

BRISTOL CITY COUNCIL

PUBLIC SAFETY AND PROTECTION COMMITTEE

DATE 18 FEBRUARY 2020

Report of: Executive Director, Growth and Regeneration

Title: Private Hire Vehicle Policy and Private Hire Vehicle Inspections Standard Policy - Tints

Ward: Citywide

Officer Presenting Report: Sarah Flower – Senior Licensing Officer

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Purpose of Report

To seek permission for the Licensing and Trading Standards Manager to commence a consultation to process in relation to a proposal to amend a private hire vehicle policy and vehicle inspection standard so that tints are allowed in the rear windows of private hire vehicles.

RECOMMENDATION

The committee are recommended to:

- (1) consider the information within this report
- (2) delegate authority to the Licensing and Trading Standards Manager to consult on:
 - a) amendments to be made to existing Private Hire Vehicle Policy attached as **Appendix 1**
 - b) amendments to be made to the existing vehicle inspection standard attached as **Appendix 2**

SUMMARY

The revised private hire inspection standard policy on tints was presented to members on 12 February 2013 and it was agreed that the implementation of the new standards would take effect from 1st April 2013.

Policy

The current hackney carriage and private hire vehicle inspection standards state the following at section 6.5

- Window Glass or other transparent material

- The light transmitted through the windscreen must be at least 75%
- The front side windows must allow at least 70% of light to be transmitted through them
- Rear side windows must allow at least 65% of light to be transmitted through the
- The vehicles rear window is exempt from the light transmission test.

The proposal is to change the private hire vehicle inspection standard at 6.5 to read as follows in respect of tints

- Window Glass or other transparent material
- The light transmitted through the windscreen must be at least 75%
- The front side windows must allow at least 70% of light to be transmitted through them
- Tinted glass windows are permissible to the rear side windows provided that they are only those supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations.
- The reason for rejection is the required percentage of light is not transmitted through the window
- Tinted films to the vehicle windows are not permitted

Consultation

1. Internal

Passenger Transport
Fleet Services
Neighbourhood Enforcement

2. External

If members are minded to approve the recommendation, an external consultation would take place in line with Department for Transport Best Practice Guidance which recommends that local authorities consult with the following parties in respect of any significant proposed changes:

- hackney carriage and private hire vehicle trades via newsletter
- trade representatives
- groups representing equalities groups
- PC Quinton

The consultation will be take place over an 8 week period.

Context

3. The Hackney Carriage and Private Hire trades are the only parts of the public transport system that are operational 24 hours a day, 365 days a year. It is therefore important that the Council seeks to introduce a policy which requires Private Hire proprietors to ensure they are operating to a minimum standard.

4. Following high profile investigations elsewhere in recent years, there has been a significant push for licensed drivers to be alive to issues such as safeguarding, child sexual exploitation and modern slavery.

5. This could have a continued negative impact on private hire proprietors due to the costs involved of replacing factory fitted tints when purchasing a new vehicle as most new vehicles come with tints fitted as standard.
6. The adoption of the revised policy would bring this in line with South Gloucestershire Council who currently have no policy in place.
7. If the policy is approved this could be detrimental to public safety due to passengers not being able to see if anyone is in the vehicle prior to entering the vehicle.
8. Passengers with a visual impairment are unlikely to be able to search for landmarks whilst travelling.
9. Passenger transport within Bristol City Council have advised that they would have concerns with tints in private hire vehicles as they would want to be able to see if the escorts are in the back of the vehicle with children.

Proposal

10. Members are being asked to support the recommendations set out in this report and allow a consultation on the proposed policy.

Other Options Considered

11. Do nothing and await any potential changes to legislation.

Risk Assessment

12. The report outlines the main options that may be considered by members.
13. The Council is under a duty to ensure that all new and current private hire vehicle licences are maintained in line with the vehicle inspection standard.
14. The Council vehicle fitness standard is based on the National Inspection Standard and has been the subject of full consultation with trade representatives. The purpose being to assist those who inspect, maintain and prepare vehicles for inspection prior to being issued with a Hackney Carriage or Private Hire licence. It is intended that this document will ensure a consistent minimum vehicle inspection standard.
15. The approval of this policy will ensure that a consistent standard across all licence holders is achieved.

Public Sector Equality Duties

16. Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
 - i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

17. A draft Equalities Impact Relevance Check is currently being produced.

Legal and Resource Implications

Legal

The proposals set out in the report are lawful.

There is no legal requirement to consult upon the proposed changes to the fit and proper person policy. However, should a consultation process be undertaken, case law guides on what constitutes lawful consultation and from this some key guiding principles have been established, in summary that those being consulted must:

- a. be provided with material upon which a decision is likely to be made;
- b. be given enough time for intelligent consideration of that material and to respond to it;
- c. be given the opportunity to make considered representations;
- d. have their representations conscientiously considered.

It is therefore important that members are satisfied that that any consultation process allows sufficient time to enable any person or body wishing to make representations to obtain relevant material, to consider it and to put their representations to the Council.

Financial

(a) Revenue

(b) Capital

Land

Not applicable

Personnel

Not applicable

Appendices

Appendix 1 – Private Hire Vehicle Policy

Appendix 2 - Vehicle Inspection Standards

Appendix 3 – Equalities Impact Assessment

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 Background Papers: