

Licensing Committee – Meeting held on Thursday, 20th October, 2016.

Present:- Councillors Davis (Chair), Cheema (Vice-Chair), Parmar, Qaseem, Rasib, A Sandhu, Shah, Sohal, Strutton and Wright

Also present under Rule 30:- Councillors Anderson, Dar and Pantelic

Apologies for Absence:- Councillor Coad

PART 1

6. Declarations of Interest

Councillor Strutton declared that he held a Private Hire Driver and Operator Licence until February 2016. He no longer held these Licences and was now employed as a contracted Chauffeur.

7. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

8. Minutes of the Last Meeting held on 8th June, 2016

Resolved - That the minutes of the last meeting, held on 8th June, 2016, be approved as a correct record.

9. Revised Policy for Tinted Windows/ Privacy Glass in Private Hire and Hackney Carriage Vehicles

The item was taken first on the agenda as representatives of the Taxi and Private Hire Trade, and Members attending the hearing under Rule 30 wished to address the Committee.

The Licensing Manager outlined a report setting out a revised policy for tinted windows/ privacy glass in Private Hire and Hackney Carriage vehicles. He also referred to a supplementary document that was published on 18th October and a tabled a document which set out Manufacturers details of tinted windows.

The Committee was advised that the original policy for tinted windows/privacy glass in respect of Private Hire and Hackney Carriage vehicles was approved by the Licensing Committee in November 2012. The policy addressed the personal safety of licensed drivers and fare paying passengers and required vehicle owners to pay for the replacement of manufactured fitted tinted windows that came as standard, where they did not meet the policy.

The Officer advised that the cost in replacing tinted windows was now prohibitive for owners/ proprietors who wanted to upgrade their licensed

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vehicles. However, the protection and safety of the public should be balanced against this. The Committee was advised that the revision of the policy if approved would negate the unnecessary costs and inconvenience of vehicle proprietors having to replace factory fitted tinted windows.

There were no regulations regarding the transmission of light through the rear windows or rear windscreen of vehicles and a number of manufacturers offered the option of very dark windows and 'after market' window tinting. It was highlighted that very dark or heavily tinted windows were mainly fitted as standard in higher class models or makes of vehicles.

The Committee noted the best practice recommended for tinted windows which stated that the minimum light transmission for glass in front of, and to the side of, the driver was 70% and that when licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass to meet approval. Members were advised that Officers had met with the Taxi and Private Hire Trade at their request to review the policy to allow more prestige/executive class vehicles to be licensed without having to incur high costs involved in replacing the glass. A consultation exercise had followed and Members were referred to the responses set out in the report together with examples of policies required by other Authorities in the Thames Valley area.

The Officer highlighted that public safety was an important aspect for the Committee to consider when resolving to approve a policy or revised policy. The Licensing Manager referred to a report by David Wilson, Licensing Consultant. This had concluded that useable information collected from almost half of the Police Forces in England and Wales who participated in a study, had indicated that there was no information held which demonstrated that anti-flare/ tinted glass had ever contributed to the commission of an offence, alleged or otherwise by anyone in a Hackney Carriage or Private Hire Vehicle.

The Chair of the Slough Taxi Federation advised the Committee that the Federation was in agreement with the revised Policy as set out. The Private Hire representative also advised during the meeting that his Members supported the revised Policy.

Two Members addressed the Committee under Rule 30 and stated their belief that the revised policy was a retrograde step. It was argued that the number one priority was the safety of the public and the image of Slough. It was also suggested that a simple policy of allowing no tinted windows in vehicles such as the one adopted by Wycombe DC was preferable. It was also argued that drivers could if they wished buy a model of vehicle without tinted windows, thereby avoiding the need to pay for the vehicle to be modified.

In the ensuing debate, Committee Members raised a number of questions and comments. The Officer confirmed that it would be possible to create a separate policy for Private Hire and Hackney Carriage Drivers but he would not recommend this and had never known any other Authority adopt this

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approach. A Committee Member enquired whether the two Trade representatives in attendance would have supported the new policy had the tabled document regarding manufacturer details been available at that time. Both representatives confirmed that they would have done so.

The Officer confirmed that the public had not been consulted on the change to the policy because this was not a new policy. Views had been sought from Traffic Officers and Thames Valley Police and both thought that the revised policy was reasonable.

A Member asked whether the Policy would be reviewed annually and this was confirmed.

Resolved- That the revised Policy for Tinted Windows/ Privacy Glass in Private Hire and Hackney Carriage Vehicles be revised as set out in Appendix B of the report.

10. Dress Code for Private Hire and Hackney Carriage Drivers

The Senior Licensing Officer outlined a report and requested that the Committee consider and comment on a Dress Code for Private Hire and Hackney Carriage drivers.

The Officer highlighted that the appearance and dress of licensed drivers could create a lasting impression on visitors and the local fare paying public in general. It was important for drivers to portray a professional image which was good for business and good for the image of the Borough.

The Committee noted that the Council currently had only one condition in place which stated that drivers should be clean and respectable in their dress and person and behave in a civil and orderly manner.

