

<b>27 July 2023</b>		<b>ITEM: 5</b>
<b>Licensing Committee</b>		
<b>Licensed Vehicle Tinted Windows</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Report of:</b> Paul Adams, Licensing Manager		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director Planning, Transport and Public Protection		
<b>Accountable Director:</b> Mark Bradbury, Interim Director of Place		
<b>This report is:</b> Public		

## Executive Summary

The Hackney Carriage and Private Hire Licensing Policy currently requires that for a vehicle to be licensed it must not have any window tinted to any extent that it prevents the inside of the vehicle being viewed from the outside. This report seeks to relax that condition in response to the difficulty in obtaining newer vehicles without factory fitted tints.

### 1. Recommendation(s)

- 1.1. **That the Committee agrees to amend Thurrock Council’s Hackney Carriage and Private Hire Licensing Policy pre-licensing standards for both Hackney Carriage and Private Hire vehicles for tinted windows as in point 3.6 of this report.**

### 2. Introduction and Background

- 2.1 Thurrock Councils Hackney Carriage and Private Hire Licensing Policy has several vehicle pre-licensing standards for both Hackney Carriage and Private Hire Vehicles. (These vehicles will be referred to as licensed vehicles for the remainder of this report.)
- 2.2 The pre licensing requirement relating to tinted windows for Hackney Carriages can be found in the policy at 7.5.4.1 and reads:

*Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those*

*Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced.*

- 2.3 The pre licensing requirement relating to tinted windows for Private Hire Vehicles can be found at 7.7.5.1 and reads:

*Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced. The only exceptions to that are likely to be considered are for vehicles with a plate exemption or limousines.*

- 2.4 While there is no specific percentage of light transmission specified in the policy, experience has demonstrated that the level of light transmission that is applied legally for most cars on the road today, for front side windows, is the minimum required to satisfy the current pre licensing standard. This level is a minimum light transmission of 70%.
- 2.5 Both pre-licensing standards have not been amended since February 2014.

### **3. Issues, Options and Analysis of Options**

- 3.1 In recent years most new cars are produced with factory fitted tinted windows as standard. In most cases that tint is at such a level that it does not meet the pre licensing standards for licensed vehicles.
- 3.2 For vehicles to be licensed proprietors are having to source second hand vehicles that were specified when new with no window tint or paying to have all the affected windows replaced with aftermarket glass, at a significant cost which can range between £1000 and £3000 dependant on the vehicle. To specify a new vehicle to not have tinted glass often comes with an additional cost above the standard fitted tinted windows.
- 3.3 The Department for Transport (DFT) between 28<sup>th</sup> March 2022 and 20 June 2022 consulted on the Taxi and private hire vehicle: best practice guidance to assist licensing authorities. Which is set to replace the current but outdated Taxi and Private Hire vehicle licensing best practice guidance. Which at paragraph 30 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.*

3.4 In the DFT consultation at section 8- Vehicle Licensing – tinted windows stated:

*As of 31 March 2021, 87 of 281 licensing authorities had a minimum light transmission policy for rear (those that are rear of the B pillar) windows in taxis and 86 for private hire vehicles.*

*A restriction on the level of window tinting (which reduces the transmission of light) is usually on the grounds that passengers should be able to see the vehicle is unoccupied before entering and that enforcement officers can see that vehicles are not carrying more passengers than for which the vehicle is licensed.*

*It is expected that the greatest concerns over visibility will be at night when ambient light levels are low.*

*Passengers are, however, able to request that the rear windows of a vehicle are opened before entering.*

*The need for compliance and enforcement officers to check whether a vehicle is overloaded is not disputed. Vehicles are licensed to carry a maximum number of passengers to ensure their safety. The extent to which window tinting makes a significant difference in ascertaining at night whether a moving vehicle is overloaded is not known.*

*To confirm whether a vehicle was overloaded would require a check when the vehicle is stationary. If a vehicle is stationary, the compliance and enforcement officer can ask that any windows are opened and so the benefit of prohibiting tinted rear windows is unclear.*

*Licensing authorities that require the removal of factory-fitted tinted windows sometimes allow exemptions from light-transmission requirements for executive hire services.*

*Most commonly, these vehicles are defined by the list price of the vehicle used. These are, though, licensed as PHVs and it is difficult to prevent them from being used for normal services, nor is it possible to establish a sub-category of drivers that are extra fit and proper.*

*Given that all PHV drivers are vetted to the same level, regardless of the nature of their work, there seems no rationale for one vehicle being permitted to have tinted windows and another not.*

*The replacement of rear windows can cost many hundreds if not thousands of pounds.*

*If licensing authorities are concerned about the safety of passengers, a better option could be for them to consider, after taking into account potential privacy issues, whether the installation of CCTV in vehicles would have either a*

*positive or an adverse net effect on the safety of taxi and PHV users as recommended in the statutory taxi and private hire vehicle standards.*

- 3.5 The DFT Taxi and Private Hire Vehicle Licensing – Best practice Guidance for Licensing Authorities in England, 2022 – consultation version provides

*Tinted Windows*

*8.14 The rules for tinted vehicle windows are available on gov.uk. For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in luxury, estate and people carrier style vehicles.*

*8.15 If the objective of the authority's prohibition of tinted windows is to address a concern that illegal activity is taking place in a vehicle, the evidence for this should be established and alternative options should be considered, for example, CCTV in vehicles. When licensing vehicles, authorities should be mindful of this as well as the significant costs and inconvenience associated with changing glass that conforms with the requirements of vehicle construction regulations.*

*8.16 In the absence of evidence to show that a requirement for the removal of factory fitted windows is necessary and proportionate, licensing authorities should not require their removal as part of vehicle specifications. However, authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting.*

- 3.6 It is proposed to reduce the significant cost and inconvenience associated with changing glass, and in anticipation of changes to national guidance/best practice that the pre licensing standards for vehicle licences are amended to read:

Tinted Windows

Factory fitted tinted windows are permitted providing that they are in accordance with vehicle construction regulations.

No 'after-market' window tinting is permitted. The only exceptions that are likely to be considered, are for speciality vehicles, classic vehicles and limousines, or vehicles with a plate exemption, and only on application, which will be considered by the Licensing Manager.

**4. Reasons for Recommendation**

- 4.1 The delegated authority to make the policy changes to the Hackney Carriage and Private Hire Licensing Policy is with this Committee.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 There is no requirement for consultation. The idea of relaxing the restrictions around tinted windows was raised at a recent local operator meeting, where the proposal was fully supported by those in attendance.

## **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 None.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Senior Management Accountant**

There are no direct implications of this report.

### **7.2 Legal**

Implications verified by: **Simon Scrowther**  
**Principal Lawyer**

The delegated authority to amend the policy is with this Committee, this change is in line with the anticipated change to national guidance/best practice.

### **7.3 Diversity and Equality**

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project Monitoring Officer**

There are no diversity or equality implications within this report. Changes to policy consider the councils equality duty, these proposed changes would not negatively impact any groups with protected characteristics as defined by the Equalities Act 2010.

### **7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, or Impact on Looked After Children)**

- None

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- N/A

**9. Appendices to the report**

- None

**Report Author:**

Paul Adams

Licensing Manager