

## LICENSING COMMITTEE

Meeting - 29 January 2014

Present: Mr Walters (Chairman)  
Mrs Simmonds, Mr Clark, Mr Denyer, Mr Pepler, Mrs Royston and  
Mr D Smith

Apologies for absence: Mr Brown, Mr Egleton, Mr Samson and Ms Vigor-Hedderly

### 28. MINUTES

The minutes of the meeting of the Licensing Committee held on 9 October 2013 were confirmed and signed by the Chairman.

### 29. CONSIDERATION OF SOUTH BUCKS DISTRICT COUNCIL'S ADOPTED POLICY APPROACH TO TINTED WINDOWS ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Following the decision made at the last meeting the Committee considered a report setting out the results of the consultation carried out on a proposal to amend the Council's current adopted policy approach to tinted windows fitted in hackney carriages and private hire vehicles as follows:

***“Light transmitted through the front windscreen of hackney carriages and private hire vehicles must be at least 75%. All other windows including the rear windscreen must allow at least 70% of light to be transmitted. Exceptions to this policy will be permitted for executive private hire vehicles which meet the Council's dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council's Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements***

14 responses to the consultation exercise had been received of which 8 were in favour of the proposed new policy approach with 6 not in favour. A petition signed by 35 private hire and/or hackney carriage drivers had also been received but it was unclear on whether it was in favour or against the proposal. The petition expressed concerns about the cost to drivers in replacing tinted glass and the covering letter stated that 8 of 10 vehicles are now manufactured with rear tints.

The report confirmed that the offer to hold a meeting with the petitioners had been accepted and the notes of the meeting held on 28 January 2014 attended by 14 drivers, the Chairman of the Committee and the Licensing Manager were circulated at the committee meeting.

As a result of the meeting it had been clarified that the 35 petitioners were not in favour of the proposed change with a consensus among them that a 70% tint should be allowed for all windows other than the front windscreen. Other issues raised at the meeting included the costs of the proposed policy change and the fact that there was no restriction on tinted windows for private hire vehicles licensed in London.

In the light of the comments received as a result of the consultation and after receiving information on the level of tint on new vehicles likely to be used in the future for taxis and private hire, members felt that the proposed change should be reconsidered with a view to allowing more tint. Members were advised that having considered all the responses to the consultation any proposal to allow tint above 50% would constitute a material change from that proposed in the consultation and would therefore need to be the subject of a further consultation exercise with a further report back to a future meeting of the Committee.

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During the debate around the level of tint that should be permitted and after being reminded of the policies adopted by other Council's, including Chiltern District Council a motion to approve a 70% tint was moved by Councillor Smith and Seconded by Councillor Clarke. On being put to a vote the motion was declared carried following which it was

**RESOLVED** that the following proposed amendment to the policy be consulted upon:

*“Light transmitted through the front windscreen of hackney carriages and private hire vehicles must be at least 75%. Light transmitted through the front side windows of hackney carriages and private hire vehicles must be at least 70%. All other windows including the rear windscreen must allow at least 30% of light to be transmitted. Exceptions to this policy will be permitted for executive private hire vehicles which meet the Council's dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council's Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements. Executive private hire vehicles meeting the dispensation requirements will be required to meet the requirement for 75% and 70% of light to be transmitted through the front windscreen and front side windows respectively”.*

### 30. MOBILE HOMES ACT 2013

The Mobiles Homes Act 2013 had received Royal Assent on 26 March 2013 with a majority of its provisions due to be implemented from 1 April 2014, and the Committee received a report explaining the Act and its implications for the Council and in particular for the Scheme of Delegation.

The Council currently has a statutory duty under the Caravan Sites and Control of Development Act 1960 as amended to licence caravan sites (including mobile home parks) which have planning permission. There is no discretion regarding the issue of a licence where planning permission has been granted.

There are ten licensed permanent multiple residential caravan sites (i.e. with more than one caravan) and 14 licensed permanent single residential sites in the South Bucks District. New applications are received infrequently - less than one application per year.

The aim of the Act is to provide powers to local authorities to ensure that they are properly funded for exercising their powers and have sufficient tools for enforcement action. The report provided details of these new powers which included powers to charge fees including an annual fee.

The Committee supported the proposal that no fees are charged in the first year 2014/15 for the reasons given in the report. The report set out a number of other proposals to amend Terms of Reference and the Scheme of Delegation and the adoption of the 2008 Model Standard Conditions for Caravan Sites in England including any future replacement thereof, a copy of which had been placed in the Members Room and available at the meeting) which the Committee also supported subject to the proposed new delegation relating to the adoption and publication of fees being amended to include the Resources Portfolio Holder.

The Committee accordingly

#### **RECOMMENDED to COUNCIL**

1. That the new local authority powers in the Mobile Homes Act 2013 be noted.
2. That the terms of reference of the Licensing Committee be amended to include the new functions introduced by the Mobile Homes Act 2013.
3. That the terms of reference of the Licensing Sub-Committee be amended to include conducting hearings and making determinations in relation to the licensing of caravan sites and related enforcement matters in circumstances where the Head of Health & Housing is unable or unwilling to make a decision under the terms of the Scheme of Delegations to Officers.

4. That a fee policy is considered and developed during 2014/2015, to take effect from 1 April 2015, but that no fees be charged for the year 2014/15.
5. That a new delegation to the Head of Health & Housing in consultation with the Chair of Licensing Committee and the Portfolio Holder for Resources be agreed to prepare, adopt and publish a fees policy in accordance with the Mobiles Home Act 2013.
6. That the 2008 Model Standard Conditions for Caravan Sites in England including any future replacement Model Standards specified and published by the Secretary of State be adopted as the Council's pool of Caravan Site Licence Conditions.
7. That the scheme of delegation be amended to give authority to the Head of Health & Housing to exercise the functions under the Caravan Sites and Control of Development Act 1960, as amended by subsequent legislation and the new functions introduced by the Mobile Homes Act 2013 with cases of doubt or difficulty being referred to the next available Licensing Sub-Committee for a decision.

**31. SCHEDULE OF DELEGATED DETERMINATIONS / APPEALS TO MAGISTRATES AND CROWN COURTS**

The Committee received reports on the following determinations made during the period 6 September 2013 and 8 January 2014:

- Delegated Determinations made by the Licensing Officer in respect of Personal Licences;
- Delegated Determinations made by the Licensing Officer in respect of Premises Licences; and
- Delegated Determinations made by the Licensing Sub - Committee in respect of Premises Licences.

**RESOLVED** that the reports be noted.

**32. LICENSING ACT 2003 - PREMISES / CLUB PREMISES APPLICATIONS PENDING**

The Committee received a report from the Director of Services of details of Premises (Variations) applications pending to date.

**RESOLVED** that the report be noted

**33. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

The Committee received a report from the Director of Services on details of licences issued during the period 6 September 2013 - 8 January 2014.

**RESOLVED** that the report be noted.

**34. LICENSING OF HOUSE TO HOUSE COLLECTIONS AND STREET COLLECTIONS**

The Committee received a report from the Director of Services showing the house-to-house collection permits issued for the period 6 September 2013 to 8 January 2014. The report also included details of street collection permits issued during the same period.

**RESOLVED** that the report be noted.

The meeting terminated at 6.55 pm