

Telford & Wrekin Council

Licensing Committee – 27th October 2020

Review of the Council's Private Hire Vehicle and Hackney Carriage Condition of Licence for Tinted Windows

Report of the Service Delivery Manager, Public Protection

1. Purpose

1.1 For Members to review the following condition of licence :

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 Consider the responses of the consultation process.

and

2.1.1 Resolve to maintain the current licence condition relating to tinted windows for hackney carriages and standard private hire vehicles as outlined in 1. above.

or

2.1.2 Resolve to amend the current licence condition relating to tinted windows for hackney carriages and standard private hire vehicles to read :

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

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 a licensing authority to attach to the grant of Private Hire and Hackney Carriage Licences certain conditions that they consider reasonably necessary.
- 3.2 The Principal Licensing Officer has received two requests to review the Council's condition of licence relating to tinted windows on standard private hire vehicles which was implemented by the Council's Licensing Committee on 1st July 2017. The requests are attached at **Appendix A**.
- 3.3 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
- 3.4 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.
- 3.5 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:
- To ensure public safety and the wellbeing of the passengers and drivers.
 - Activities taking place in the vehicle cannot be viewed from the outside, posing both a risk to both passengers and driver.
 - Council Licensing officers need to see whether there are any passengers in a vehicle and if there are, that the maximum number of passengers is not being exceeded.
 - Passenger need to be able to see who is in the vehicle before they get into it.
 - Vulnerable passengers such as lone females and young persons will feel safer in a vehicle where they can be seen.

- 3.6 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.
- 3.7 The Licensing Service has researched the standard specification for tinted windows for the vehicles on the Council's approved lists of private hire vehicles and hackney carriages. The results are attached at **Appendix B**.
- 3.8 The Principal Licensing Officer has in January and February 2020 received 5 requests from vehicle proprietors to add the following makes and models of vehicles to the Council's approved list of private hire vehicles. These vehicles all complied with the current Council's condition pertaining to window tint levels:
- Skoda Rapid
 - Skoda Fabia Estate
 - Hyundai 140
 - Peugeot 2008
 - Suzuki Baleno
- 3.9 The Licensing Service carried out a public consultation between 4th March 2020 and 1st April 2020 on the review of the Council's licence condition for tinted windows. The consultation document is attached at **Appendix C**. The document was displayed for public viewing on the Council's Licensing webpage, on the Council's online consultation library and in Reception at Southwater One, Darby House and Addenbrooke House.
- 3.8.1 The Licensing Service consulted specifically with the following :
- Town and Parish Councils
 - Ward Members
 - West Mercia Police
 - Shropshire Fire Service
 - Independent Safeguarding
 - Public Health
 - Hackney Carriage and Private Hire Vehicle Proprietors
 - Dual Drivers
 - Private Hire Operators
- 3.10 The Licensing Service received eleven responses to the Consultation of which:
- 3.10.1 **Seven** responses are in support of maintaining the existing condition and these responses are attached at **Appendix D**

3.10.2 **Two** responses would like to see either the level of tint maintained/lightened or lightened/tint at all and these are attached at **Appendix E**.

3.10.3 **Two** responses would like to see no specification to the level of tint permitted other than the windows being required to be factory fitted at the time of manufacture i.e. remove the percentage of light transmittance permitted in licensed vehicles from the existing licence condition.

These responses are attached at **Appendix F**. One is from A2Z Licensing which attaches a petition on behalf of Diamond Cars and Go Carz and one is from a driver who has submitted his own response and has also signed the petition. The petition has 139 signatures.

The petition asks for licensed vehicles to be permitted to have “manufacturer’s tinted glass”. The reasons given for this are that it will reduce the risk of small children and babies suffering sun stroke and that it will reduce exhaust emissions by reducing the need to open windows or use air conditioning.

4.0 Previous Minutes

4.1 LC-17 17th January 2017

5.0 Equal Opportunities

5.1 A Community Impact Assessment has been carried out and is attached at **Appendix G**.

6.0 Environmental Impact

6.1 There is no environmental impact arising from this report.

7.0 Legal Comment

7.1 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.

7.2 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.

7.3 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.

7.4 Although standard licence conditions protect the safety and welfare of fare 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.

8.0 Links with Corporate Priorities

8.1 This report has links to the following Corporate Priorities:

- Every child, young person and adult lives well in their community
- Everyone benefits from a thriving economy
- A community-focussed, innovative council providing efficient, effective and quality services

9.0 Opportunities and Risks

9.1 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.

10.0 Financial Implications

10.1 The cost of the consultation exercise on Private Hire and Hackney Carriage vehicle conditions will be met from existing budgets. There are no further financial implications arising from this report. MLB
20.02.20

11. Ward Implications

11.1 This report has implications for all wards in the Borough.

12. 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 Vehicle Windows: the law – Driver and Vehicle Standards Agency
- Taxi and Private Hire Vehicle Licensing Best Practice Guidance – Department for Transport

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