

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 1st November 2012

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WARD(S): ALL

PART I FOR CONSIDERATION AND DECISION

POLICY FOR TINTED WINDOWS/PRIVACY GLASS ON PRIVATE HIRE AND HACKNEY CARRAIGE VEHICLES

1. Purpose of Report

For Members to consider proposals for a Council Policy on tinted windows / privacy glass for Private Hire and Hackney Carriage vehicles.

2. Recommendation(s)/Proposed Action

That the Committee;

(a) Approve options **A**, **C** and **D** as Slough Borough Council's policy on tinted windows/privacy glass for all Private Hire and Hackney Carriage vehicles which is the preferred option recommended by Officers, or

(b) Approve an alternative policy based on the options highlighted in the report,
or

(c) Resolve that there should be no policy.

3. Community Strategy Priorities–

- Celebrating Diversity, Enabling inclusion
- Being Safe, Feeling Safe
- Prosperity for All

4. Other Implications

(a) Financial

There are no financial implications of proposed action.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	There is an increased risk to passengers/drivers from allowing darkened windows. There is an increased risk that legal requirement(s) such as carrying more passengers than permitted will occur.	By approving a policy only permitting a certain level of tint will enhance public safety and wellbeing of passengers as well as safeguarding risk to the licensed drivers.

(b) Human Rights Act and Other Legal Implications

There are no Human Rights implications in adopting the recommendations of this report.

(c) Equalities Impact Assessment

An Equality Impact Assessment Screening has been completed and the conclusions are that there are no adverse or negative impacts of opportunity for any equality group or for any reason.

5. Supporting Information

5.1. The Road Vehicles (Construction & Use) Regulations 1986 (as amended) specify the minimum levels of light that pass through the **windscreen** and **front side** windows for motor vehicles first used on or after 1st April 1985;

- 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

5.2. There are currently no regulations relating to rear passenger windows or rear windscreens (i.e. all windows to the rear of the front driver/passenger seats).

5.3. For this reason there are a number of vehicle manufacturers that offer the option of very dark windows behind the front driver/passenger seats. There are also a large number of companies that offer after-market window tinting services.

5.4. All modern vehicles are supplied with an element of window tinting. It is, however, only the more heavily darkened tints which tend to be immediately noticeable to the human eye.

5.5. Private Hire and Hackney Carriage vehicles provide a valuable public transport service for schools, social services, local residents and visitors to Slough. The reasons for having clear visibility into the rear of a licensed vehicle are as follows;

- VOSA state that excessively tinted glass restricts 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 wellbeing of the passengers and drivers.

5.6 **Policy Options**

The policy options will apply to all private hire and hackney carriage vehicles.

Option A

- Light transmitted through the **windscreen** must be at least 75%
- All **other windows (both front & rear)** must allow at least 70% of light to be transmitted

Option B

- Light transmitted through the **windscreen** must be at least 75%
- Light transmitted through **front side windows** must allow at least 70% of light to be transmitted
- in other windows, only tinted glass supplied as an original fitment at the time of manufacture of the vehicle will be acceptable and this must allow adequate light transmission to provide a clear view into the vehicle to see any passengers.
- Any subsequent replacement windows shall conform to the original manufactures specification. Any variation on these restrictions will be at the discretion of the Licensing Authority. No tinted films or other adhesive materials will be accepted on any part of the windows of the vehicle.

Option C

- Exceptions to limiting the tint on the rear windows can be made providing the following criteria can be met:
 1. the vehicle is used predominantly for contract hire/corporate work where no cash is exchanged
 2. the vehicle is a stretched limousine or prestige/executive type (eg Mercedes, BMW, Audi etc)

Option D

- Where currently licensed vehicles have factory tinted/privacy glass fitted, they will remain licensed until the vehicle reaches the maximum licensable age of the vehicle in accordance with both private hire and hackney carriage vehicle age policies.

- Where currently licensed vehicles have had a 'tinted film' fitted after being licensed, that the film be removed.

Option E

- Existing licensed vehicles that do not meet this standard will be allowed until their next renewal date to comply.
- 5.7 The preferred option by the Licensing Officers as in the recommendations of this report is a policy encompassing Options **A, C** and **D**.
- 5.8 A consultation was conducted on the proposals with the Officer recommendations between 27th July and 22nd September 2012 with all Private Hire Operators, representatives of the Private Hire Drivers, the Hackney Carriage proprietors, VOSA and Thames Valley Police and the Council approved garages carrying out Certificate of Compliance Tests. In addition the consultation was posted on the Council website. The responses received to the consultation are contained in **Appendix A**.
- 5.9 The car manufacturers of the main car makes licensed by Slough Borough Council were also contacted with regards to tints on varying types of vehicle windows and the details of these are contained at **Appendix B**.
- 5.10 Should the Policy be approved, it is proposed that the garages contracted to carry out the Certificate of Compliance Testing will measure the light transmissions with a 'tint meter'. Any vehicle failing to meet the conditions will not be issued with a Certificate of Compliance.
- 5.11 Setting an approved level of tint on the rear passenger windows of licensed vehicles will ensure that operators/drivers will have no doubt as to what vehicles can be purchased as well as maintaining high safety standards.

6. Comments of Other Committees

None

7. Conclusion

The Committee is therefore requested to;

- (a) Approve options **A, C** and **D** as Slough Borough Council's policy on tinted windows/privacy glass for all Private Hire and Hackney Carriage vehicles which is the preferred option recommended by Officers, or
- (b) Approve an alternative policy based on the options highlighted in the report, or
- (c) Resolve that there should be no policy.

8. Appendices Attached

- 'A' - Consultation Responses
- 'B' - Manufacturer details (vehicles supplied with or without privacy glass)

9. Background Papers

None