



Telford & Wrekin
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

LICENSING COMMITTEE

Date **Tuesday, 17 January 2017** Time **6.00pm**
Venue **Meeting Room G3 & G4, Ground Floor Addenbrooke House,
Ironmasters Way, Telford, TF3 4NT**

Enquiries Regarding this Agenda:

Democratic Services	Jayne Clarke	01952 383205
Media Enquiries	Corporate Communications	01952 382408
Lead Officer	Angie Astley – Assistant Director: Customer & Neighbourhood Services	01952 383246

Committee Membership: Councillors **C N Mason (Chair)**, C R Turley (**Vice Chair**), M Boylan, G H Cook, I T W Fletcher, J A Francis, M B Hosken, S J Reynolds, J M Seymour, M J Smith

Substitutes: Councillors J C Ashford, S P Burrell, K R Guy, J Jones, R T Kiernan, N C Lowery, J C Minor, J A Pinter and C F Smith.

AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes** Appendix **A**
To confirm the minutes of the meeting of the Licensing Committee held on 20 December 2016.
4. **Street Trading Consent Policy Statement** Appendix **B**
The report of the Service Delivery Manager, Public Protection
5. **Delegation of Authority to issue Child Performance Licences, Work Permits for School Age Children and Chaperone Licences** Appendix **C**
The report of the Service Delivery Manager – School Organisation and Traded Services

... Continued

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|----|---|-------------------------|
| 6. | Review of the Council's Hackney Carriage and Private Hire Licence Condition Relating to Tinted Windows
The report of the Service Delivery Manager – Public Protection | Appendix D |
| 7. | Taxi Licensing Sub-Committees
The report of Assistant Director: Governance, Procurement & Commissioning | Appendix E
TO FOLLOW |

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Tuesday 20 December 2016 at 6pm at Addenbrooke House, Ironmasters Way, Telford

A

Present: Councillors C Mason (Chair), M Boylan, G Cook, I Fletcher, J Francis, M Hosken, S J Reynolds, J Seymour, and C Turley.

In Attendance: A Astley (Assistant Director - Neighbourhood & Customer Services), S Fisher (Principal Licensing Officer), P Martin (Legal Services) and J Clarke (Democratic and Scrutiny Officer).

LC -12 Apologies for Absence

Councillor M Smith.

LC -13 Declarations of Interest

None.

LC -14 Minutes

Resolved – that the minutes of the meeting of the Licensing Committee held on 11 October 2016 be confirmed and signed by the Chairman.

LC -15 Review of the Council's Hackney Carriage and Private Hire Licence Policies and Conditions

The Principal Licensing Officer presented the report of the Service Delivery Manager which asked Members to approve a revision to the Council's Hackney Carriage and Private Hire Licensing Policies and Licensing Conditions following a 12 week consultation. Having regard to all of the representations made during the consultation further amendments were made to the Policies and conditions where appropriate, which were before the Committee. An addendum to the report was tabled at the meeting which referred to "have two satisfactory references" which was removed in error prior to the consultation. This was not onerous to applicants, but was something that consultees may have wished to comment on. The Principal Licensing Officer highlighted the significant amendments to the documents which included multi-purpose vehicles, signage on Private Hire Vehicles which included the removal of the roof sign and front plate and replacement with door signs and the convictions policy regarding sexual offences and serious road traffic offences.

During the ensuing discussion, some members asked whether the drivers would be tempted to remove the proposed new signage from their vehicles. The Principal Licensing Officer reassured Members that the proposed signage could only be removed by an authorised officer of the Council and that due to the nature of the materials, this would have to be done using a hairdryer. It was also asked if a 6 monthly check could be undertaken in order to ensure that roof signs had been removed where necessary. It was confirmed that compliance checks were

undertaken. A question was raised regarding the issuing of licences if a cheque hadn't cleared (P10 11.2). The Principal Licensing Officer informed Members that statute stated "payment upon grant" so they would not be able to present cheque payments prior to the licence being granted, cheques were rarely used for payment and if there was an issue with a cheque this would be dealt with immediately. Some Members raised issues with regard to tinting on modern car windows and the automatic locking of car doors. The Principal Licensing Officer confirmed that a report regarding the issue of tinted windows would be brought before Members. Door Locks would be checked to ensure they were working properly during safety checks. Concerns were raised regarding breach of conditions and drivers understanding of conditions especially with regard to child sexual exploitation (CSE). The Principal Licensing Officer informed Members that applicants were directed to the conditions on the website and attended driver awareness training prior to being granted a licence. The first 25 questions on the driver test were based on the conditions and the "Dos and Don'ts" and there were 4 questions on CSE. The drivers were handed conditions with their licence and they were told to retain a copy of the conditions which could be used as a reference point. New drivers were receiving CSE training and current drivers were receiving 1-1 training on CSE upon renewal of their licences. A question was raised regarding "vaping" in taxis. The Legal Adviser confirmed that this was covered under "smoking". Some Members asked if a copy of the information relating to Child Sexual Exploitation provided by Telford and Wrekin to Operators could be circulated to all Members of the Committee and the Principal Licensing Officer confirmed that this would be done.

During the discussion the following amendments were requested by Members:

- P6 – Personal Data – 15th Bullet point be amended to read "Outcomes of Criminal Records Checks (De-Barring Service)"
- P6 – Personal Data - amend numbering of "4.3" to "4.2"
- P9 – 9.2 – be amended to read ". . . In such circumstances the Council strongly advises parties to seek appropriate independent legal advice promptly".
- P10 – 11.2 – Second Bullet Point - amend to read "If an application for a licence . . ."
- P18 – 13.5.1 – be amended to read ". . . Drive and Vehicle Standards Agency (DVSA)
- P18 – 13.5.2 – third line change "user's" to "users' "
- P23 – 1.6.2 – re-number "19.1" to "14.6.1"
- P28 - 2.1.4 - remove duplication of words "with a"
- P41 – 2.5 – be amended to read "When a Private Hire vehicle licence is suspended, for whatever reason, the licence plate . . ."

- P42 – 3.1 – remove words “and an engine capacity not less than 1600cc”
- P42 – 3.1 – re number paragraphs 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7
- Taxi (Hackney Carriage) and Private Hire Licensing Policy for Determining the Suitability of a Person to hold a Licence
 - General Policy – Defining a fit and proper person
 - first bullet point - remove the “y” from “honesty”
 - third bullet point – change to read “. . . safety of their vehicles at all times. Passengers rely on their driver . . .”
 - General Policy – Licensing Offences
 - First sentence change “here” to “where”
 - Serious Road Traffic Offences
 - Third Paragraph first sentence insert the word “of” between “driving passengers”
 - Serious Road Traffic Offences – Fourth Paragraph beginning “An isolated conviction for Serious Road Traffic Offence . . . IN10-UT50 . . .” – check how this was reading and re-write if necessary. Also change “should” to “would” and remove the word “normally” from this paragraph
- Telford & Wrekin Council Compliance Standards for Private Hire Vehicles
 - Identification Plates
 - Third paragraph amend to read “When a Private Hire Vehicle licence is suspended, for whatever reason, the licence plate . . .”

