

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING  
POLICY – ACCEPTABLE LEVEL OF TINT ON WINDOWS**

Relevant Portfolio Holder	Councillor P J Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

The Licensing Committee has previously consulted upon and considered a number of options in relation to a requirement contained in the Council's Hackney Carriage and Private Hire Licensing Policies about the level of tint permitted on the windows of licensed Hackney Carriage and Private Hire Vehicles.

Members have previously deferred making a decision on this matter and asked officers to conduct further research. Further research has now been undertaken and therefore Members are asked to give further consideration to this matter.

**2. RECOMMENDATIONS**

**That Members consider the content of the report and RESOLVE which of the five options set out at paragraph 3.X they would like to proceed with.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The cost of carrying out the original consultation and additional research have been met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 The Council's current policies in relation to the operation of Private Hire Licences and Hackney Carriage Licences are set out in the Taxi Handbook and associated guidance issued by the Council.

- 3.3 Whilst there are no scheduled reviews due to be undertaken in relation to the Council's policies, the specific matter under consideration has arisen as a matter directly brought to the attention of the Licensing Committee. Any proposed changes to the council's policy should take account of the responses to the consultation.

**Service / Operational Implications**

- 3.4 Between December 2017 and February 2018 the Council consulted on some proposed amendments to the Council's policies on the licensing of Hackney Carriage and Private Hire vehicles and drivers, which are contained in the Council's Hackney Carriage and Private Hire Handbook.
- 3.5 The proposals related to two areas within the policies that have caused some difficulty since the Hackney Carriage and Private Hire Handbook had last been updated in March 2016.
- 3.6 One of these areas of difficulty was the requirement in relation to vehicles licensed as Hackney Carriage or Private Hire Vehicles that states:

*“Any vehicle to be licensed for the first time, with the exception of special event vehicles, is NOT permitted to have a tint where they conceal the identity of the passenger inside. The Licensing Officer will examine a vehicle prior to test to ensure that the level of tint on the windows does not conceal the identity of passengers inside the vehicle.”*

- 3.7 The consultation set out five potential options and asked respondents to list the options in order of preference. The five options consulted upon were:

Option A	Remove the requirement from the handbook altogether. This would mean that, provided that the glass complies with the Construction and Use Regulations, the vehicle would be acceptable for licensing as a hackney carriage or private hire vehicle
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Option B	To remove the requirement from the handbook and replace it with a requirement that the windows of the vehicle allow a defined amount of visible light to be transmitted through the glass. The precise amount of visible light to be transmitted would be set following further research and consultation.
Option C	To remove the requirement from the handbook and replace it with a requirement that the vehicle windows cannot be fitted with privacy glass (entirely black or reflective glass).
Option D	To remove the requirement from the handbook and replace it with a requirement that the glass is to factory standard and vehicles are presented to licensing in an unmodified state, vehicles fitted with films, foils, or any other aftermarket tinting will be refused a licence, unless the tinting is removed and the vehicle returned to the manufacturer's standard specification.
Option E	Leave the wording in the handbook as it is currently

3.8 On 12<sup>th</sup> March 2018, the Licensing Committee considered the results of the consultation. The responses received can be seen at **Appendix 1**.

3.9 The Committee debated all five options in some depth and raised a number of questions on the use of the window tint meter purchased by WRS; which measured the total amount of visual light transmission through a window and any coatings on a window. At the conclusion of the debate Members resolved:

- that a decision on the acceptable level of tint on windows of licensed hackney carriages and private hire vehicles be deferred; and
- that officers be tasked to conduct further research in respect of the precise amount of visible light to be transmitted, to include testing those vehicles that have been presented to licensing Sub- Committees; and

- that the research information be brought back to a future meeting of the Licensing Committee for consideration, together with the options as detailed in the report.
- 3.10 Since the Licensing Committee on 12<sup>th</sup> March 2018, officers have been attempting to gather information to try and assist Member to reach a decision on this matter. Officers have been attempting to gather the following information:
- Information from vehicle manufacturers as to the amount of visible light that is transmitted through standard factory fitted windows on models of vehicles that are commonly licensed as Hackney Carriage and Private Hire vehicles.
  - How much visible light is transmitted through the rear windows of vehicles that have been accepted for licensing at Licensing Sub-Committees in the past year.
  - What policies other licensing authorities have adopted in relation to this issue.
  - Any relevant guidance from the Department for Transport
- 3.11 Officers wrote to a number of vehicle manufacturers, but unfortunately have not received any responses.
- 3.12 Officers have used equipment to measure the amount of visible light transmitted through the rear windows of vehicles that have been accepted for licensing by Licensing Sub-Committees in recent years.
- 3.13 In total 9 licensed vehicles have been tested and the amount of visible light transmitted through the rear windows of each vehicle was as follows:
- 3%, 14%, 14%, 16%, 21%, 24%, 34%, 36%, 74%
- 3.14 The results of the research into the policies in place in other local authority areas is summarised at **Appendix 2**.
- 3.15 The Department for Transport's publication "*Taxi and Private Hire Vehicle Licensing: Best Practice Guidance*" says on the following in relation to tinted windows on licensed vehicles:

**“Tinted Windows**

*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.”*

- 3.16 Members are asked to consider the additional information gathered by officers and resolve which of the five options set out at paragraph 3.X they would like to proceed with.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

Appendix 1 – Consultation Responses

Appendix 2 – Policies in place in other areas

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