

Consideration to review the Licensing of vehicles with tinted windows

Licensing Committee

Date: 15 June 2017

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Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 The purpose of this report is to consider a request from vehicle providers to remove the restriction regarding tinted windows on licensed vehicles.
- 1.2 Letters requesting removal of the current restriction have been received from the proprietors of Flight link Executive Travel and T 'N' C Cars and are shown at Appendix A and Appendix B.

2. Recommendations

That the Committee:

- 2.1 Consider the request for the removal of the tint restriction on licensed vehicles.

3. Detail

- 3.1 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.
- 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 a glass is tinted to a point whereby less light is transmitted through the windows, then that vehicle fails to meet the legal requirement.
- 3.3 In July 2008, given the concerns expressed by officers the Committee resolved 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.
- 3.4 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.
- 3.5 Therefore vehicle providers are finding it increasingly difficult to source vehicles that meet the current Council requirements

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3.6 Officers are of the opinion the overarching principle behind the licensing of private hire and hackney carriage vehicles is one of public safety. Based on this overarching principle the Council implemented a tinted window policy.

3.7 Officers are of the opinion that in the light of current issues such as Child Sexual Exploitation (CSE) that the current reasons for maintaining the tint restriction are still valid, however it is recognised that there is a considerable financial implication for vehicle providers. The costs could be mitigated by allowing the rear windscreen of licensed vehicles to be allowed to keep a factory tint. This window is the most expensive to be replaced as it often has heating, aerial and other electronic elements within the glass. Officers believe that this would be a reasonable compromise and would not unduly affect the safety of passengers.

4. Alternative Options

4.1 The current restriction remains the same.

4.2 The restriction is removed completely allowing a factory tint on all windows except those covered by The Road Vehicles (Construction and Use) Regulations 1986.

4.3 The restriction is amended to allow a factory tint on the rear windscreen only.

5. Consultation with the trade

5.1 There has been no separate formal consultation by the Licensing Office directly with individual licence holders.

6. Conclusion

6.1 It is intended that if Members agree to any change in conditions, that this will be implemented not sooner than 1st July 2017.

6.2 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.

7. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

7.1 There are no direct financial implications arising from the report.

7.2 Any amendment or removal of the Tint restriction would not impose additional costs nor generate any income for the Council.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

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- 7.3 However there will be cost to the Council in terms of officer time in the carrying out of the more extensive inspections to ensure that officers do not fetter their discretion

Legal and Human Rights Implications

- 7.4 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

- 7.5 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder) this report relates to the requirements of licensing legislation.

Diversity Impact Assessment

- 7.6 It is not considered that the preparation of a DIA is required in respect of this report.

11. Consultees

The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

12. Appendices

- 12.1 Appendix A - Request from Flight link (To follow)
- 12.2 Appendix B - Request from T 'N' C Cars