Having considered all the relevant information before the Committee it was proposed and seconded to amend the recommendations to take in the amendments from the report, the addendum and those made by the Committee during the discussions.

Upon being put to the vote it was unanimously:-

RESOLVED - that:

- a) **the proposed amendments to the revised policies and conditions of licence contained within the report of the Service Delivery Manager, Public Protection; and**

- b) the proposed amendment to paragraph 12.3.1 of the Licensing policy Hackney Carriage and Private Hire contained in the Addendum to the report of the Service Delivery Manager, Public Protection; and**
- c) the amendments to the revised policies and conditions of licence contained within the report of the Service Delivery Manager, Public Protection as proposed by members of the Committee;**

be agreed for implementation on 1 April 2017.

The meeting ended at 7.33 pm.

Chairman:

Date:

Telford & Wrekin Council**Licensing Committee – 17 January 2017****Street Trading Consent Policy Statement.****Report of the Service Delivery Manager – Public Protection****1. Purpose**

- 1.1 To inform Members of the proposal to make a minor amendment to the current Policy Statement in respect of Street Trading Consents and to approve an eight week consultation with affected bodies.

2. Recommendations

Having considered all relevant information, Members:

- 2.1.1 To approve an eight week consultation on the proposed amendment to the Council's Policy Statement in relation to Street Trading Consents.
- 2.1.2 Delegate that the Chair of the Licensing Committee in conjunction with the Principal Licensing Officer consider the responses of the consultation process.
- 2.1.3 If following consideration of the consultation responses the Chair of the Licensing Committee and the Principal Licensing Officer determine that it is appropriate for the proposed amendment to the policy to remain unchanged then the Committee delegate power to the Principal Licensing Officer to implement the amendment to the policy with an immediate effect. However if there is any significant matter or issue which arises out of the consultation response or in their considerations under recommendation 2.2 above the Chair of the Licensing Committee and the Principal Licensing Officer determine that the proposed amendment to the policy should be further amended then the matter shall be referred back to Committee for further consideration and determination.

3. Previous Minutes

- 3.1 LC140114

4. Information

4.1 Background.

4.1.1 Street Trading is regulated by the Local Government (Miscellaneous Provisions) Act 1982. As a result, Telford & Wrekin Council, in pursuant to Section 3 of the 1982 Act, has resolved to adopt Schedule 4 of the Act to control street trading within the Borough. Furthermore, the Council has resolved every street within Telford & Wrekin should be designated as a Consent Street under the Act.

4.1.2 Street trading involves the sale and exposing or offering for sale, of any article in a street. Street includes any road, footway, or other area to which the public have access without payment and includes any part of a street.

4.1.3 As the definition of “street” includes any land to which the public have access without payment, private land to which the public has free access may also be included. Street trading law and this policy therefore can extend to events off the highway that are conducted on private premises.

4.1.4 Members should note that for the purposes of the Act, the following matters are not deemed to be street trading and therefore do not need to obtain a street trading consent;-

- Trading by a person acting as a Pedlar under the authority of a Pedlars Certificate granted under the Pedlars Act 1871. Such certificates are issued by the Police and not the local authority.
- Anything done in a market or fair, the right to hold which was acquired by virtue of a grant or acquired or established by virtue of an enactment or order.
- Trading as a news vendor.
- Selling items, or offering or exposing them for sale, as a rounds person.
- Trading which is carried on at a premises used as a petrol filling station, or is carried on at a premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.

- Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- Selling things, or offering or exposing them for sale, as a roundsman. (Roundsman include milkmen, coalmen etc. who have established or recognized customers in the street)
- The use of trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
- The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980

4.1.5 Telford & Wrekin Council has approved conditions to control street trading.

4.1.6 In addition to the conditions, there is an Information Pack issued to applicants to assist with the application process.

4.1.7 The current Policy & Conditions applicable to street trading were last reviewed in June 2015.

4.1.8 At the time of preparing this report, the Licensing Service currently issues:-

44 Street Trading Consents for static sites.

14 Street Trading Consents for mobile units.

In addition, since the introduction of Day Consents in April 2014, the Licensing Service has approved and issued 21 street trading day consents.

4.1.9 Telford & Wrekin Council issues static consents for units such as food catering trailers that operate from a designated fixed pitch.

4.1.10 Telford & Wrekin Council issue mobile consents for units such as ice cream vans and mobile food delivery vans who are only stationary whilst conducting a sale.

4.1.11 All street trading consents are issued for a period up to one year and are renewed annually. Currently, Telford & Wrekin Council charge £319 for an initial and first street trading consent, and this is renewed at a cost of £185.

4.1.12 Street trading day consents are issued for a period of up to 7 days at a cost of £60 for the first day and £18 for each additional day (Again Members will note that this fee is under consideration as part of the Review of Licence Fees Report).

4.1.13 Historically the Licensing Service has only consulted on new applications. . However, circumstances change in relation to trading locations, neighbourhoods, hours and days of trading, articles vended and so the Licensing Service consider it is reasonable, proportionate and more transparent to consult the parties again upon renewal. The Licensing Service is, therefore, recommending this minor amendment to the Policy Statement.

4.1.14 Licensing Officers seek approval to make a minor amendment to the current Street Trading Policy Statement. The 'Statement' indicates that the Licensing Service can consult with a number of bodies and organisations. However, the 'Statement' does not clarify which applications this relates to. Therefore, it will be necessary to make it clear that we will consult on any new and renewal applications. A copy of the amended Statement is attached as **Appendix A**, and amendments are highlighted in red.

4.1.15 It is also suggested by Officers that the opportunity be taken to make a number of other amendments to the Policy in order to update and improve the information made available to Street Traders.

4.1.16 The Licensing Service will consult with all existing street traders. **Appendix B** lists other bodies that will be asked for their comments and views to the proposed amendments of the Policy Statement for street trading.

5.2 Equal Opportunities

5.2.1 A Community Impact Assessment has been carried out on this review of Council's Policy and Conditions in respect of Street Trading and is attached at **Appendix C**.

5.3 Environmental Impact

5.3.1 The Licensing Service believes that there will be no environmental impact as a result of this report.

5.4 Legal Comment

5.4.1 The Council has a duty to provide for the issuing of street trading consents under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1982. In addition, other duties that apply include:

- (a) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder.
- (b) The Regulators' Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the

regulations set out and to particularly consider the impact of regulations on small businesses.

- (c) The Provision of Services Regulations 2009 to ensure requirements are non-discriminatory justified by an overriding reason relating to the public interest, proportionate to that public interest objective, clear and unambiguous, objective, made public in advance, transparent and accessible.

