



Friday, 27 August 2021

Dear Sir/Madam

A meeting of the Licensing and Appeals Committee will be held on Tuesday, 7 September 2021 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 10.00 am.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:	D Bagshaw (Chair)	R D MacRae
	D Grindell (Vice-Chair)	J C Patrick
	E H Atherton	D D Pringle
	E Cubley	M Radulovic MBE
	T A Cullen	P D Simpson
	R I Jackson	I L Tyler

## AGENDA

1. APOLOGIES

To receive any apologies and notification of substitutes.

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

(Pages 3 - 4)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 8 June 2021.

4. PROPOSED AMENDMENTS TO THE COUNCIL'S  
CURRENT HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING POLICY (Pages 5 - 10)

To consider proposals to amend the Council's Hackney Carriage and Private Hire Licensing Policy with regard to Insurance write off vehicles and the provision of tinted windows.

5. TRAINING SESSION

6. EXCLUSION OF PUBLIC AND PRESS

**The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.**

7. APPEAL HEARING (Pages 11 - 12)

The appeal hearing will commence at 11.30am

## LICENSING AND APPEALS COMMITTEE

TUESDAY, 8 JUNE 2021

Present: D Grindell (Vice-Chair)

Councillors: D Bagshaw  
T A Cullen  
R I Jackson  
R D MacRae  
J C Patrick  
D D Pringle  
M Radulovic MBE  
P D Simpson  
I L Tyler  
H G Khaled MBE (Substitute)

Apologies for absence were received from Councillors E H Atherton and E Cubley

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 MINUTES

The minutes of the meeting held on 8 December 2020 were confirmed and signed as a correct record.

6 CONSULTATION ON THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee was advised of the proposed revised proposals to the Council's Hackney Carriage and Private Hire Licensing Policy following publication of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards.

Members were informed that the consultation commenced on 2 January 2021 and ran for eight weeks. There were no responses to the consultation. Discussions ensued around the policy amendments including training and issues arising from the proliferation of out of area vehicles. It was suggested that a letter be submitted to Government requesting changes to these practices.

It was proposed by Councillor M Radulovic MBE and seconded by Councillor D Bagshaw that Appendix B 5.36, 'Using a hand-held device whilst driving' be amended to include the additional wording and to update the amendment to read:

'Where an applicant has a conviction for using a hand held mobile phone or a hand held device whilst driving, a licence will not normally be granted up to at least 5 years

have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.'

When put to the vote the amendment was carried.

A further proposal from Councillor R I Jackson and seconded by Councillor H G Khaled MBE to change the recommendation to an increase from 3 to 10 years Appendix B 5.8 Possession of a weapon. The wording to be as the following:

'If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence at least up to 10 years must have passed since the completion of the sentence, before a licence is granted.'

When put to the vote the further amendment was carried.

**RESOLVED that the Policy, as amended, be approved.**

7 UPDATE ON AN APPEAL OF A COMMITTEE DECISION TO THE MAGISTRATES COURT

Members noted the report of the result of an appeal by a taxi driver following revocation of their licence by the Licensing and Appeals Committee. The Committee thanked the Legal Team's representative and were pleased the Magistrates dismissed the appeal, upholding the Committees decision to revoke the taxi driver licence.

## Report of the Chief Executive

**PROPOSED AMENDMENTS TO THE COUNCIL'S CURRENT  
HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**1. Purpose of report

To consider proposals to amend the Council's Hackney Carriage and Private Hire Licensing Policy with regard to Insurance write off vehicles and the provision of tinted windows.

2. Detail

The current Hackney Carriage and private Hire Vehicle Policy approved on 6 June 2021 is a live document and subject to review as and when necessary. The Policy makes no reference to the licensing of vehicles written off following involvement in accidents. It is proposed that the Council will not license or re-license any vehicle that has been written off by an insurance company regardless of the category of write-off. Details of the proposed amendment and information regarding "write-off" categories are contained within appendix 1.

In respect of tinted windows, the current policy states in the vehicle specification that "tinted windows will not normally be permitted". It is proposed that manufacturer fitted tints be accepted, Further details are contained within appendix 2.

**Recommendation**

**The Committee is asked to RESOLVE that the proposed amendments be approved.**

Background papers

Nil

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## APPENDIX 1

The current Hackney Carriage and Private Hire Licensing Policy (the Policy) was revised on 8 June 2021 and continues to be effective in ensuring safety for the travelling public using hackney carriage (HC) and private hire vehicles (PHV) licensed by Broxtowe Borough Council.

