



## **Hackney Carriage & Private Hire**

### **Licensing Handbook**

#### **Tinted Window Levels for Private Hire and Hackney Carriage licensed vehicles**

#### **Report by the Director for Communities**

##### **1.0 Summary**

- 1.1 Members are invited to review the conditions in place in the Adur Hackney Carriage & Private Hire Licensing Handbook regarding Tinted Windows after deferring its decision on the matter at its meeting on 4 March 2019 and requesting further information be provided.

##### **2.0 Background**

- 2.1 The percentage of tint on a vehicle's front windscreen and front side windows is regulated under the Highway Code - road safety and vehicle rules. There are no regulations regarding the tinting of the rear windscreen or rear passenger windows. This report refers to the area of glass in the rear passenger compartment of Private Hire and Hackney Carriage vehicles behind the B post.
- 2.2 The Hackney Carriage & Private Hire Licensing Handbook has been in place since September 2016 and contains the following condition in appendix B at 6.1:

*A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the council to do so.*

*In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. In the interests of safety and reassurance of passengers, officers are given discretion to determine if the level of tint on passenger windows restricts the view into the passenger compartment of the vehicle. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix B) provides that they must first apply to and be given approval by the Council to affix the tinting. A*

*transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.*

- 2.2 On the 4 March 2019 this Committee approved its revised Hackney Carriage & Private Hire Licensing Handbook following a comprehensive public, trade and authority consultation.
- 2.3 During the 2018 Review of the Handbook Officers had requested that the conditions regarding tinted windows be amended to remove officer discretion, provide clarity and avoid argument. The report stated::

*Police and Taxi Licensing Officers believe it is vital to public safety that they and members of the public have a clear view into the passenger compartment of licensed vehicles. The current rules regarding tinted windows are set out on appendices B 6 and E 6 of the current handbook but implementation relies to some degree on officer's discretion. A calibrated tint meter has now been acquired and officers propose to set a light transmission level that will enable a clear view of the passengers to Enforcement Officers and the public if members are of a mind to continue with the current policy.*

- 3.5 Officers, having monitored vehicle glazing and researched the issue, suggest that to give greater clarity to the trade the relevant conditions of the handbook are amended. It is suggested that the following condition is added to Appendix B at 6.2, at Appendix E at 6.2:

*Tinted glass where fitted to a vehicle must be light enough to allow Enforcement Officers & the Public to have a clear view of the passengers and the light transmission of the glazing must meet the following criteria:*

- *Front windscreen at least 75% light transmission*
- *Front side door glass at least 70% light transmission*
- *All remaining side passenger glass at least 55% light transmission*

*These transmissions can be measured using Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application.*

*Vehicles can be presented for an informal test with the tint meter at no cost by appointment.*

- 2.4 However, at the meeting a member of the trade stated to the Committee that many current vehicles would not pass the rear window tint test and the standard factory fitted tinted glass fitted to these cars would also not pass the tint test as proposed. Alterations would present a considerable cost. He asked if it was the intention to preclude a main line popular model used by the taxi trade.
- 2.5 As a result of this representation Members felt unable to set a tint level without further information. They deferred their decision on the matter and asked that a report be brought back before the Committee setting out standard tint levels in production model vehicles.

- 2.6 Consequently, the condition put in place in 2016 remains in place and Officers have continued to use their own discretion as to whether the window tint is of an acceptable level.
- 2.7 Since March 2019, as requested by members, officers have monitored vehicle glazing in vehicles presented and taking readings from existing licensed vehicles.
- 2.8 In addition, leading car manufacturer dealerships were contacted and visited to carry out enquiries and take tint measurements from the leading suitable vehicles. The findings are included with the report at **Appendix A** but in summary it was noted that all manufacturers of suitable models all provide vehicles with standard sundym glass. In all cases heavily tinted and privacy glass is an optional extra except on their high end and sporting models.
- 2.7 The current process in assessing the suitability of the vehicle window tint, officers stand outside of the vehicle to ensure the passenger can be clearly seen in the rear of the vehicle and there is a clear unobstructed view through the vehicle from one side to the other and for the passenger to be clearly seen in the rear of the vehicle. This process is carried out by 2 officers being present as the decision can be open to controversy. The use of a tint reading meter will support the officers and allow a more consistent and transparent decision.
- 2.8 Worthing Borough Council has enforced a tint measurement since March 2019 and the number of vehicles replaced during this time is 33 of which only 5 vehicles required a change to the glass due to the tint reading being below the requirement of 55%