5.4.2 There is no legal requirement for the Council to adopt a policy, however it is considered best practice and the policy document serves to outline for street traders the Council's approach to, and its standards for those engaged in, street trading.

5.4.3 Before issuing any policy or amendments the authority has an implied duty, and it is good practice, to consult all relevant parties. A policy must be reasonable and proportionate. However, the policy cannot fetter the Council's discretion and each application or any subsequent enforcement matter will be judged on its own merits whilst having regard to the policy ensuring a transparent and consistent approach to licensing that would reduce the opportunity for challenge through the Courts. If an applicant considers they have not been dealt with in accordance with the policy or otherwise treated unfairly they can seek to challenge any decision made.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Corporate Priorities:

Protect and Create Jobs as a 'Business Supporting Winning Council'

5.6 Opportunities and Risks

5.6.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.

5.6.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

- (i) The Financial risks to the Council in the event of a legal challenge to the change in Policy.

5.7 Financial Implications

5.7.1 Income generated from street trading consents contributes to the overall income target for licensing which is £191k for 2016/17. A review of license fees is currently being undertaken which includes a review of the current rates for street trading consents outlined in 4.1.10 and 4.1.11 of this report. A separate report will be prepared for the licensing committee detailing the outcome of this review.

5.7.2 There are no further financial implications arising from this report. The cost of the consultation process will be met from within existing budgets.

MLB 03.01.17

6. Ward Implications

6.1.1 This report has implications for all wards in the District.

7. Background Papers

7.1.2 Local Government (Miscellaneous Provisions) Act 1982.

7.1.3 T&WC Street Trading Policy

7.1.4 EU Regulations 852/2004.

7.1.5 T&WC Street Trading Conditions 2nd June 2015

7.1.6 T&WC Street Trading Information Pack

Report prepared by, Carl Phillips – Licensing Technical Officer - For further information please telephone 01952- 381818 or email licensing@telford.gov.uk.

Street Trading - Policy Statement

Portfolio	Neighbourhood and Customer Services
Business Unit	Public Protection
Service Area	Licensing

Underlying Principles

1. Street Trading is regarded as an acceptable activity in Telford & Wrekin and all streets are designated as consent streets.
2. The Council is the responsible authority for granting Street Trading Consents in Telford & Wrekin and will ensure that traders operate in accordance with conditions attached to such Consents (Appendix D).
3. The Council accepts that Telford & Wrekin comprises distinct areas with differing historic and commercial characters, and varying streetscape qualities, which should be individually developed and promoted.
4. The Council may consult with the following agencies on an initial/first application for a Street Trading Consent (this includes a Street Trading Consent that has lapsed for a period of more than two months) or any subsequent application for the renewal of a Street Trading Consent :
 - The Highways Authority
 - The Chief Officer of Police;
 - Public Protection – Compliance Team
 - Public Protection – Environmental Health
 - Public Protection - Trading Standards
 - The Local Planning Authority
 - **The Council's Community Safety, Cohesion and Environmental Enforcement Team**
 - **The Council's Waste and Neighbourhood Services**
 - **The Council's Health and Well Being Team**
 - The Parish or Town Council (if any) in who's area the applicant is wishing to trade;
 - The Ward Councillors; and
 - The owners/occupiers of any land upon which the applicant wishes to trade
 - The owners/occupiers of any properties near to the proposed location of trading.
 - Any other relevant agency
5. The Crime and Disorder Act 1998 stresses the need to take positive action to combat crime and the fear of crime. Therefore, prior to granting any Street Trading Consent the Council will pay particular attention to any potential crime and disorder arising directly or indirectly from the Consent and will give significant weight to the views of the Police and Community Safety Officer.
6. The Council may issue a Consent for up to one year or a lesser period where appropriate if the trading activity is seasonal or of a temporary nature. A street trading consent cannot be granted to anyone under 17 years of age.
7. Applications will only be considered where an applicant has completed an application form and will not be granted unless an applicant has paid the appropriate Consent fee.

8. Applications for a Street Trading Consent will be considered and determined under the Council's Scheme of Delegation by the Principal Licensing Officer, or otherwise by the Council's Licensing Committee.
9. Where more than one trader applies for Consent to trade from an approved site, the applications will be referred to the Council's Licensing Committee.
10. The holder of a street trading consent may employ people to assist with the trading activity without a further consent being required.

Criteria for Considering Applications for Street Trading

When considering an initial/first application (this includes a Street Trading Consent that has lapsed for a period of more than two months) or any subsequent renewal application for a Street Trading Consent, the Council will take into account the following matters when reaching its decision:

1. Responses from Consultees and other interested parties.
2. The proposed siting and design of the street trading vehicle/stall plus equipment and whether or not it enhances the area within the immediate vicinity.
3. Any potential obstruction to the free flow of pedestrians or of vehicles in the street, with special regard for the visually impaired.
4. Road safety, either arising from the siting of the street trading vehicle or as a result of customer visiting or leaving the site, including existing traffic orders and waiting restrictions.
5. The nature of the proposed goods to be traded and whether this will create conflict with the trade of adjacent, established shops.
6. Whether the proposed siting of the street trading vehicle obstructs the frontage of adjacent established shops.
7. The numbers, distribution and location of existing street trading consents.
8. The likelihood of excessive noise, odour and litter being generated.
9. Whether the proposal would conflict with any other policies of the Council.
10. Obtaining of any other required permissions or consents ??

Revocation of Street Trading Consents

We may revoke a street trading consent. This may be for a variety of reasons such as non-compliance with conditions, non-payment or because other agencies such as the utility companies require access to the trading location.

Street traders do not benefit from any statutory procedural safeguards before we revoke consents. If consent is revoked, there is no statutory right of appeal against the decision other than judicial review. In the absence of statutory procedures, we will observe the rules of natural justice before we will impose a revocation and we will treat the consent on this basis as an existing privilege.

Following a revocation, the person or company issued with the street trading consent shall have no claim against the Council.

The holder of a street trading consent may at any time surrender the consent to the Council whereupon it shall cease to be valid.

Appeals relating to Consents

No right of appeal to the criminal courts exists in respect of a refusal, revocation or variation of a street trading consent. We will exercise discretion in these matters that are subject only to the principles exercised by the courts in judicial review proceedings.

Fees and Charges

Fees and charges will be set and reviewed annually. Such fees will be set as we reasonably consider will cover the total cost of operating the street trading scheme.

We may determine different fees for different types of consent according to the duration of the consent, the street in which it authorises trading, and the description of articles in which the holder is authorised to trade.

Enforcement costs associated with authorised traders are included within fees and charges.

Offences

The adopted street trading legislation is statutory in nature. There are criminal sanctions available for street traders in breach of obligations imposed by the law.

