

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

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