The Authority did not wish to impose standards through licensing conditions but expected that a level of standard be maintained by drivers at all times. Therefore a suggested dress code had been compiled as set out in the report and consultation had taken place with the Slough Private Hire Drivers Association and the Slough Taxi Federation in August, 2016, who broadly supported the proposals. It was highlighted that comments were received regarding the type of footwear that should be worn and faith or religious clothing.

Members were reminded that a balance must be struck between achieving an appropriate image whilst representing the Borough and not impacting on an individual's freedom to wear clothes that were not too prescriptive.

The Committee considered the suggested Dress Guidance and Members expressed a number of differing views regarding what was deemed to be suitable footwear and clothing. It was decided that the proposed Dress Code would not be adopted at this time and that a statement be inserted into the

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'Private Hire and Hackney Carriage Drivers Charter', to request that Drivers adopt a professional image at all times.

Resolved- That the following statement be inserted into the proposed 'Private Hire and Hackney Carriage Drivers Charter'.

“Guidance on Dress for Private Hire and Hackney Carriage Drivers

The Authority is committed to encouraging the professional image of the Private Hire and Hackney Carriage trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade. Whilst the Authority does not wish to impose such standards by way of conditions to any licence, it expects however, that such standards will be maintained at all times.

Drivers shall pay particular attention to their personal hygiene and dress so as to dress appropriately and present a professional image to the public”.

11. Amendment to the wording of the 'No Sexual Contact' Condition for Private Hire and Hackney Carriage Drivers

The Senior Licensing Officer outlined a report setting out proposed amendments to the 'no sexual contact' condition for Private Hire and Hackney Carriage Drivers. It was highlighted that the current conditions were approved in 2010.

The Committee was reminded that the role of the Licensing Authority was the protection, safety and wellbeing of the public. Since 2010, a number of complaints had been made by female passengers to the Licensing Team and to the Police, regarding the receipt of unwarranted verbal sexual advances and inappropriate comments from drivers, made by telephone. The Officer considered that an amendment to the wording to the condition to prevent this would further protect vulnerable persons, particularly women travelling in licensed Private Hire and Hackney Carriage vehicles.

The current condition stipulated that Licensed drivers may not initiate any dialogue of a sexual nature with a passenger or become involved sexually or have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle.

In light of complaints received it was proposed that the condition be amended to include a reference that there be no contact by telephone, social media or email. It was highlighted that Licensed drivers were not permitted to become involved sexually or have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle.

Legal advice had confirmed that the change to the condition was not deemed to be significant, therefore consultation was not required. However all licensed Private Hire and Hackney Carriage drivers were informed of the change in August 2016 as part of a consultation on other matters.

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Members asked whether details of the revised condition would be sent to all drivers and the Officer confirmed that this would be included in a newsletter and also within a policy document. It was also agreed that it could be emailed to Drivers.

The Committee welcomed the revision to the condition.

Resolved- That the No Sexual Contact condition be amended as follows:

“Licensed drivers shall not initiate, respond to, or engage in any dialogue of a sexual nature with a passenger, including communication by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to become involved sexually or have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle”.

12. **Guidelines for Installation of Audio and Visual Equipment in Licensed Vehicles (CCTV)**

The Licensing Manager introduced a report in which the Committee was requested to consider proposals for the installation of audio and CCTV in licensed vehicles.

The Officer advised that whilst it was recognised that CCTV in licensed vehicles could assist in the prevention of crime and disorder, and could be a useful tool when investigating offences, the Information Commissioner had stated that any compulsory or mandatory requirement for CCTV in licensed vehicles could be in contravention of Article 8 the European Convention of Human Rights and a breach of the Data Protection Act.

Notwithstanding this, each Local Authority was under a duty to ensure that it had appropriate guidance in place for those licensed vehicle proprietors who wanted to install CCTV in their vehicles.

The Committee was advised that a formal consultation had not been carried out but all Private Hire, Hackney Carriage Drivers and Operators had been forwarded a copy of the proposed guidelines for the installation of CCTV in a licensed vehicle. In response to a question, the Officer advised that to date, three female Drivers had made enquiries about fitting CCTV in their vehicles.

Members welcomed the proposed guidelines.

Resolved- That the Committee approve the Guidelines for a licence holder wishing to install CCTV in a licensed vehicle.

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13. Private Hire and Hackney Carriage Drivers Charter

The Licensing Manager outlined a report, in which the Committee was requested to approve a Private Hire and Hackney Carriage Drivers Charter. This had been developed in consultation with representatives of the industry with the purpose of raising standards, and ensuring clarity and consistency.

The Committee was reminded that the Council already had several policies, and conditions in place for Private Hire and Hackney Carriage Drivers, Vehicles and Operators. The Driver's Charter had been developed to incorporate the policies, conditions and bye-laws currently in place and sought drivers' commitment to, 'My Passenger and Service', and 'My Responsibilities'.

It was highlighted that a statement relating to appropriate dress and appearance, and revised wording for the 'No sexual contact' condition (both approved earlier in the meeting), would also be incorporated into the Driver's Charter.

Resolved- That the Private Hire and Hackney Carriage Drivers Charter be approved.

14. Members Attendance Record

Noted.

15. Date of Next Meeting

The date of the next meeting was confirmed as 22nd November, 2016.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.32 pm)