



Report to Regulatory Panel

Meeting Date: 23rd November 2022
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework: No
Public / Private: Public

Title: Application for a new Private Hire Vehicle Licence
Report of: Corporate Director of Governance and Regulatory Services
Report Number: GD.67/22

Purpose / Summary: Purpose / Summary

Mr David Lyttle has applied to Carlisle City Council for Private Hire Vehicle Licences for two Mercedes vehicles. The vehicles have tinted rear windows darker than the Council's required specification of 70% visual light transmission. Members are asked to consider whether the applications should be granted outside of policy.

Recommendations:

To reach a decision to determine the Private Hire Vehicle Licence applications.

Tracking

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

1. BACKGROUND

- 1.1. Mr David Lyttle has submitted two applications to the Licensing Authority to licence two vehicles as Private Hire Vehicles. (**Appendix 1**)
- 1.2. The fee for the applications has been received and Mr Lyttle has submitted Registration Documents, MOT records and insurance details. There are some queries with the insurance which can be followed up should the Regulatory Panel resolve to grant the licences.
- 1.3. Carlisle City Council's Hackney Carriage and Private Hire Licensing Policy 2022-2027 states that rear windows should allow 70% visual light transmission and that vehicles presented for their first licence with need to comply with this public safety requirement prior to the licence being issued.
- 1.4. Mr Lyttle's vehicles have tints considerable darker than the policy allows but has requested that we accept the applications and that the Regulatory Panel consider granting the licences outside Council policy.

2. APPLICATIONS

- 2.1. Mr Lyttle's applications are for an 8 seater S Class Mercedes and a 5 seater V Class Mercedes. Both vehicles have factory fitted rear tinted windows.
- 2.2. 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.
- 2.3. The S Class has a tint reading of 0.2% on the rear passenger windows and the V-Class a reading of 10%. The front windscreen and driver and adjacent passenger windows are clear.
- 2.4. The Council's policy of a requirement of 70% VLT has been explained to the applicant, however he wishes to proceed with the applications and request that the Regulatory Panel consider licencing these outside the Councils policy.
- 2.5. Mr Lyttle has submitted a letter which can be found at **Appendix 2** with the text as follows:

I run an executive car company called Carlisle Executive Cars, I have recently applied for licensing in the Carlisle area, I am not a taxi company and will not be sitting at taxi ranks, all our clients are very high end and we will be moving them all over the UK, the Council have asked recently about the tinted blacked out windows on our two vehicles which are a Mercedes S Class and Mercedes V Class. Most of our clients can range from pop stars, movie star to high court judges

and MPs, so they need to be moved around very discretely without causing too much attention to the public.

- 2.6. A link to the business' website has been provided within a footer of the applicants email www.carlisleexecutivecars.com . The website details the offer of the business which also includes prom transfers, golfing trips, business trips and airport transfers. Wedding services are also an offer of the business but no Private Hire Vehicle Licence is required for the use of vehicles at weddings and funerals.

3. HACKNEY CARRAIGE AND PRIVATE HIRE 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 Hackney Carriage and Private Hire 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 70% visual light transmission (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 Private Hire 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 private hire 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 private hire 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 Ct

4, OPTIONS

Members should reach a decision in line with the following options

- To authorise officers to grant a Private Hire Vehicle Licence
- To refuse the application

Contact Officer: Alex.Kemp@carlisle.gov.uk

Appendices attached to report:

1. Private Hire Vehicle Applications
2. Letter from Mr Lyttle

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 Private Hire 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

Lalpac No.	032015
Fee Paid	244.00
Receipt No	00690
FUND 31 HI	
Inspected	
Lic. issued	

CITY OF CARLISLE
APPLICATION FOR A PRIVATE HIRE
VEHICLE LICENCE

Before completing this form you should read the notes overleaf.

1. Full name and Address of Applicant (Including Postcode) DAVID LITTLE
2. Tel No:
3. Under which company's radio system do you intend to work? NONE NOT A TAXI
4. Type of application (Tick appropriate box)
- | | |
|----------------------------|-------------------------------------|
| a) New | <input checked="" type="checkbox"/> |
| b) Renewal | <input type="checkbox"/> |
| c) Vehicle change/Transfer | <input type="checkbox"/> |

DETAILS OF VEHICLE

5. Make, model and colour MERCEDES S-CLASS - BLACK
6. Registration No. and date of first registration
7. Engine capacity 3L
8. Seating capacity (excluding driver) 5
9. Make and model of taximeter (if fitted) NO METER
- + 10. Private Hire Vehicle Licence No.

DECLARATION

In accordance with the provision of the Local Government (Miscellaneous Provisions) Act, 1976, I hereby make application for a licence for the above vehicle to be used as a private hire vehicle.

Will the Private Hire Vehicle 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.

DATE: 28/10/22

SIGNATURE: _____

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information phone the Council Corporate Information Officer on 01228 817165

Lalpac No.	030216
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FUND 31 HI	
Inspected	
Lic. issued	

CITY OF CARLISLE
APPLICATION FOR A PRIVATE HIRE
VEHICLE LICENCE

Before completing this form you should read the notes overleaf.

1. Full name and Address of Applicant (Including Postcode) DAVID LITTLE
2. Tel No: _____
3. Under which company's radio system do you intend to work? NONE - NOT A TAXI
4. Type of application (Tick appropriate box)
- | | |
|----------------------------|-------------------------------------|
| a) New | <input checked="" type="checkbox"/> |
| b) Renewal | <input type="checkbox"/> |
| c) Vehicle change/Transfer | <input type="checkbox"/> |

DETAILS OF VEHICLE

5. Make, model and colour MERCEDES V-CLASS - BLACK
6. Registration No. and date of first registration _____
7. Engine capacity 2.5
8. Seating capacity (excluding driver) 8
9. Make and model of taximeter (if fitted) NO METER
- X 10. Private Hire Vehicle Licence No. _____

DECLARATION

In accordance with the provision of the Local Government (Miscellaneous Provisions) Act, 1976, I hereby make application for a licence for the above vehicle to be used as a private hire vehicle.

Will the Private Hire Vehicle 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.

DATE: 22/10/22

SIGNATURE: _____

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information phone the Council Corporate Information Officer on 01228 817165

To whom it may concern

I run an Executive car company called Carlisle Executive Cars, I have recently applied for licencing in the Carlisle area, I am not a taxi company and will not be sitting at taxi ranks, all our clients are very high end and we will be moving them all over the UK, the council have asked recently about the tinted blacked out windows on our two vehicles which are a Mercedes S Class and Mercedes V Class. Most of our clients can range from pop stars, movie stars to high court judges and MPs, so they need to be moved around very discretely without causing too much attention to the public.

Regards