

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 20th October 2016

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WARD(S): ALL

PART I

FOR DECISION

REVISED POLICY FOR TINTED WINDOWS/ PRIVACY GLASS IN PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES

1. **Purpose of Report**

For members to consider proposals of a revised policy on tinted windows/privacy glass on all new Private Hire and Hackney Carriage vehicles to be licensed.

2. **Recommendation**

That the Committee having regard to the content and information contained in the report is requested to:

- (a) approve the proposed revised policy on tinted windows/privacy glass, or
- (b) resolve that the current policy on tinted windows/privacy glass should remain.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The original policy for tinted windows/privacy glass in respect of private hire and hackney carriage vehicles was approved by the Licensing Committee on 1st November 2012, for a number of reasons as detailed in this report including the personal safety of licensed drivers and fare paying passengers.

The policy since that time has necessitated vehicle proprietors to pay for replacing manufactured fitted tinted windows that come as standard, that do not meet the current policy.

It is felt that the cost now involved in replacing the tinted windows is putting additional, and sometimes, substantial cost and inconvenience on the vehicle proprietors wanting to upgrade their licensed vehicles. However, the protection and safety of the public needs to be balanced with the cost associated with replacing tinted windows to meet the current policy.

3a. **Slough Joint Wellbeing Strategy Priorities –**

The revision of the policy if approved will negate unnecessary costs and inconvenience of vehicle proprietors having to replace factory fitted tinted

windows.

The approval of the new policy will contribute to the wellbeing priorities of:

- Economy and Skills
- Safer Communities

Cross-Cutting themes:

The approval of the new policy will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The report outlines the reasons for the revision of the current policy on tinted windows/privacy glass.

The approval of the new policy will contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

(a) Financial

There are no financial implications involved in the proposed action.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	Approving the proposed new policy will reduce the unnecessary financial costs and inconvenience on vehicle proprietors. However the protection and safety of the public must be considered in approving the revised policy.	Approval of the new policy will not affect the role of the Licensing Authority in the protection, safety and wellbeing of the public.

(b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) Equalities Impact Assessment

An Equality Impact Assessment has been conducted which concludes that there are no adverse or negative impacts of opportunity for any equality group or for any reason.

5. Supporting Information

- 5.1 The original policy attached at **Appendix A** was approved by the Licensing Committee on 1st November 2012,
- 5.2 The report at that time highlighted that there were no regulations relating to the transmission of light through the rear windows or rear windscreen of vehicles (which is still the case now) and that there were number of vehicle manufacturers that '**offered**' 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 were mainly fitted as standard in higher class models or makes of vehicles.
- 5.3 The report also highlighted that both Private Hire and Hackney Carriage vehicles provide a valuable public transport service for schools, social services, local residents and visitors to Slough, and the reasons for having clear visibility in the rear of a licensed vehicle were:
- 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.
- 5.4 Since 2012, a larger number of vehicles of prestige/executive class models now come with standard 'manufacturer fitted' tinted windows that are outside of the current policy and require being replaced with glass that is compliant with the current policy before being licensed.
- 5.5 Section 30 of the DfT Taxi and Private Hire – Best Practice document that most licensing authorities have regard to when implementing policies or conditions states:

Tinted windows 30. 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.

