUND 31 HA	
Lic. issued	

Before completing this form you should read the notes overleaf.

1. Full Name and Address of Applicant **BRETT PAGE**
 (Including Postcode)
33 ARTHUR Street
CA2 4AN
2. Tel No: **07710 557273**
 Email address: **BRETT.PAGE78@GMAIL.COM**
3. Under which company's radio circuit do you intend to work? **N/A**
4. Type of application (Tick appropriate box)

a) New	<input type="checkbox"/>
b) Renewal	<input type="checkbox"/>
c) Vehicle Change/Transfer	<input checked="" type="checkbox"/>

DETAILS OF VEHICLE

5. Make, model and colour **SUZUKI SWACE SZ-T HEV CVT**
6. Registration No. **KW 70 VXG**
7. Date of first registration **23/12/2020**
8. Engine capacity **1.8**
9. Seating capacity (Passengers) **4**
10. ~~*Wheelchair~~/Non Wheelchair *Delete as appropriate
11. Hackney Carriage Vehicle Licence No. (if applicable) **H458**

DECLARATION

In accordance with the provisions of the Public Health Act 1875, the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act, 1976, I hereby make application for a licence for the above vehicle to be used as a Hackney Carriage.

Will the Hackney Carriage be used primarily within Carlisle City Council area? Yes/No

I have read and understood the conditions under which the licence will be issued. The information above is true to the best of my knowledge and belief.

I CONSENT TO THE INFORMATION SUPPLIED ON THIS APPLICATION FORM TO BE DIVULGED TO THE POLICE AND OTHER AGENCIES INVOLVED IN THE PREVENTION OF FRAUD

DATE: 2/3/2023

SIGNATURE: 

Notes

1. You should enclose with your completed application form:
 - a) A remittance of £ licence fee and £ test fee
 - b) Evidence of insurance cover relating to the public use of the vehicle
 - c) The vehicle registration document (V5)
 - d) Remittances by cheque should be made payable to 'The City of Carlisle'
2. This application must be signed by all persons shown at question 1. If it is on behalf of a limited company the application must state in what capacity you sign.
3. The completed form and fee should be returned to the Licensing Manager, Carlisle City Council, Civic Centre, Carlisle CA3 8QG.

Hackney Carriage Specification

4. The vehicle must be:
 - a) of the London type FX4 or later design as laid down by the Metropolitan Police Public Carriage Office or;
 - b) be a wheelchair accessible vehicle of a type approved by the council or;
 - c) be a saloon, hatchback, estate or people carrier (but not a mini-bus) and be white in colour.
5. The City Council will not license a vehicle in category 4c) above unless:
 - a) under 3 years old upon first licensing as a Hackney Carriage with this authority;
 - b) a manufacturer's stated width of not less than 5ft 7ins (1.701m) excluding door mirrors;
 - c) a manufacturer's stated length of not less than 14ft (4.266m)
 - d) an engine with a minimum power output of 90bhp or 66KW
 - e) at least 3 passenger doors;
 - f) seat belts fitted to all forward facing seats;
 - g) licences will not be renewed once the vehicle reaches the age of 5 years, save for exceptional condition.
6. With effect from 1st August 2007, the City Council will only issue new Hackney Carriage licences to wheelchair accessible vehicles which, in addition to 4a) & b) above, meet the following specification:
 - a) are under 3 years old upon first licensing as a Hackney Carriage with this authority;
 - b) licences for wheelchair accessible Hackney Carriages will not be renewed once the vehicle reaches the age of 10 years, save for exceptional condition.
7. Be equipped with an illuminated roof sign and "For Hire" light of a type specified by the council.
8. The window glass fitted to the vehicle is not tinted darker than 32% +/- 2%;
9. The Council regulates advertising on Hackney Carriage vehicles and application **must** be made through the Licensing Office at the Civic Centre before any advertising is carried out.
9. There are penalties for knowingly giving false information in respect of this application.
10. You are strongly advised to consult with a Licensing Officer on the suitability of a vehicle before purchase.

App ②

Karen Blain

From: brett page <brettpage789@gmail.com>
Sent: 22 February 2023 09:48
To: Licensing Team
Subject: Appeal

To whom this may concern

I am writing with regards to me purchasing a new vehicle to use as a taxi (suzuki swace) 1.8 petrol hybrid 5star saftey rateing. I popped down to civic centre on the 22,2,2023 where Karen tested the rear window tint visibility testing confirmation that the rear windows are 25.1 tint witch is darker then the council recommends (but the windows come standard with the vechile from new,I would like to appeal to the panel on the matter that a small issue like this as the vechile offers more benefits like hybrid better for the economy and also a 5star safety rateing for passengers.A quick response would be much appreciated as the vechile is still for sale in suzuki carlisle ..yours sincerely MR B Page

On Wed, 22 Feb 2023, 08:17 Licensing Team, <licensing@carlisle.gov.uk> wrote:

Good Morning Brett

The rules for tinted windows have not been relaxed, however you do have the right to take your application to the Committee Panel where it can be discussed further. On Looking at the picture you have attached the back passenger windows do look very dark, but without seeing it and testing the window tint for you we would be unable to ascertain the tint level. A hackney vehicle must be under 3 years old at the time of being licensed, therefore the age would be fine if the date of registration is as you say.

The phones were very quiet yesterday afternoon so cannot understand how you were unable to reach us.

If you wish to discuss this further we are in the office all day today.

Kind Regards

Karen

Karen Blain