

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE**

12 December 2023

Report Title: Amendment of Taxi Licensing Policy Provisions in relation to tinted windows

Submitted by: Service Director – Regulatory Services and Licensing Administration Team Manager

Portfolios: Finance, Town Centre & Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To request that Public Protection Committee considers the proposed amendment to the provisions within the taxi licensing policy in relation to tinted windows.			
<u>Recommendation</u>			
That Members determine whether to amend the current policy in relation to tinted windows in licensed vehicles.			
<u>Reasons</u>			
The Council have historically had provisions within the taxi licensing policy prohibiting rear passenger windows of hackney carriages and private hire vehicles being heavily tinted and not allowing certain levels of light to be transmitted through the window.			

1. Background

- 1.1** The Council introduced the current taxi licensing policy on 1st November 2019. It has been through a number of amendments and updates since then, primarily to include the provisions of the Department for Transport's (DfT) statutory guidance issued in 2020, but also to review outdated requirements.
- 1.2** The policy provides, at sections 1.4.1-1.4.2, that amendments to the policy where "*there is no foreseeable detrimental effect to licensee's interests*" do not require a consultation.
- 1.3** The Council taxi licensing policy before the current iteration included a requirement on both hackney carriage and private hire vehicles that they "*Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light*".
- 1.4** This was carried over to the current policy with a slight amendment which reads that all hackney carriage and private hire vehicles will: "*Have fitted rear*

passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;"

- 1.5** The DfT issued the latest revision of the Best Practice Guidance on 17th November 2023 containing a section on tinted windows which is outlined below. In light of this the Council will be reviewing the current taxi licensing policy next year.

2. Issues

- 2.1** The DfT conduct a national survey each year for all licensing authorities that covers numbers of drivers, vehicles and operators but also information on policy matters, one of which is whether there is a condition that relates to tinted windows in vehicles. This particular measure was only introduced recently but the recent figures show a reduction in licensing authorities overall (from 303 to 290) and a reduction in those that have a relevant condition.

<u>Year</u>	<u>HCV condition (yes)</u>	<u>HCV condition (no)</u>	<u>PHV condition (yes)</u>	<u>PHV condition (no)</u>
2021-22	87	216	84	219
2022-23	73	217	69	221

- 2.2** Many of the licensing authorities with vehicles that regularly work within and around the Borough, including Stoke-on-Trent City Council and Wolverhampton Council, have policies that are silent on windows tinting on vehicle which in effect allows for their licensed vehicles to have tinted/privacy glass without restriction.

- 2.3** The reasoning behind the current Council policy has always been around public safety and the ability for passengers to see out of, and others to see into, licensed vehicles. The DfT in their updated Best Practice Guidance document have included a section on tinted windows which states:

"For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. There are no rules for tinting the windows rear of the B-pillar and vehicles are often manufactured with glass in the rear that is darker than the front, especially in luxury, estate and people carrier style vehicles.

There is a significant cost and inconvenience associated with requiring drivers to replace the standard manufacturer or factory specifications for window glass. Some passengers may feel more comfortable in vehicles that do not have very heavily tinted rear windows but there is a lack of evidence to suggest that these are detrimental to public safety. Balancing these factors, the department considers that licensing authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above. This should maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.

The department recognises that a minimum light transmission of 30% for windows rear of the B-pillar might impact on executive hire vehicles, where passengers demand a higher degree of privacy. Some licensing authorities already grant executive hire vehicles plate exemptions, and they could determine that an exemption from the 30% minimum light transmission level for these vehicles is appropriate. Authorities should be assured that those vehicles are not used for 'normal fares'.

Authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting and should be assured that any after-market window tinting does not negatively affect the safety features of the glass it is applied to."

It appears clear from their statement that following on from their extensive consultation with licensing authorities, the trade and other interested stakeholders they have not found any evidence that public safety is affected with licensed vehicles having tinted or privacy windows, but have provided an opinion that it would be reasonable for a requirement of allowing a minimum of 30% light transmission, which is below our current standard.

