

REPORT FOR DECISION

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	9th JANUARY 2020
SUBJECT:	TESTING OF TINTED GLASS ON VEHICLES TO BE LICENSED AS HACKNEY CARRIAGES / PRIVATE HIRE VEHICLES
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report relates to a request to remove the Council policy requirement, relating to rear window tints for Hackney Carriage and Private Hire vehicles.
OPTIONS	<ul style="list-style-type: none"> To amend the Council's policy requirements relating to vehicle tints for rear windows to only have manufacturer's factory fitted tints ("privacy glass") To refuse the proposed amendment and retain the current policy requirements for licensed vehicle rear window tints
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	The costs of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Equality/Diversity implications:	Yes (see paragraph below)
Considered by Monitoring Officer:	The report is in accordance with the appropriate legislation (set out in the body of the report).
Wards Affected:	All
Scrutiny Interest:	Internal Scrutiny Panel

TRACKING/PROCESS
Lynne Ridsdale

DIRECTOR: Deputy Chief Executive –

Chief Executive/ Joint Leadership Team	Executive Member/Chair	Ward Members	Partners
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Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 Members will be aware that Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1987, provides a district council with the legal authority to specify the type, size and design of vehicles it is prepared to licence, as either a Private Hire Vehicle or as a Hackney Carriage respectively. The testing of such vehicles is carried out by the Councils testing centre at Bradley Fold. The vehicle has to meet the standards of a class 4 MOT inspection, together with other comfort and appearance standards stipulated by the Council.
- 1.2 On the 4th April 2012, members of the Licensing and Safety Panel considered a report in relation to window tints in licensed vehicles. Members of the Licensing and Safety Panel agreed that, in the interest of public protection, to enable police and enforcement staff to be able to see inside vehicles the panel would adopt the following criteria in relation to tinted glass on hackney carriages and private hire vehicles:
- The light transmitted through the windscreen must be at least 75%
 - The light transmitted through all remaining glass with the exception of the rear window, must be at least 70%

- 1.3 A further report was considered by the Licensing and Safety Panel on 5th September 2012 to review the Council's Policy in relation to the use of tinted glass in licensed vehicles. Members of the Licensing and Safety Panel agreed that the Policy be amended to allow the rear windows of licensed vehicles to have tinted glass of not less than 25% light transmission and to allow tinted glass of less than 25% light transmission in vehicles used exclusively for executive hire (normally chauffeur driven vehicles).

2.0 INTRODUCTION

- 2.1 The Road Vehicles (Construction & Use) Regulations 1986 as amended, specify the minimum levels of light that must pass through a vehicle windscreen and front windows to either side of the drivers head. This stipulation is for road safety purposes. In respect of motor vehicles first used on or after 1st April 1985, the limits are:

1. The light transmitted through the windscreen must be at least 75%.
2. The front side windows to either side of the drivers head must allow at least 70% of light to be transmitted through them.

If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet legal requirements as it restricts the driver's vision, especially in dark conditions. This may prevent drivers from seeing other road users or pedestrians. It also prevents other road users and pedestrians from confirming through eye contact that they have been seen.

This is the minimum legal standard.

Any vehicle breaking the law could result in the Police or DVSA issuing a prohibition notice, stopping the vehicle from being used on the road until the extra tint is removed in addition a penalty notice or court summons could be issued.

- 2.2 Although it is an offence for drivers not to conform with the above regulations, the assessment of glass tinting does not form part of the MOT test. The reason given by the Department for Transport (VOSA) for this is that although excessively tinted glass is seen as a serious issue, it currently affects only a small number of the 24 million vehicles tested annually.
- 2.3 There are no legal requirements for tinting the rear windscreen or rear passenger windows, however the Licensing and Safety Panel took the decision in 2012 to introduce a policy to include requirements for tints for rear windows, as a number of vehicle proprietors started to fit window tints.

3.0 CURRENT VEHICLE TESTING REGIME

- 3.1 The Council's testing station is currently testing vehicles to ensure compliance with the above regulation and Council policy. Vehicle examiners test vehicle glass with calibrated equipment. Vehicles fail the test when presented with excessively tinted glass. Vehicles presenting with very dark glass, that appears as a mirror to someone attempting to look into the vehicle is of concern. This prevents the number of passengers being carried in a moving licensed vehicle from being counted, as well as people being able to see what is going on inside the vehicle. Although the system has worked fairly well to date, it has been requested by the Private Hire trade for the Council to review the requirements relating to tinted windows.

4.0 ISSUE

- 4.1 The request by the trade is to remove the requirements in Council policy relating to the tinting of rear windscreen or rear passenger windows.
- 4.2 The legislation as described in 2.1 still remains the same with regards to window tints.
- 4.3 The proposal in the Greater Manchester common minimum standards relating to window tints states as follows:
- Manufacturer tint only and none fitted following manufacture will be allowed.
 - Specification for tints as follows:

There must be a clear view of the interior and passengers. The light transmission must meet the following criteria:
 - Front windscreen – minimum 75% light transmission
 - Front side door glass - minimum 70% light transmission
 - Remaining glass (exc. rear window) minimum 70% light transmission
- 4.4 The minimum standard proposals relating to rear windows is manufacturer's tint only.
- 4.5 The Licensing Service have not received any complaints whilst undertaking enforcement duties since the implementation of the current policy.

5.0 IMPACT ASSESSMENT

- 5.1 An Equality Impact Assessment has been completed in relation to this proposed amendment to the vehicle testing criteria. Subject to members approval, the policy will come into force as directed by the Licensing and Safety Panel and will not be applied retrospectively to existing vehicle licence holders, other than to inform them of their legal obligations. The Licensing Service currently encourages new vehicle licence applicants who are unsure of the type or specification of vehicles the Council is prepared to licence, to liaise with them prior to purchasing a vehicle, so that they can be advised accordingly. Officers will consider a vehicle presented to them at the Town Hall by a potential vehicle licence applicant before a formal application to licence the vehicle is made. This service will continue.

6.0 CONCLUSION

- 6.1 Members are requested to consider the following options:

- To amend the Councils Policy requirements relating to vehicle tints for rear windows to only have manufacturer's factory fitted tints ("privacy glass").
- To refuse the proposed amendment to the Current Policy.

List of Background Papers:-

Previous Minutes of the Licensing and Safety Panel

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