### **3.0 Proposals**

- 3.1 The current Hackney Carriage and Private Hire handbook was approved on 4 March 2019 following the consultation and review process. Members agreed that they would consider revised window tint conditions if further information were provided and any amended conditions would form part of the Hackney Carriage and Private Hire handbook. If approved this appendix will be inserted in Appendix A, B, E, and F of the current approved Hackney Carriage and Private Hire handbook.
- 3.2 The Licensing Unit has invested in a tint measurement machine. The machine has been developed in conjunction with South Yorkshire Police and glazing experts Pilkington Automotive. The machine is used by the DVSA and has been adopted by many UK police forces.
- 3.3 Officers, have monitored vehicle glazing and researched the issues and suggest that to give greater clarity to the trade, officers and Members the relevant conditions of the handbook are amended. It is suggested that the following condition is added to Appendix B and Appendix E:

*Tinted glass where fitted to a vehicle must be light enough to allow Enforcement Officers & the Public to have a clear view of the passengers and the light transmission of the glazing must meet the following criteria:*

- *Front windscreen at least 75% light transmission*
- *Front side door glass at least 70% light transmission*
- *All remaining passenger glass at least 55% light transmission*

*These transmissions can be measured using Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application.*

*Vehicles can be presented for an informal test with the tint meter at no cost by appointment.*

- 3.4 Approve the light transmission levels to be applied immediately to:
- a) New vehicle licences from the date of the first issue of the licence; and
  - b) Existing vehicle licences when the vehicles are replaced

Members should note that this change of condition will have no impact on the cost of licensing a vehicle and the proprietors of currently licensed vehicles will be unaffected.

#### **4.0 Legal**

- 4.1 The Council has a statutory duty when considering applications for hackney carriage and private hire driver's licences under the Local Government (Miscellaneous Provisions) Act 1976 to not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold a driver's licence.
- 4.2 The Council may attach to the grant of a licence of a hackney carriage under the Town Police Clauses Act 1847 such conditions as the district council may consider reasonably necessary and may require any hackney carriage licensed to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- 4.3 The Council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

*Provided that a district council shall not grant such a licence unless it is satisfied that the vehicle is:*

- *Suitable in type, size and design for use as a private hire vehicle;*
- *Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage*
- *In a suitable mechanical condition*
- *Safe*
- *Comfortable;*

A council may attach to the grant of a licence such conditions as it may consider reasonably necessary.

- 4.4 When determining licensing policies and applications, the principles of the Human Rights Act 1998 must be taken into consideration. The convention rights of both individuals and members of the public as a whole will be given due weight. The Act acknowledges that local authorities are entitled, amongst other things, to act where this is in the “general interest”.
- 4.5 Members must consider each licensing issue on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Local Government (Miscellaneous Provisions) Act 1976. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 4.4 All policies, guidance and applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities
- 4.5 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all licensing matters. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and authorities particularly the Police.

## **5.0 Financial implications**

- 5.1 No significant race relations or equal opportunities implications have been identified. Community and environmental implications are referred to in the Policy.

## **6.0 Recommendation**

- 6.1 **The Committee is requested to consider proposed new conditions of licence for Hackney Carriage & Private Hire Vehicles specifying an acceptable Tint Level as detailed at 3.3 of this report.**

**Mary D’Arcy**  
Director for Communities

## **Local Government Act 1972**

### **Background Papers:**

- **Town Police Clauses Act 1847**  
<http://www.legislation.gov.uk/ukpga/Vict/10-11/89/contents>
- **Local Government (Miscellaneous Provisions) Act 1976**  
<http://www.legislation.gov.uk/ukpga/1976/57/contents>

## **Appendices:**

- **Appendix A – Vehicle window tint assessment**

## **Contact Officer:**

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## **Schedule of Other Matters**

### **1.0 Council Priority**

- 1.1 Licensing of taxi and private hire vehicles is directly related to public safety issues.

### **2.0 Specific Action Plans**

- 2.1 Matter considered and no issues identified.

### **3.0 Sustainability Issues**

- 3.1 Matter considered and no issues identified.

### **4.0 Equality Issues**

- 4.1 Matter considered and no issues identified.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 The public have a right to expect the Council to protect them and consider their safety.

### **6.0 Human Rights Issues**

- 6.1 Matter considered and no issues identified.

### **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the associated legislation and subordinate legislation taking into account Government policy and guidance

## **8.0 Consultations**

- 8.1 Matter considered and no issues identified

## **9.0 Risk Assessment**

- 9.1 Financial - The consequences identified are those associated with the defence of an appeal, or a judicial review. There is a financial implication for the proprietor if he or she purchases a vehicle that does not meet the conditions of licence and these financial implications have been considered against the issues of public safety.

## **10.0 Health & Safety Issues**

- 10.1 Matter considered and no issues identified.

## **11.0 Procurement Strategy**

- 11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

- 12.1 Matter considered and no issues identified