The following are street trading offences:

- Engaging in street trading in a consent street without the appropriate authorisation granted by the Council
- Breach of any of the conditions included in a consent in relation to the time and place in which trading is permitted
- Trading as a consent holder from a stationary van, cart, barrow or other vehicle unless permission has been granted
- Trading as a consent holder from a portable stall unless permission has been granted to do so
- Knowingly making a false statement in support of a licence application

Enforcement

All traders are required to take all reasonable precautions and exercise all due diligence to avoid the commission of any offences.

Licensing enforcement staff will act fairly and consistently when enforcing the provisions of the street trading legislation and consent conditions. The Council's policy on enforcement is available on the Council's website.

A highway authority has the power to remove obstructions from the highway and so may remove stalls or trestles or any other structures used for trading which cause an unlawful obstruction.

Persons trading without authorisation and not subject to exemptions will be the subject of pro-active enforcement action in accordance with our policy on enforcement.

In general, the Public Protection Enforcement Team will take the lead role on the investigation and, where appropriate, the prosecution of unlawful street trading.

Licensing Services will work with the police and other enforcing authorities to provide for the targeting of agreed problem or high-risk areas and issues. A lighter touch will be applied to those Consent Holders that are shown to have well managed and maintained operations.

In cases where action of a more formal nature is considered appropriate, the key principles of consistency, transparency and proportionality will be applied.

Conditions Attached to Authorisations for Street Trading

The Council will normally apply standard conditions to street trading authorisations. The standard conditions listed in Appendix D are not exhaustive and other conditions may be added to individual consents where appropriate. The standard conditions relate to public safety, public nuisance and amenity of localities.

Other Relevant Legislation

In addition to conditions attached by us, applicants should always ensure that they comply with the requirements of any other relevant legislation, which may influence their business.

Changes to Street Trading Policy

We reserve the right to amend this policy and its appendices from time to time, following proper consultation where appropriate. If you have a hard copy of this document, to ensure that it is current, please contact the Licensing Services section or refer to the Council's website. If you have any comments as regards this policy, please do not hesitate to contact us.



Portfolio	Customer & Neighbourhood Services
Business Unit	Public Protection
Service Area	Licensing

Street Trading – Consultation

List of consultees

- Chief Constable for West Mercia Police
- Police Licensing Officer for Telford and Wrekin area
- Shropshire Fire and Rescue Service
- Shropshire Chamber and Business Link
- Wellington Chamber of Commerce
- Telford and Wrekin Council Members
- Local Safeguarding Children Board
- Environmental Health Section – Telford and Wrekin Council
- Trading Standards – Telford and Wrekin Council
- Planning – Telford and Wrekin Council
- Regeneration Section – Telford and Wrekin Council
- Tourism Section – Telford & Wrekin Council
- Equalities and diversity – Telford & Wrekin Council
- Safer and Stronger Communities partnership – Telford & Wrekin Council
- Telford and Wrekin PCT
- British Hospitality and Restaurant Association

- All current street traders

Town and Parish Councils and Local CSOs for the following areas:

- Chetwynd Parish Council
- Chetwynd Aston & Woodcote Parish Council
- Church Aston Parish Council
- Dawley Hamlets Parish Council
- Edgmond Parish Council
- Ercall Magna Parish Council
- Great Dawley Parish Council
- Hadley & Leegomery Parish Council
- Hollinswood & Randlay Parish Council
- Ketley Parish Council
- Kynnersley Parish Council
- Lawley and Overdale Parish Council

- Little Wenlock Parish Council
- Lilleshall & Donnington Parish Council
- Madeley Parish Council
- Newport Town Council
- Oakengates Town Council
- Rodington Parish Council
- St Georges & Priorslee Parish Council
- Stirchley & Brookside Parish Council
- Tibberton & Cherrington Parish Council
- The Gorge Parish Council
- Waters Upton Parish Council
- Wellington Town Council
- Wrockwardine Parish Council
- Wrockwardine Wood & Trench Parish Council
- Preston on the Wealdmoors
- Eyton on the Wealdmoors

Residents Associations

- Longacres Residents Association
- SORT Residents Ltd
- Stephenson's Apartments Residents Association
- Racedoor Residents Association

Schools

All schools in Telford and Wrekin area
Libraries – all in Telford & Wrekin area

Community Impact Assessment

It is intended that you complete this form if you have identified a high negative impact to our communities and employees.

Sections 1 & 2 should be completed early in policy development and before any consultation/engagement activity takes place

Sections 3 & 4 should be completed before policy approval.

You will find the information from this assessment useful for the Equality Implications section of any report you are completing.

Section 1 – Overview

1. What is the title of the policy?

Review of the Council's Street Trading Policy Statement

2. What are the objectives of the policy? The objective is to consider and consult with partners, the community and existing street traders on:

1. The reviewing the current Policy Statement applicable to street trading consents.

3. This policy affects

- Existing Street Traders and those applicants who are considering applications.
- People who use street trading units.
- Residents and Businesses that are near street trading operators.

4. What period does the policy cover?

The consultation will commence after 17th January 2017 and will be undertaken over a eight week period.

5. Your contact details:

Name of person completing impact assessment and their post	Carl Phillips, Licensing Technical Officer
Telephone	01952 382317
Date	23 rd December 2016

Section 2 – Impact Assessment

a) Community Impact

1. Will the policy contribute to specific Priority Plan objective(s)?

Yes (go to Q2)

2. The Policy contributes to the following [Priority Plan objectives](#)

1. 'Business Supporting, Business Winning Council'

Ensure Compliance – Business

3. Will this policy have a significant impact on any of the following groups of people? Please mark all boxes indicating whether an impact has occurred, this could be **positive** or **negative**. Mark **None** if there is no impact. Help boxes are available to assist.

People of different ages

[Helpbox - Age](#)

People with ill health or people with a disability

[Helpbox - Disability](#)

People of different gender

[Helpbox - Gender \(Sex\)](#)

People who are transgender

[Helpbox - Transgender](#)

Different racial groups

[Helpbox - Race](#)

People with different religion or beliefs

[Helpbox - Religion or Beliefs](#)

People of different sexual orientation

[Helpbox - Sexual Orientation](#)

Women who are pregnant or breast-feeding

[Helpbox -Pregnancy and Maternity](#)

People that are married or in a civil partnership

[Helpbox - Marriage or Civil Partnership](#)

People affected by deprivation

[Helpbox - people affected by deprivation](#)

	Impact (X)		
	Positive	Negative	None
People of different ages Helpbox - Age			X
People with ill health or people with a disability Helpbox - Disability			X
People of different gender Helpbox - Gender (Sex)			x
People who are transgender Helpbox - Transgender			X
Different racial groups Helpbox - Race			X
People with different religion or beliefs Helpbox - Religion or Beliefs			X
People of different sexual orientation Helpbox - Sexual Orientation			X
Women who are pregnant or breast-feeding Helpbox -Pregnancy and Maternity			X
People that are married or in a civil partnership Helpbox - Marriage or Civil Partnership			X
People affected by deprivation Helpbox - people affected by deprivation			X

Appendix C

4. What is the expected impact?

Whilst the Licensing Service believe that there will be no significant impact on the above groups

5. What engagement and consultation have you already carried out?

A full consultation exercise will be undertaken after 17th January 2016 with the street traders, partner organisations, Councillors, Town & Parish Councils, Residents Associations, Community Associations. The consultation will finish on 17th March 2017. In addition the consultation will be published on the Council's website and copies were also placed in libraries within the borough.