- 5.6 Initial meetings were held with representatives of the Taxi and Private Hire trade at their request with a view to reviewing the policy to allow more prestige/executive class vehicles to be licensed without having to incur the sometimes substantial costs involved in replacing the glass.
- 5.7 In light of this and of the increasing number of vehicles to be licensed that do not conform to the current policy, the Licensing Team is taking into account the DfT Best Practice Comments and is also minded of the sometimes substantial additional costs and inconvenience to licence holders associated with replacing the glass. Therefore the revised policy was prepared for consideration, which is attached at **Appendix B**.
- 5.8 Initial consultation on the proposal was carried out with representatives of the Slough Private Hire Drivers Association and the Slough Taxi Federation on the 9th and 11th August 2016 respectively, who were in support of the new policy. A full consultation with all Private Hire and Hackney Carriage drivers and Operators was conducted between 15th August 2016 and 16th September 2016. In addition Thames Valley Police were also asked for their views on the current and proposed policy. The responses to the consultation are contained at **Appendix C**.
- 5.9 The vast majority of local authorities have policies in place in relation to tinted windows in licensed vehicles which vary immensely across the country. For the information of the Committee, policies from some local authorities in the Thames Valley Region locally are attached at **Appendix D**.
- 5.10 As stated previously the current policy was approved on 1st November 2012. Since that date there has been a total of 5 drivers that have had their licenses revoked with 'Immediate Effect' having been arrested for sexual offences. The details of these are attached at **Appendix E**.
- 5.11 Public safety is an important aspect for the committee to consider when resolving to approve a policy or revised policy. The Licensing Team and the Licensing CSE Splinter Group have covered raising awareness of Child Sexual Exploitation (CSE) and Human Trafficking with the taxi and private hire trade over the last 4 years. In addition the mandatory Safeguarding Awareness Training approved by the Licensing Committee in July 2015 has commenced for all new and currently licensed taxi and private hire drivers and operators, and it should be highlighted that the taxi and private hire trade and representatives have been and are fully supportive of both these areas.
- 5.12 The Slough Licensing Team has in place one of the most robust vetting procedures in Berkshire which has been commented on recently by the Home Office Enforcement Team, as well as demonstrating quick and decisive action to revoke licenses with 'Immediate Effect' where there are any allegations of offences that pose a risk to the public and in particular offences of a sexual nature.
- 5.13 The Committee in resolving on this matter should also have regard to the DfT Taxi and Private Hire Licensing – Best Practice Guide on the '*The Role of the Vehicle Licensing: Policy Justification*'. This section of the guide outlines that a local authority look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. The relevant extract of this guide is attached at

Appendix F.

6. Comments of Other Committees

Original policy was approved by the Licensing Committee on 1st November 2012.

7. Conclusion

The Committee is requested, based on current evidence and information in this report to resolve to make an informed decision to either approve the new proposed policy or that the current policy should remain in place.

8. Appendices Attached

'A' - Tinted window policy 2012

'B' - Proposed Tinted window policy 2016

'C' - Responses to the consultation

'D' - Other policies on tinted windows from the Thames Valley area.

'E' - Details of driver licence that have been revoked for committing sexual offences.

'F' - Extract of the DfT Taxi and Private Hire – Best Practice Guide.

9. Background Papers

DfT – Taxi and Private Hire vehicle Licensing – Best Practice Guide.

2012 Policy

This policy was approved by the Licensing Committee on 1st November 2012.

- *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*
- *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 (e.g. Mercedes, BMW, Audi etc)*
- *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.*

Proposed Revised 2016 Policy

- Light Transmission through the **windscreen** must be at least 75%
- Light through **both front side windows** must be at least 70%
- All other windows including the rear windscreen must be fitted with the standard manufactured glass regardless of the darkness of the tint
- After being licensed vehicles must not have additional tinted windows fitted that were not fitted at the time of being licensed
- Any tinted film fitted on any windows before or after being licensed must be removed.

APPENDIX C

Response Comment	
All PHDA reps present all agree with proposed policy.	Meeting with Slough Private Hire Driver Association on 9/08/2016
Taxi Federation members agree with proposed policy.	Meeting with Slough taxi Federation on 11 th August 2016
hackney carriage badge 70 I want this policy to be implemented straight away as you know your selfs all these new cars are coming tinted windows from the manufacturer's and of the record I just spent £1800 to remove and downgrade my car were is the logic there thankyou	Licensed Hackney carriage Driver
Tinted Window Policy > We agree with policy, manufactured glass regardless of the darkness of the tint.	Slough Taxi Federation
Both myself and PS Grant Thomas have looked at your revised policy and it would appear reasonable.	Thames Police Traffic Unit

Reading

WINDOWS

Windows must meet the following standards:

- Windscreens: must let in at least 75% of the light
- Front, side windows: must let in at least 70% of the light
- Rear, side windows: must let in at least 65% of the light
- Rear screen windows: must let in at least 65% of the light

Private Hire

Window tints

- Windscreens: must let in at least 75% of the light
- Front, side windows: must let in at least 70% of the light

Prior to registration with the Driver Vehicle Licensing Authority and initial licensing with the Council, the rear side windows and rear screen of all newly manufactured vehicles must be fitted with the lowest percentage tint supplied by the manufacturer.

