

Tinted Windows on Licensed Vehicles

Private Hire and Hackney Carriage Licensing Sub-Committee Date: 15th July 2008

Author: Group Director, Environment and Regeneration

Wards Affected: All

Purpose

- To seek approval to amend the Hackney Carriage and Private Hire licence conditions regarding the licensing of vehicles with tinted windows.

Recommendation

The Sub-Committee is asked to: -

- Approve an additional condition which will prevent vehicles with dark tinted windows being licensed by the Council for the purpose of carrying passengers for hire and reward.

1. Reasons

- 1.1 The Council, in licensing vehicles as Hackney Carriages or for Private Hire work, is responsible for ensuring that the vehicle is suitable in type, size and design to be licensed. Officers have noted that vehicles with dark tinted windows and privacy glass are becoming more popular and manufacturers are now supplying these as standard, particularly in higher quality vehicles. This raises concerns about passenger safety and security.
- 1.2 There is nothing in the existing Hackney Carriage or Private Hire legislation covering vehicles with tinted windows or privacy glass.

2. Detail

- 2.1 The Road Vehicles (Construction and Use) Regulations 1986 specify the minimum levels of light which must pass through the windscreen and the front windows of the vehicle. These Regulations do not extend to the remaining windows in a vehicle.
- 2.2 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 a glass is tinted to a point whereby less light is transmitted through the windows, then that vehicle fails to meet the legal requirement.

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- 2.3 Recently several vehicles have been presented for licensing, both as Hackney Carriages and Private Hire vehicles, with rear side passenger windows and rear screens fitted with dark tinted windows. Officers are concerned regarding the suitability of licensing such vehicles for the following reasons:
 - 2.3.1 It could reduce the driver's visibility, especially under artificial light.
 - 2.3.2 Incidents which could compromise the safety of the driver or passengers may not be seen from outside the vehicle.
 - 2.3.3 Authorised Officers would be unable to determine the number of passengers being carried.
 - 2.3.4 The Police could not check that all passengers are wearing seat belts.
 - 2.3.5 Vulnerable passengers may feel compromised. It is suggested that they will feel safer in a vehicle where they can be seen from outside the vehicle.
 - 2.3.6 In the event of an accident, the emergency services can instantly check whether there are injured passengers inside the vehicle.
 - 2.3.7 The proposed restriction on the use of tinted glass in licensed vehicles has the potential to reduce crime and disorder.
- 2.4 Given the concerns expressed above regarding this issue, officers believe that all vehicles newly-presented for licensing should conform to an additional condition in that all windows on the vehicle should allow the transmission of at least 70% of light.
- 2.5 Officers have consulted on this matter with Private Hire operators, as well as with the Police and Emergency Services. Responses in support of the proposal have been received and are attached to this report.
- 2.6 Testing equipment, called a "Tint Testa" (Light Transmission Detector) has been purchased by many Local Authorities. This device is capable of measuring the light transmission through any type of glass in minutes. This equipment is reasonably priced at £375 and will allow Officers to instantly check on the suitability of the vehicle for Hackney Carriage or Private Hire work. Officer training on the use of the equipment is included in the purchase price.
- 2.7 It is not intended for the proposed condition to be retrospective and apply to those vehicles currently licensed, however operators of these vehicles will not however be permitted to modify their windows by fitting darker glass or to apply laminated film to glass, which would make the vehicle non-compliant with the condition.

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- 2.8 It is recommended that all vehicles newly-presented for licensing on and from 1 August 2008 be subject to an additional condition which will prevent vehicles which allow less than 70% of light through the rear passenger windows and rear screens from being licensed as Hackney Carriages or Private Hire vehicles.

Alternative Options

- Not apply the proposed new condition.

Risk Management

Financial and Procurement Implications

There are no direct financial implications to the Council itself arising from this report. There are no procurement issues arising from this report. The costs of managing the Council's Hackney Carriage and Private Hire responsibilities are met from existing budgets.

Legal and Human Rights Implications

Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations in this report are compatible with convention rights. The proposed recommendation is also in accordance with the Council's policy to support the requirements of Section 17 of the Crime and Disorder Act 1998.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

A Healthy and Caring Place; An Economically Prosperous Place; An Environmentally Friendly Place; A Safe Place.