You can contact the Community Engagement team for support – 82131

You are at the end of Section 2 - have you completed all questions in this section?

Please ensure all questions are answered and then send your information to;
Equalityanddiversity@telford.gov.uk

The Equality and Diversity Team will help you address/respond to any issues in
Section 3 – Mitigating Actions

Section 3 – Mitigating Actions

1. For any significant **negative** impacts identified in Section 2 (Questions 3 & 4), what action have you taken or will you be taking to reduce/manage these impacts?

2. For any significant positive impacts you identified in Section 2 (Questions 3 & 4) what action have you taken or will you be taking to maximise the opportunity?

- 4..The policy contributes to the following aims of the General Equality Duty;
 - **advance equality of opportunity**

Section 4 – Review and Monitoring

1. From what date will this policy be implemented?

Any amendments to the policy resulting from this consultation exercise will be implemented at a date to be determined by the Chair of the Licensing Committee in discussions with the Principal Licensing Officer. Any adverse comments to the consultation will result in the matter being referred back to Members of the Licensing Committee.

2. When will the actual impacts of the policy be monitored and reviewed?

The Licensing Service will collate comments from the consultees and any feedback from the consultation will be reviewed by the Chair of the Licensing Committee and Principal Licensing Officer (and Licensing Committee if appropriate).

3. How will the actual impact of the policy be monitored and reviewed?

Any changes to the Council's Street Trading Policy Statement will be monitored by the Licensing Service on a regular basis. If any concerns come to light after the introduction of the new Policy Statement, every effort will be made to address such matters, and if necessary a further report to Members of the Licensing Committee can be instigated.

Ensure that appropriate confirmation has been given by your line manager.

Appendix C

Line Manager/Head of Service Agreement

Community Impact Assessments will be published online and available on request. This will include the subject document, equality analysis, data sources and consultation evidence.

Please make sure that your Line Manager/Head of Service has been made aware of the content of the impact assessment and that they agree with it.

Arrange for your Line Manager/Head of Service to e-mail confirmation of agreement to; equalityanddiversity@telford.gov.uk

The Equality and Diversity team will create a summary for ease of access, please make sure that you forward any relevant documentation you have referred to with the e-mail.

Thank you conducting this Community Impact Assessment, should you have any questions please contact 01952 382104 or e-mail equalityanddiversity@telford.gov.uk

Local Government (Miscellaneous Provisions) Act 1982

Street Trading – Standard Conditions of Consent

Portfolio	Customer and Neighbourhood Services
Business Unit	Public Protection
Service Area	Licensing

1. Telford & Wrekin Council (“the Council”), pursuant to Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) has adopted Schedule 4 of the Act to control street trading in the district.
2. The Council has resolved that every street within Telford & Wrekin is to be designated as a Consent Street under the Act
3. A street trading Consent is issued by the Council subject to the following conditions, insofar as they do not conflict with or are amended by any specific conditions imposed on the grant of the Consent:-
 - (a) The Consent is valid for the period shown on the Consent
 - (b) The Applicant shall pay a fee to the Council in accordance with the approved list of fees.
 - (c) The Consent may be surrendered by the Applicant at any time, providing that the Council shall repay to the Applicant that part of the fee considered by the Council appropriate for the unexpired period of the licence.
 - (d) The Applicant must at all times while trading display in a prominent position the Consent issued by the Council.
 - (e) The Applicant shall not carry on his/her trade in such a way as to cause obstruction of any part of the street in which he/she is trading, or danger to persons using the street.
 - (f) The Applicant shall not carry on his/her trade in such a way as to cause a nuisance or annoyance to persons using the street or to occupiers in the vicinity.
 - (g) The Applicant shall not sell any type of food, goods or merchandise other than that specified in the Consent.
 - (h) The Applicant must comply with all relevant Food Safety Legislation and have in place a documented food safety management system to include a basic Food Hygiene (Level 2) Certificate. In addition, the applicant should have completed a Safer Food Better Business (SFBB) pack where applicable.

- (i) The Applicant shall provide and maintain, where appropriate, adequate facilities for the collection of litter resulting from his/her trading and at the close of each trading day shall remove any litter resulting from his/her trading from the street. Proof of a Trade Waste Agreement should accompany the application. The Applicant shall be responsible for any damage to the highway or otherwise resulting from the trading activity.
- (j) The Applicant shall make such provision as is necessary to prevent the deposit in any street of solid or liquid refuse occurring from the trading activity and shall not discharge any waste water to the street surface or to the surface water drains.
- (k) The Applicant shall not use any television, tape recorder or other device for the reproduction of sound while trading without the express permission of the Council.
- (l) The Applicant shall not trade outside the times and days permitted by the Consent
- (m) The Applicant shall not trade in any location other than the location permitted by the Consent
- (n) The Consent does not permit sale or display goods within 50 metres of an established commercial premises or within 100 metres of another street trader dealing in the same commodities, during the opening hours of such commercial premises or other trader unless otherwise agreed in writing.
- (o) The Consent does not permit the sale or display for sale goods within 250 metres of any school, college or child nursery.
- (p) Where refuse is generated storage must be provided to the street trading area. The storage must be of a substantial construction, waterproof and animal proof. The refuse must be removed to an approved disposal area at the end of each working day, or, if the amount of refuse warrants it, when the means of the refuse storage is full, whichever is the sooner.
- (q) Any vehicle, stall or container used by the Applicant in the course of street trading shall be constructed and maintained to the satisfaction of the Council and shall comply with legislation in force at the time or any relevant British Standard.
- (r) The use and storage of liquid petroleum gas shall comply with the Code of Practice or requirements of the Fire Officer.
- (s) The Consent shall not operate for any other purpose than to permit the Applicant to trade in a Consent street in accordance with the conditions imposed. The Applicant must ensure that he/she has obtained any other

approval or registration required under any other statutory provisions relevant to his/her trade.