- 2.4** The Council's Transport Manager, who regularly speaks with members of the trade had identified that a main concern of licensed proprietors is the condition around tinted windows. They have found it difficult to source suitable vehicles as most vehicles now come with tinted windows factory fitted. His view is that whilst the condition was suitable and valid in the past things have now moved on. He was mindful that other licensing authorities do not have this condition within their policies and proprietors are regularly choosing to licence their vehicles with those authorities rather than the Borough Council, and use them in the Council's area.
- 2.5** He has stated: "*We have started to see a lot more Electric / Hybrid cars coming onto the fleet along with Euro 6 ICE powered vehicles, they normally come with tinted windows which cost more to change in some cases than just going to another council and Licencing with them.*" He has also stated his opinion on amending vehicle standards around age limits and criteria, which has also been addressed in the DfT guidance.
- 2.6** Equally, officers of the Council have recently held meetings with both the hackney carriage and private hire trades. At all meetings the trade identified the condition around tinted windows was of concern. All of the private hire operators that attended have operator licence with multiple other authorities and cited choosing to licence any new vehicles with someone other than the Borough Council.
- 2.7** Due to the above information, officers have determined that the condition around tinted windows needs to be reviewed in isolation and in advance of the full policy review next year.

3. Recommendation

- 3.1** That Members determine whether to amend the current policy in relation to tinted windows in licensed vehicles. Officer's recommend that:

- a) The current condition is removed and replaced with a condition that allows all vehicles to have tinted and privacy glass in the rear passenger windows as long as it is to the original manufacturer's specification and fitted at the time of the vehicle being manufactured, commonly known as 'factory fitted windows'. Not aftermarket or additional tinting is permissible.

4. Reasons

- 4.1 The Council have a taxi licensing policy that is now reviewed every 5 years and the underlying reason for the provisions of the policy is public safety. They is confirmed in both the DfT Statutory Guidance and Best Practice Guidance.
- 4.2 It is also a requirement of the Borough Council, to regularly review and update the policy as required.
- 4.3 DfT have stated that in their view there is not a public safety concern when considering whether licensed vehicles can or should have tinted windows.

5. Options Considered

- 5.1 There are three options available for Members to decide from:
 - a) Retain the current condition within the policy and review the tinted window condition at the same time as the full policy review;
 - b) Amend the current condition to align with the view of the DfT Guidance so that all vehicles must have rear passenger windows that allow a minimum of 30% light transmission;
 - c) Remove the current condition and allow all vehicles to have tinted and privacy glass in the rear passenger windows. If this option is favoured then there is a further decision to determine whether vehicles
 - (i) can only have factory fitted tinted/privacy windows and not aftermarket tinting; **(RECOMMENDED)** or
 - (ii) remain silent and allow vehicles to have factory fitted and/or aftermarket tinting.

6. Legal and Statutory Implications

- 6.1 The DfT Statutory Guidance states that all licensing authorities have a single policy that covers how they deal with the taxi licensing regime, and that the underlying reason for the provisions of the policy is public safety.
- 6.2 The DfT Best Practice Guidance is non-statutory which means that although it does need to be considered it does not necessarily need to be followed.

7. Equality Impact Assessment

- 7.1 Not applicable

8. Financial and Resource Implications

- 8.1 There are no financial or resource implications for the Borough Council.

9. Major Risks & Mitigation

9.1 Not applicable

10. UN Sustainable Development Goals (UNSDG)

10.1



11. Key Decision Information

11.1 Not applicable

12. Earlier Cabinet/Committee Resolutions

12.1 August 2019 – Licensing & Public Protection Committee

12.2 January 2021 – Licensing & Public Protection Committee

12.3 February 2022 - Licensing & Public Protection Committee

13. List of Appendices

13.1 Not applicable

14. Background Papers

14.1 [Department for Transport Statutory Standards – July 2020](#)

14.2 [Department for Transport Best Practice Guidance – November 2023](#)

14.3 [Taxi Licensing Policy 2021-25](#)