
TINTED WINDOWS IN LICENSED VEHICLES – PROPOSED AMENDMENT TO CONDITIONS

1 SUMMARY

- 1.1 This report seeks Members agreement to a new licence condition that would prevent vehicles with dark tinted windows or privacy glass being licensed with the Council to carry passengers for hire and reward.

2 INTRODUCTION

- 2.1 The Council is responsible for licensing hackney carriage and private hire vehicles and ensuring that they are suitable in type size and design to be used to carry passengers for hire and reward. Vehicles with dark tinted windows and privacy glass have become very popular and manufacturers are now supplying these as standard particularly in the higher quality vehicles and, this raises concerns about safety and security that should be considered when the Council issues licenses.
- 2.2 The legislation covering the licensing of hackney carriage and private hire vehicles is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. In addition Local Authorities also set their own conditions specifically relating to vehicles operating in their district.
- 2.3 Nothing in the Taxi or Private Hire legislation covers the licensing of vehicles with tinted windows or privacy glass, however a condition may be included in the Council's Licensing Conditions to prevent vehicles with dark tinted windows from being licensed.

3 REGULATIONS

- 3.1 The Road Vehicle (Construction and Use) Regulations 1986, specifies the minimum levels of light that must pass through the windscreen and the front windows of any vehicle, though the regulations do not extend to the remaining windows in a vehicle.
- 3.2 These regulations require light transmission through the windscreen of the vehicle of at least 75% and light transmission through the front side windows of at least 70%. If the glass is tinted to a point whereby less light transmits through the glass, then the vehicle does not meet the legal requirement.
- 3.3 The purpose of the regulations is to ensure that the driver's ability to see the road clearly is not restricted by the glass tint. The tint can also restrict the driver's vision, especially in dark conditions, and this may prevent drivers from seeing other road users or pedestrians.

4 BACKGROUND

- 4.1 Recently several vehicles have been presented for licensing as hackney carriages and private hires with rear side passenger windows and rear screens fitted with dark tinted windows or privacy glass. This glass is generally fitted by the manufacturer and does not contravene Road Traffic Regulations as the Construction and Use Regulations only refer to the front windscreen and front windows of a vehicle.
- 4.2 However, there are concerns regarding the suitability and acceptability of licensing vehicles with dark tinted windows or privacy glass in relation to public safety for a number of reasons:-
- a. It reduces the drivers' visibility particularly at night;
 - b. Incidents that could compromise the safety of the driver or passengers may not be seen from outside the vehicle;
 - c. Authorised Officers cannot see if the maximum number of permitted passengers is being exceeded;
 - d. Police cannot check if passengers are wearing seatbelts;
 - e. Vulnerable passengers will feel safer in a vehicle where they can be seen; and
 - f. If there is an accident, the emergency services can easily check if there are passengers inside.
- 4.3 Given the concerns mentioned above regarding this issue, and taking particular account of the costs of replacing dark tinted windows, new vehicles presented for licensing have been required to comply with the standards set out in this report, despite there being no formal change to the license conditions.
- 4.4 Testing equipment called a Tint Testa Light Transmission Detector has been purchased by the Council's Transportation Section and this device can measure the light transmission through any type of glass in minutes, and provide a read out of the suitability of proposed vehicles for use as hackney carriage and private hire vehicles in the district.

5 EXEMPTIONS

- 5.1 It is suggested that stretch limousines or high-class executive vehicles licensed for private hire for executive work may be exempted from the proposed new licensing condition, provided that the dark tinted windows are fitted as standard by the manufacturer and that the vehicle is used for executive work only, and not operated on a taxi or private hire circuit. These vehicles will, of course, still be required to comply with the Road Vehicles (Construction & use) Regulations.

- 5.2 It is not considered there should be any exemption of these conditions for vehicles licensed as Hackney Carriages.

6 PROPOSED CHANGES

- 6.1 It is proposed to introduce the following conditions to the Council's Hackney Carriage and Private Hire Vehicle Pre Licensing and Licence Conditions:-

1. That the front windscreen of the vehicle must allow the transmission of at least 75% of light.
2. That all other windows of the vehicle must allow the transmission of at least 70% of light.
3. That stretch limousines and high-class executive vehicles licensed for private hire to carry out executive work only, and not operated on a taxi or private hire circuit, will be exempt from these conditions, provided the tinted glass was fitted as standard by the manufacturer.
4. All vehicles licensed must comply with the Road Vehicles (Construction & use) Regulations in relation to tinted windows.

- 6.2 The proposed conditions will not be applied retrospectively to existing licensed vehicles. However vehicles currently licensed will not be permitted to replace their windows with darker glass or apply laminated film to glass, which would not comply with these conditions.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1 The restriction on the use of tinted windows or privacy glass in licensed hackney carriage or private hire vehicles has the potential to reduce crime and disorder.

8 RESOURCE IMPLICATIONS

- 8.1 All new vehicles submitted for licensing and existing licensed vehicles will be subject to window tint testing as part of the annual or bi-annual Council vehicle inspection; it is anticipated this will only add a few minutes to the inspection time.

9 LEGAL IMPLICATIONS

- 9.1 Any decision made which is unreasonable or unlawful could be open to legal challenge.

10 RECOMMENDATION

10.1 It is proposed that the Executive Board **RESOLVES**

That the conditions proposed in the report in respect of the use of dark tinted windows and privacy glass for hackney carriage and private hire vehicles, licensed by Rochford District Council, be approved and the Council's Hackney Carriage and Private Hire Vehicle License Conditions be amended accordingly.

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Background Papers:-

None

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