- (t) The Applicant must be 18 years of age or over and shall be responsible at all times for control of the stall. All persons assisting on the stall shall be 18 years of age or over.
 - (u) The Consent is personal to the Applicant and shall not be assigned or transferred to any other person or company.
 - (v) The Applicant or his employee must move his vehicle/stall or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
 - (w) The Applicant shall at all times maintain a valid Third Party Public Liability Insurance policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon the request.
 - (x) Trailers/Food Stalls must have suitable wash hand facilities, (such as running hot & cold water, bowls, soap and provision of paper towels) where applicable
 - (y) Trailers/Food Stalls must have a temperature probe to ensure the correct temperatures are maintained where applicable.
4. Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.
 5. Nothing contained in these conditions shall relieve or excuse the Applicant or his/her employee or agent from any legal duty or liability and the Applicant shall indemnify the Council in respect of all claims, actions, demands or costs arising from trading.
 6. The conditions attached to the Consent may be varied by the Council at any time.
 7. Any breach of these conditions may lead to the Consent being suspended or revoked.
 8. In these conditions “the Consent” means a Consent issued under Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

Telford and Wrekin Council**Licensing Committee – 17 January 2017****Delegation of authority to issue child performance licences, work permits for school age children and chaperone licences****Report of the Service Delivery Manager – School Organisation and Traded Services****1. Purpose**

- 1.1 To inform Members of the proposed level of responsibility to issue performance licences to children from birth to compulsory school leaving age and work permits to children over the age of thirteen years to compulsory school leaving age and to issue chaperone licences to adults who chaperone children.

2. Recommendations

- 2.1.1. That Members of the Licensing Committee approve all powers and duties under part II of the Children and Young Persons Act 1933, except authority to approve prosecution proceedings, be delegated to the Child Employment Officer, the Attendance Support Team Leader, and the Group Manager, Access & Inclusion;
- 2.1.2. That Members of the Licensing Committee approve prosecution proceedings under part II of the Children and Young Persons Act 1933 be delegated to the Service Delivery Manager School Organisation and Traded Services and the Assistant Director: Education and Corporate Parenting;
- 2.1.3 That Members of the Licensing Committee approve all powers and duties under part II of the Children and Young Persons Act 1963, except authority to approve prosecution proceedings, is delegated to the Child Employment Officer, the Attendance Support Team Leader and the Group Manager, Access & Inclusion;
- 2.1.4 That Members of the Licensing Committee approve prosecution proceedings under part II of the Children and Young Persons Act 1963 be delegated to the Service Delivery Manager School Organisation and Traded Services and the Assistant Director: Education and Corporate Parenting;

- 2.1.5 That Members of the Licensing Committee approve that the fee of £25 for issuing a chaperone license to adults, (subject to completion of training and references and any other criteria as required) remains the same until such time that any further report to Committee made by the Local Authority is submitted to revise it. This fee is a true reflection of the administrative costs of processing the licence.

3. Summary

- 3.1.1 All applications for licences and work permits are subject to strict criteria as prescribed in the associated legislation and regulations as detailed in 7.0 – 7.7.
- 3.1.2 The level of fees for chaperone applications were last reviewed in 2012/13 and implemented on 1st April 2013. The fee is to cover all administrative costs. The majority of chaperones are volunteers.

4. Previous Minutes

- 4.1 There are no previous minutes or recordings of any minutes.

5. Information

5.1 Background

- 5.1.1 The Local Authority has responsibility for administering and enforcing requirements and protections for those below compulsory school leaving age taking part in employment or performances (part II Children and Young Persons Act 1933, part II, Children and Young person Act 1963, and the Children (Performances and Activities) (England) Regulations 2014.

- 5.1.2 The issuing of performance licences for children and work permits for children over the age of thirteen is statutory; therefore there is no charge to the applicant for any licence or permit issued. However, all license applications are subject to criteria in Regulations as detailed in 5.1.1 above.

An application for the current level of fees and charges for chaperone applications is included in this report and requested to be implemented by the Licensing Authority in January 2017. A further review will be carried out towards the end of this financial year.

5.2 Equal Opportunities

- 5.2.1 All applications for licences or work permits are considered in line with regulations and legislation detailed in section

7.0 – 7.7 which comply with the Human Rights Act 1998 and the Equal Opportunities Act 2010

5.3 Environmental Impact

5.3.1 Not applicable for the purposes of this report.

Legal Comment

5.4.1 The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute. The Committee may also delegate its powers and functions to officers.

5.4.2 The power to levy fees is contained in the legislation relevant to each function or otherwise in the Local Government Act 2003 in relation to discretionary services. Licensing is not a revenue raising function and licensing fees should cover the costs associated with the licensing process but not generate a profit. The EU Services Directive requires non-discriminatory, justified, proportionate, clear, objective, public, transparent and accessible process for the setting of fees.

5.4.3 The power to licence the employment of children is a matter reserved to full Council and which is delegated under the Council's Constitution to Licensing Committee. Similarly by virtue of Section 101(2) of the Local Government Act 1972 Licensing Committee may arrange for the discharge of its functions by an officer of the authority.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following priorities:

- Put our Children & Young People first
- Improve local people's prospects through education and skills training
- Protect and support our Vulnerable Children and Adults

5.6 Financial Comment

5.6.1 Licensing is not a revenue raising function and licensing fees should cover the costs associated with the licensing process but not generate a profit. Any variations against this statement will be reported through the financial monitoring process in 2016/2017.

5.7 Risks and Opportunities

- 5.7.1 The following key risks and opportunities associated with this report have been identified and assessed and arrangements will be put in place to manage them.
- 5.7.2 Section 28 of the 1933 Act covers Powers of Entry for an officer of the Local Authority to enter any premises where a performance or entertainment is being performed by children, without prior notice, to establish that the children are being properly supervised and cared for.
- 5.7.3 Licensed Chaperones will adhere to the Child Protection policy at all times.

6. Ward Implications

- 6.1 This report has Borough & County wide implications

7. Background Papers

- 7.1 Children and Young Persons Act 1933
- 7.2 Children and Young Persons Act 1963
- 7.3 The Children Act 1989
- 7.4 The Children Act 2004
- 7.5 The Education Act 1996
- 7.6 The Children (Performance and Activities) (England) Regulations 2014
- 7.7 Telford & Wrekin and Shropshire County Council Child Employment Byelaws

Report prepared by, Kay Burford, Attendance Support Team Leader, 01952 385220 representing the SDM - School Organisation and Traded Services

Telford & Wrekin Council**Licensing Committee – 17 January 2017****Review of the Council's Hackney Carriage and Private Hire Licence Condition Relating to Tinted Windows****Report of the Service Delivery Manager, Public Protection****1. Purpose & Summary**

- 1.1 For Members to consider, and approve a revision to the Council's Hackney Carriage and Private Hire Vehicle Licensing Conditions on tinted windows.
- 1.2 An increasing number of vehicles now come with standard manufacturer fitted tinted windows that would comply with the Council's current policy as they are factory fitted. However the glass used in some vehicle windows now is so dark that even though it may comply with vehicle construction standards such that vehicle occupants may be able to adequately see out of the vehicle, passengers cannot be seen from the outside.
- 1.3 This presents a serious concern in respect of the safety of passengers within licensed Private Hire Vehicles and Hackney Carriages.
- 1.4 It is proposed therefore to amend the Council's conditions of licence for Private Hire Vehicles and Hackney Carriages in respect of the level of permitted tint of vehicle windows as follows :

"Any vehicle submitted for licence which is fitted with tinted windows must have windows which are factory fitted options at the time of the manufacture of the vehicle;and

The vehicle shall be constructed and/or designed so as to enable passengers to be seen in the vehicle from any direction when observed from outside of the vehicle; and

Glass shall have a minimum light transmittance of 75% for the front windscreen, 70% for the front side windows and 34% for all other vehicle window glass.