Consultees

The Director of Finance (s.151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

Background Papers and Appendices

- Appendix A: Letter from Chief Superintendent Howlett of Wiltshire Constabulary.
- Appendix B: Letter from John Popowicz, Borough Commander, Wiltshire Fire and Rescue Service.
- Appendix C: Letter from Dan Lane, General Manager, V Cars.
- Appendix D: Letter from Masoud Baiky, Director, United Radio Cars

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Appendix A

WILTSHIRE POLICE



Swindon Police Station
Gablecross
Shrivenham Road
South Marston
Swindon
Wiltshire SN3 4RB
Telephone: 0845 408 7000
Ext: 760212
Direct Dial:
Facsimile: 01793 507878
DX: 132780

Mr R Collett
Taxi Licensing
Passenger Transport Services
Premier House
Station Road
SN1 1TZ



Date 9 May 2008

Your ref

Our ref PH/CEW

Reply contact name is: Chief Superintendent Paul HOWLETT

Dear Sir

I am writing as both Chair of the Community Safety Partnership and Divisional Commander for Swindon, to support the proposed report to prevent vehicles with dark tinted windows being licensed by the Council for the purpose of carrying passengers for hire and reward. I am aware that recently a number of vehicles have been presented to the Licensing Authority with dark tinted windows, we are concerned that such vehicles present a potential safety concern to passengers and would urge that provisions are put in place to ensure these vehicles are not used for the purpose of carrying passengers.

The rationale for the support of this proposal is that dark windows present a safety concern for the driver of the taxi and clearly the passengers in the vehicle. It also presents an operational problem for Police Officers who would be unable to determine if seatbelts are being worn by passengers and indeed how many people are being carried in the vehicle. In the unfortunate event of a road traffic collision, the dark windows would prevent easy sight of the potential casualties for emergency services, which could impact on the service given.

I would strongly support an application to place an additional licensing condition on taxi vehicles to ensure dark tinted windows are prohibited.

Yours faithfully

Paul Howlett
Chief Superintendent
BCU Commander



INVESTOR IN PEOPLE

www.wiltshire.police.uk

Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail rcollett@swindon.gov.uk.

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Appendix B

WILTSHIRE FIRE & RESCUE SERVICE

Andy Goves MA MSc LLB(Hons) FIFireE
Chief Fire Officer

Rod Collett
Taxi Licensing Dept
Passenger Transport Services
Premier House
Station Road
SN1 1TZ



Please ask for : John Popowicz

Tel: 01793 401 200

Our Reference : Tinted Windows License

Date : 19th May 2008

Dear Rod

I am writing as both Executive Board member of the Community Safety Partnership and Borough Commander for Swindon to support the proposed report to prevent vehicles with dark tinted windows being licensed by the council for the purpose of carrying passengers for hire and reward. I am aware that recently a number of vehicles have been presented to the licensing authority with dark tinted windows. I am concerned that such vehicles present a potential safety concern to passengers particularly children under 14 and would urge that provisions are put in place to ensure these vehicles are not used for the purpose of carrying passengers.

The rationale for the support of this proposal is that dark windows present a safety concern for the driver of the taxi, and clearly the passengers in the vehicle. It also presents an operational problem for fire officers who would be unable to make a risk assessment of the position and injuries to the occupants. This is further compounded by the fact taxi's have an exemption from the seat belt law and children under 14 do not have to wear a seat belt. In the unfortunate event of a road traffic collision the dark windows would prevent easy sight of the potential casualties for emergency services and further compounded by children not wearing a seat belt as to their location, position and injuries inside the car.

I would strongly support an application to place an additional licensing condition on taxi vehicles to ensure dark tinted windows are prohibited.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Popowicz'.

John Popowicz,
Borough Commander,
Area HQ's



Awarded for excellence

Area 1 Headquarters
Swindon Fire Station, Drove Rd, Swindon, Wiltshire SN1 3AD

Tel: +44 (0)1793 401200 Fax: +44 (0)1793 401208
Web site: www.wiltshire.gov.uk



Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail rcollett@swindon.gov.uk.

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Appendix C

Letter from V Cars Ltd

Date: 17th May 2008

Re: Vehicles with 'Non-Tinted' Windows

Dear Mike,

Please be advised that V-Cars are happy to support the initiative to for future vehicles to have 'clear glass', thereby providing a more secure environment for all customers / passengers.

V-Cars are committed to delivering excellence and are extremely supportive of any initiative to develop greater levels of safety and security for all our passengers and drivers.

Kind Regards,

Dan Lane

General Manager for V-Cars

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Appendix D

Letter from United Radio Cars

Mr. Mike Shears
Swindon Borough Council
Premier House
Station Road
Swindon
SN1 1TZ

15th May 2008

Dear Mike,

Further to our conversation earlier this week, I would just like to re-iterate our support for your view concerning the matter of taxis/private hire vehicles using tinted windows.

We feel that the use of tinting raises serious safety concerns for both passengers and drivers.

We recently introduced new signage for the windows of all vehicles to indicate to customers that the vehicle they are entering is a licensed private hire vehicle. Unfortunately when these signs are fitted behind tinted glass they are no longer visible, thus negating the effectiveness of signs which could lead to passengers boarding unlicensed vehicles.

In addition to this, if a vehicle has passengers on board and they are causing the driver a problem it is clearly visible to other road users and pedestrians. The use of tinted windows restricts the view from the outside and could lead to an increase in attacks on drivers.

To this end we would be more than happy to support a change in the rules allowing the council to outlaw the future use of tinted windows.

Yours Sincerely

Masoud Baiky
United Radio Cars