Currently the policy makes no mention of vehicles which have been written off by Insurance Companies.

A 'write-off' is how insurance companies describe vehicles that are too badly damaged, or simply uneconomical to repair.

The system insurers use to classify write-offs changed on 1 October 2017. Previously write-offs were grouped into four categories: A, B, C and D. These were graded in order of severity, with Category A for irreparable damage and Category D for vehicles that could – potentially – be returned to the road.

The new system substitutes C and D for the new categories of S and N, ranking write-offs as follows:

**A** - Scrap only

**B** - Break for parts

**S** - Structurally damaged but repairable

**N** - Not structurally damaged, repairable

**Category A** covers vehicles that are only fit to be crushed, such as those burnt-out by fire

**Category B** vehicles have sustained serious damage, but certain parts will be salvageable; the engine from a car in a rear-end shunt, for example.

Once these parts have been removed, the car will be destroyed.

**Category S** means the vehicle has suffered structural damage. This could include a bent or twisted chassis, or a crumple zone that has collapsed in a crash. Category S damage is more than just cosmetic, therefore, and the vehicle will need to be professionally repaired. Also, it won't be safe to drive until then.

**Category N.** Vehicles graded accordingly haven't sustained structural damage, so the issue may be cosmetic, or a problem with the electrics that isn't economical to repair. It should not be assumed that such vehicles are drivable as non-structural faults may include brakes, steering or other safety-related parts.

The Council's policy states "It is important that hackney carriage and private hire vehicles meet regulatory standards and are able to convey passengers safely and comfortably, ensuring that the customer experience is a positive one"

It is thought appropriate that in order to comply with the policy statement, no HC or PHV's that have been categorised in any category of write-off should be licensed by the Council.

### **Proposed Amendment**

It is therefore proposed to amend paragraph 6.1 of the current policy to add the information in bold below.

#### **6.1 Application Process**

The Council will consider all applications for vehicle licences on their own merits.

**However, any vehicle that is to be licensed as a HC/PHV must not have any damage affecting the safety of the vehicle. Any vehicle that is written off for insurance purposes will not be licensed, regardless of category. Applicants are advised that before purchasing a vehicle, it is thoroughly inspected by a competent person and that a full HPI check is carried out on the vehicle.**

The procedure for dealing with applications for private hire and hackney carriage vehicles is set out in Appendix G.



**APPENDIX 2**

The current Hackney Carriage and Private Hire Licensing Policy (the Policy) was revised on 8 June 2021 and continues to be effective in ensuring safety for the travelling public using hackney carriage (HC) and private hire vehicles (PHV) licensed by Broxtowe Borough Council.

Currently the Hackney Carriage and Private Hire Vehicle Specification in appendix I, Paragraph 17, of the current policy states that “tinted windows will not normally be permitted”.

However, since 1985 many vehicles have been manufactured with a degree of tint as a standard specification. Vehicles may have anti glare and or UV filters to enhance driver and customer safety and comfort. This may limit the choice of vehicles to be licensed.

**Government Advice**

**The Road Vehicles (Construction and Use) Regulations 1986 Para 32(10)**

**Tinted vehicle windows: the law**

The rules for tinted front windscreens and front side windows depend on when the vehicle was first used. There are no rules for tinting the rear windscreen or rear passenger windows.

**Vehicles first used on 1 April 1985 or later**

The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through.

**Penalties for having wrongly tinted windows**

It’s illegal to fit or sell glass (or a vehicle already fitted with glass) that breaks the rules on tinted windows.

The police or the Driver and Vehicle Standards Agency (DVSA) vehicle examiners use light measuring equipment to measure window tint.

If your windscreen or front side windows are tinted too much you could get:

- a ‘prohibition notice’ stopping you using your vehicle on the road until you have the extra tint removed
- a penalty notice or court summons

**MOT Test**

Excessive tinting or discolouration of the windscreen or windows on either side of the driver’s seat is checked as part of an MOT test for vehicles. Vehicles not complying with the above will fail the MOT test.

**Proposed Amendment**

Appendix I, Paragraph 17

All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows

Tinted Windows may be allowed subject to manufacturers specification.

- The front windscreen must let at least 75% of light through
- the front side windows must let at least 70% of light through
- Only manufacturer fitted tinted and anti-glare windows are acceptable
- No alterations are to be made to the original vehicle specification.

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