2. Recommendations

Having considered all relevant information, Members:

- 2.1 Approve an eight week consultation on the proposed amendment to the Council's Hackney Carriage Condition of Licence number 3 and the Councils Private Hire Vehicle Condition of Licence number 6.1.4 Condition of Vehicle.
- 2.2 Delegate that the Chair of the Licensing Committee in conjunction with the Principal Licensing Officer consider the responses of the consultation process.
- 2.3 If following consideration of the consultation responses the Chair of the Licensing Committee and the Principal Licensing Officer determine that it is appropriate for the proposed condition to remain unchanged then the Committee delegate power to the Principal Licensing Officer to implement the condition with an immediate effect. However if there is any significant matter or issue which arises out of the consultation response or in their considerations under recommendation 2.2 above the Chair of the Licensing Committee and the Principal Licensing Officer determine that the proposed condition should be further amended then the matter shall be referred back to Committee for further consideration and determination.

3. Background & Information

- 3.1 Sections 47(1), 47(2) and 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 [LG(MP)A 1976] allows licensing authorities in this case Telford & Wrekin Council to attach to the grant of Private Hire and Hackney Carriage Licences certain conditions that they consider reasonably necessary.
- 3.2 Officers have reviewed the Council's conditions of licence relating to privacy windows, in light of up to date vehicle manufacturing standards.
- 3.3 The purpose of licensing Hackney Carriages and Private Hire Vehicles, Drivers and Operators is for the provision of a safe and accessible service to the public, which includes the protection of children and vulnerable people.
- 3.4 Most local authorities have policies in place in relation to tinted windows in licensed vehicles which vary across the country. For the information of the Committee, policies from some local authorities in the West Midlands and other Regions are attached at **Appendix A**.
- 3.5 Condition 6.1.4 of Telford & Wrekin Council's Private Hire Vehicle Licence conditions states: *The Council shall refuse any vehicle*

submitted for licence which is fitted with tinted windows to the rear of the driver which are not factory fitted options at the time of the manufacture of the vehicle.

- 3.6 There is currently no similar Condition of Licence for Hackney Carriages. Following the amendment to policy which takes effect on 1st April 2017, allowing multi-purpose vehicles to be put forward to be licensed as Hackney Carriages, it is proposed that a condition relating to tinted windows be added to Hackney Carriage Licence Conditions.
- 3.7 An increasing number of vehicles now come with standard manufacturer fitted tinted windows that would comply with the Council's current policy as they are factory fitted, but which are so dark that passengers could not be seen from the outside.
- 3.8 The amount of light, which must pass through the windscreen and front side windows of motor vehicles, is governed by The Motor Vehicle (Construction and Use) Regulations, 1986 as amended:-
For Motor Vehicles first used after 1st April 1985: 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
- 3.9 There is no legal requirement for how much light must pass through the remaining windows. There are a number of vehicle manufacturers that offer the option of very dark windows, as well as a large number of companies offering after-market window tinting. In addition, very dark or heavily tinted windows are mainly fitted as standard in higher class models or makes of vehicles.
- 3.10 Section 30 of the Department for Transport's Taxi and Private Hire Best Practice document that most licensing authorities have regard to when implementing policies or conditions states:

The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

- 3.11 Private Hire and Hackney Carriage vehicles provide a valuable public transport service for schools, social services, local residents and visitors to Telford and the reasons for having clear visibility in the rear of a licensed vehicle are :

- VOSA state that excessively tinted glass restricts a driver's vision, especially in dark conditions. This may prevent drivers from seeing other road users or pedestrians.

- Activities taking place in the vehicle cannot be viewed from the outside, posing both a risk to both passengers and driver.
- Enforcement officers need to see that the maximum number of passengers is not being exceeded.
- Vulnerable passengers such as lone females and young persons will feel safer in a vehicle where they can be seen.
- To ensure public safety and the wellbeing of the passengers and drivers.

3.12 Public safety is an important aspect for the committee to consider when resolving to approve a condition of licence or revised condition. The Licensing Service is raising awareness of Child Sexual Exploitation (CSE) with the hackney carriage and private hire trade and training on CSE is included in the Council's Driver Awareness Training.

3.13 It is proposed to amend the Council's conditions of licence for Private Hire Vehicles and Hackney Carriages as follows

“Any vehicle submitted for licence which is fitted with tinted windows must have windows which are factory fitted options at the time of the manufacture of the vehicle; and

The vehicle shall be constructed and/or designed so as to enable passengers to be seen in the vehicle from any direction when observed from outside of the vehicle; and

Glass shall have a minimum light transmittance of 75% for the front windscreen, 70% for the front side windows and 34% for all other vehicle window glass.”

3.14 If the proposed amendment to the Council's Conditions of Licence for Hackney Carriages and Private Hire Vehicles is implemented, it is proposed that the level of tint will be measured with a light transmission metre by the Council's approved testing officer at the time the vehicle is presented for compliance testing.

4.0 Equal Opportunities

4.1 A Community Impact Assessment has been carried out and is attached at **Appendix B**.

5.0 Environmental Impact

5.1 There is no environmental impact arising from this report.

6.0 Legal Comment

6.1 The Council has a duty to provide for the licensing of hackney carriages under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous

Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must provide for the licensing of private hire drivers, vehicles and operators.

- 6.2 The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing standard licence conditions and licensing fees other than those set by statute.
- 6.3 Before issuing any new licence conditions or amendments the authority has an implied duty, and it is good practice to do so in line with the Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010) to consult all relevant parties.
- 6.4 Although standard licence conditions protect the safety and welfare of fair paying passengers they also ensure applicants, existing drivers and operators alike are aware of the standards they will have to maintain, and enable officers to guarantee all licence holders are treated fairly and consistently.

7.0 Links with Corporate Priorities

This report has links to the following Corporate Priorities:

- Protect and support our vulnerable children and adults

8.0 Opportunities and Risks

- 8.1 In proposing this action the Corporate Risk Management Methodology has been complied with.
- 8.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.
 - (i) The Financial risks to the Council in the event of a legal challenge to the change in Policy and or Conditions.

