

Name of meeting and date: **LICENSING & SAFETY COMMITTEE**
16TH SEPTEMBER 2010

Title of report: **TINTED GLASS ON HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES**

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Is it in the Council's Forward Plan?	Not Applicable
Is it eligible for "call in" by Scrutiny?	Not Applicable
Cabinet member portfolio	Not Applicable

Electoral wards affected and ward councillors consulted: ALL

Public or private: PUBLIC

1. Purpose of report

A request has been made by representatives of the Hackney Carriage and Private Hire Trades for Members to reconsider the current policy on the level of tint allowed in licensed vehicle windows. The request is because of the availability of vehicles that comply and the cost of changing the glass to comply with the current policy.

Kirklees Councils current policy on this issue is:-

That all windows fitted to Kirklees Hackney Carriages/Private Hire Vehicles must comply with the minimum legal requirement to transmit light of 75% to front windscreen and 70% light through all other vehicle windows. This took effect on 1st January 2007.'

2. Key points

INTRODUCTION

The Council is responsible for the licensing hackney carriage and private hire vehicles and ensuring that they are suitable in type and size and design to be used to carry passengers for hire and reward. Vehicles with dark tinted windows and privacy glass have become very popular and manufacturers are now supplying these as standard particularly in the higher quality vehicles and, this previously raised concerns about safety and security of both the driver and any passengers.

The legislation covering the licensing of hackney carriage and private hire vehicles is the Town Police Clauses Act 1874 and the Local Government (Miscellaneous Provisions) Act 1976. In addition Local Authorities also set their own conditions specifically relating to vehicles operating in their district.

Nothing in the taxi or private hire legislation covers the standard of window tint or privacy glass.

REGULATIONS

The Road Vehicle (construction and use) Regulations 1986, specifies the minimum levels of light that must pass through the windscreen and the front windows of any vehicle, though the regulations do not extend to the remaining windows in a vehicle.

These regulations require light transmission through the front windscreen of the vehicle of at least 75% and light transmission through the front side windows of at least 70%.

The purpose of the regulations is to ensure that the driver's ability to see the road clearly is not restricted by the glass tint. The tint can also restrict the driver's vision, especially in dark conditions, and this may prevent drivers from seeing other road users or pedestrians. In Kirklees we have by the use of a condition extended the 70% minimum for front side windows to all rear windows in the vehicle.

BACKGROUND & CURRENT POSITION

The council's current policy arose out of concerns regarding:-

- 1) Incidents that could compromise the safety of the driver or passengers may not be seen from outside the vehicle.
- 2) Authorised Officers cannot see if the maximum number of permitted passengers is being exceeded.
- 3) Police cannot check if passengers are wearing seatbelts.
- 4) Vulnerable passengers will feel safer in a vehicle where they can be seen.
- 5) If there is an accident the emergency services can easily check if there are passengers inside.
- 6) The vehicle plate could not be seen through dark tinted windows

Recently several vehicles have been presented for licensing as hackney carriages and private hire vehicles with rear side passenger windows and rear screens fitted with dark tinted windows or privacy glass below the current 70% requirement. This glass is generally fitted by the manufacturer and does not contravene Road Traffic Regulations because as stated the Constructions and Use Regulations only refer to the front windscreen and front windows of a vehicle.

Drivers are concerned that they are finding it difficult to obtain vehicles to license that comply with the current policy.

We asked local windscreen replacement companies to give us a cost for replacing the glassing on the most popular vehicles licensed with Kirklees. After speaking to the auto-glass companies they could not give details of any cost for changing the glass, without the registration numbers of the vehicle, this is because there are small differences in the make of vehicles from year to year.

Most vehicles that drivers buy for the purpose of licensing are from the second hand market. The current policy and its application have not been without difficulty. In order to comply with the policy some drivers have had additional expense (up to £1000+) to have the glazing changed in their vehicles. Additionally, the reason at point 6 above no longer exists as all licensed vehicles from January 1st 2010 are required to have an exterior fitted license plate. All licensed vehicles in Kirklees will have been adapted to this new style plate by 31st December 2010

The Department of Transport, Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, 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”.

Further, the Licensing Manager has carried out some research into the level of tints in the rear of vehicles and has taken part in a “light measuring exercise” with Darren Fletcher from the Councils Environment & Transport Service. Using the equipment that measures the amount of light allowed into a vehicle we tested the glass on a Volkswagen Transporter which is a minibus type vehicle and traditionally has darker tinted rear windows than most vehicles. On an examination with the naked eye in bright clear weather, it was easy to see into the vehicle. We could both make out the number of seats and see the headrests etc stood at a distance of 1 metre away. When we applied the equipment to the glass the measurement from the rear windows was that the rear glass allowed 21.6% light into the vehicle.

LEGAL IMPLICATIONS

All hackney carriage and private hire vehicles licence conditions may be subject to legal challenge. In order to resist challenge all conditions must be reasonably necessary. The committee must balance the rights of businesses within their area to operate as they wish with the Council's legitimate aim of protecting the rights of the public to be protected and transported safely.

EXEMPTIONS

Currently stretch limousines or high-class executive vehicles licensed for private hire for executive work may be exempted from the licensing conditions, provided that the dark tinted windows are fitted as standard by the manufacturer and that the vehicle is used for executive work only, and not operated on a taxi or private

hire circuit. These vehicles will still be required to comply with the Road Vehicles (Construction & Use) Regulations. It is recommended that this exemption remain as it is.

4. Consultees

Darren Fletcher, Environment & Transportation Services

5. Officer recommendations and reason

Members of the Committee are requested to consider whether the current policy should be reviewed. The options appear to be as follows:-

- Option 1 Make no changes to the licence conditions.
- Option 2 Remove the condition on tinted windows for all licensed vehicles.
- Option 3 Amend the existing policy to allow a darker level of tint with the level to be prescribed by the Committee

The preferred option is that set out on option 3 above as the department is satisfied that no detriment would be caused to either drivers or passengers by allowing a darker level of tint to be used in licensed vehicles. It would also remove the main difficulty and that is the purchase of suitable vehicles that comply with the condition. To amend the existing condition would also be in line with the advice in the Department of Transport's Best Practise Guidance

The department recommend that if the Committee are minded to amend the existing condition to allow a darker tint level that the level be no lower than 21%

6. Cabinet portfolio holder recommendation

Not applicable

7. Next steps

Not applicable

8. Contact officer and relevant papers

Catherine Walter
Licensing Manager