No vehicle shall have after purchase tinting

Owners with any queries concerning compliance with these specifications should consult with officers from the Licensing Section before purchasing any vehicle.

West Berkshire

Ensure that vehicle's are not fitted with one or more blacked out windows nor shall they be so modified. Exceptions for those vehicles which have darkened windows as standard specification for the vehicle from manufacture and that are in accordance with the current VOSA standards may be made at the discretion of the Council's Licensing Officers

This does not appear to be on the Private Hire Conditions.

Wokingham

Vehicles with tinted windows will be considered, however, the glass on the driver's compartment must satisfy the standards contained in the Road Vehicles (Construction and Use) Regulations 1986.

Wycombe

In the interests of public safety, tinted windows are not permitted on licensed vehicles unless a minimum of 75% light is transmitted through the front windscreen and 70% light is transmitted through all other glass on the vehicle.

Bracknell Forest

11.10 All licensed vehicles (except for private hire vehicles with a dispensation) must meet the following requirements:

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

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside, which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

11.11 Where currently licensed vehicles as from 11 October 2013 have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

11.12 Where currently licensed vehicles as from 11 October 2013 have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next vehicle inspection. Failure to do so will result in the vehicle failing the inspection.

Runnymede – Minutes of meeting on 26th July 2016

Tinted windows – explain why certain vehicles can have a very dark tint and not others.

It was confirmed that currently there are no conditions about restricting tinted

windows in Runnymede but that the new draft policy which was out for consultation

did propose some provisions. Mr Smith stressed the importance of giving feedback to the proposed new policy. It was suggested that tinting should only be permitted where factory fitted as standard on the vehicle to prevent too dark a tint being applied manually. It was thought that being able to see the driver and passengers was important but some privacy should be permitted.

South Bucks

“Light transmitted through the front windscreen of hackney carriages and private hire vehicles must be at least 75%. Light transmitted through the front side windows of hackney carriages and private hire vehicles must be at least 70%. All other windows including the rear windscreen must allow at least 30% of light to be transmitted.

Exceptions to this policy will be permitted for executive private hire vehicles which meet the Council’s dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council’s Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements. Executive private hire vehicles meeting the dispensation requirements will be required to meet the requirement for 75% and 70% of light to be transmitted through the front windscreen and front side windows respectively”.

South and Vale

The front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacture tints are permitted on the vehicle.

Chiltern

Current

Glazing All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75%, Front Side Windows 70%, All other Windows 30%. The lower the number the darker the tint

Revised Proposed Policy for 2016

Glazing: Light transmission through the windscreen must be at least 75%, Light through both front side windows must be at least 70%. All other windows including the rear windscreen must be fitted with the standard manufactured glass regardless of the darkness of the tint. After being licensed vehicles must not have additional tinted windows fitted that were not fitted at the time of being licensed. Any tinted film fitted on any windows before or after being licensed must be removed.

DETAILS OF DRIVER LICENCES THAT HAVE BEEN REVOKED FOR COMMITTING SEXUAL OFFENCES.

2014

Indecent Assault on a female passenger in the licensed vehicle at night, not in the Slough Area.

Indecent Assault on a female passenger in the licensed vehicle at night, in the Slough area.

2016

Rape of a woman during the day not in the licensed vehicle late evening, in the Slough Area.

Indecent Assault on a female passenger in the licensed vehicle during the day, not in the Slough area.

Rape of a woman not related to the work of a licensed driver.

DfT TAXI AND PRIVATE HIRE VEHICLE – BEST PRACTICE GUIDE

THE ROLE OF LICENSING: POLICY JUSTIFICATION

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.