9.0 Financial Implications

- 9.1 The cost of the consultation exercise on Private Hire and Hackney Carriage vehicle conditions will be met from existing budgets. There is no additional cost to the Council of using the light transmission meter for compliance testing as referred to in paragraph 5.1.15. There are no further financial implications arising from this report. MLB 04.01.17

10. Ward Implications

- 10.1 This report has implications for all wards in the Borough.

11. Background Papers

- Local Government (Miscellaneous Provisions) Act 1976.
- Town Police Clauses Act 1847
- Conditions of Licence for Hackney Carriages - Telford & Wrekin Council
- Conditions of Licence for Private Hire Vehicles - Telford & Wrekin Council
- Manual of Inspection Standards for Licensed Vehicle Testing and Compliance Standards - Telford & Wrekin Council
- Tinted Windows - Vehicle & Operator Services Agency
- Taxi and Private Hire Vehicle Licensing Best Practice Guidance – Department for Transport

Report prepared by Suzanne Fisher, Principal Licensing Officer.
For further information please telephone 01952-381818 or email licensing@telford.gov.uk.

Local Authority	Condition on Tinted Windows
Shropshire Council	No condition
Sandwell BC	Factory Fitted
East Staffordshire BC	Factory Fitted
Walsall Council	Factory Fitted
Birmingham City Council	Factory Fitted
Cannock Chase DC	Darkened Windows allowed in PHVs but not HCs
Coventry City Council	The rear window/screen, and any other window (e.g. small quarter lights) must permit at least 40% light transmittance.
North Tyneside	<p><i>The vehicle shall be so designed as to enable passengers to be seen in the vehicle in all directions. Glass shall have a minimum light transmittance of 75% for the front windscreen, 70% for the front side windows and 34% for all other vehicle window glass.</i></p> <p><i>Licensing Officers are able to exercise their discretion as to the suitability of a vehicle where the light transmittance of the windows is below 34%. This discretion however does not apply to the front windscreen or the front side windows.</i></p>

Community Impact Assessment

Section 1 – Overview

1. What is the title of the policy?

Review of Hackney Carriage and Private Hire Vehicle Conditions of Licence pertaining to tinted windows.

2. What are the objectives of the policy?

The objective is to consider and consult with partners, the community and the Hackney Carriage and Private Hire trade on the review of the Council's conditions of licence relating to privacy window.

3. This policy affects

- Licence Holders
- People who use Hackney Carriages and Private Hire Vehicles
- Partners

4. What period does the policy cover?

The condition of licence relating to tinted windows in licensed vehicles will be considered by Members of the Council's Licensing Committee on 17th January 2017.

5. Your contact details:

Name of person completing impact assessment and their post	Suzanne Fisher Principal Licensing Officer
Telephone	01952 381818
Date	22 nd December 2016

Section 2 – Impact Assessment

a) Community Impact

1. Will the policy contribute to specific Priority Plan objective(s)?

Yes

2. The Policy contributes to the following [Priority Plan objectives](#)

- Protect and support our vulnerable children and adults

3. Will this policy have a significant impact on any of the following groups of people?

People of different ages

[Helpbox - Age](#)

People with ill health or people with a disability

[Helpbox - Disability](#)

People of different gender

[Helpbox - Gender \(Sex\)](#)

People who are transgender

[Helpbox - Transgender](#)

Different racial groups

[Helpbox - Race](#)

People with different religion or beliefs

[Helpbox - Religion or Beliefs](#)

People of different sexual orientation

[Helpbox - Sexual Orientation](#)

Women who are pregnant or breast-feeding

[Helpbox -Pregnancy and Maternity](#)

People that are married or in a civil partnership

[Helpbox - Marriage or Civil Partnership](#)

People affected by deprivation

[Helpbox - people affected by deprivation](#)

	Impact (X)		
	Positive	Negative	None
People of different ages Helpbox - Age	X		
People with ill health or people with a disability Helpbox - Disability	X		
People of different gender Helpbox - Gender (Sex)	X		
People who are transgender Helpbox - Transgender			X
Different racial groups Helpbox - Race			X
People with different religion or beliefs Helpbox - Religion or Beliefs			X
People of different sexual orientation Helpbox - Sexual Orientation			X
Women who are pregnant or breast-feeding Helpbox -Pregnancy and Maternity			X
People that are married or in a civil partnership Helpbox - Marriage or Civil Partnership			X
People affected by deprivation Helpbox - people affected by deprivation			X

4. What is the expected impact?

People of different ages

This policy will have a positive impact on residents and visitors in Telford of all ages who use licensed vehicles. Passengers will feel safer in a vehicle where they can be seen.

People with ill health or people with a disability

The policy will have a positive impact on people with ill health or people with a disability as the review looks to include hackney carriage vehicles which are wheel chair accessible. This condition of licence is proposed to ensure public safety and the wellbeing of the passengers and drivers.

People of different gender

This policy will have a positive impact on young females who according to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, are one of the largest groups of users of taxis and private hire vehicles. The equality data collected by the Licensing Service shows that 97% of licensed drivers are male and therefore, those licence holders who are the only income earner in households will have a wider choice of vehicle to choose from when purchasing a vehicle.

The review this condition of licence is based on Telford & Wrekin Council's continued commitment to the safety and the quality of its Hackney Carriage and Private Hire service.

Excessively tinted glass restricts a driver's vision, especially in dark conditions. Activities taking place in the vehicle cannot be viewed from the outside posing both a risk to both passengers and driver.

I have no evidence which indicates that this policy will impact on the following characteristics.

People who are transgender.

People with different religion or beliefs

People of different sexual orientation

Women who are pregnant or breastfeeding

People that are married or in a civil partnership

People affected by deprivation.

A full 8 week consultation will be carried out before the policy is implemented with the taxi trade, partner organisations, Councillors, Town & Parish Councils, Residents Associations, Community Associations and Disability Forums. In addition the consultation will be published on the Council's website.

Section 3 – Mitigating Actions

Section 3 – Mitigating Actions

If the proposed change to the condition relating to the type of vehicle which the Council will licence as a Hackney Carriage is implemented, more drivers will be trained in relation to their responsibilities under the Equality Act 2010.

The policy contributes to the following aims of the General Equality Duty;

- **advance equality of opportunity**
- **foster good relations between different groups**

Section 4 – Review and Monitoring

1. From what date will this policy be implemented?

Any amendments to conditions of licences resulting from the Licensing Committee hearing on 17 th January 2017 will not be implemented until after the 8 week consultation has finished.
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2. When will the actual impacts of the policy be monitored and reviewed?

The impacts of the condition of licence will be reviewed after a period of 12 months from implementation.

3. How will the actual impact of the policy be monitored and reviewed?

Any changes to the Council's conditions of licence resulting from this policy will be monitored by the Licensing Service in relation to data retained on licensed drivers and licensed vehicles on the Council's Licensing databases. This will include the numbers and types of vehicles licenced and nature of complaints from service users relating to drivers and/or vehicles.