

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

29 April 2024

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 remove or amend the current condition in the taxi policy and allow all vehicles to have tinted and privacy glass in the rear passenger windows, to either:			
<ul style="list-style-type: none"> a) Vehicles can only have factory fitted tinted/privacy windows and not aftermarket tinting; 			
OR			
<ul style="list-style-type: none"> b) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 18% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986. 			
<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. At the Committee on 12 th December 2023 Members requested officers draft a new proposed limit for tinted windows.			

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to include the provisions of the Department for Transport's (DfT) statutory guidance issued in 2020, but also to review outdated requirements.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 updated guidance the Council will be reviewing the current taxi licensing policy next year.

2. Issues

- 2.1** At the committee meeting on 12th December 2023 Officers provided Members with various options on whether to amend the taxi licensing policy in relation to tinted windows. Members did not want to allow fully ‘blacked out’ privacy windows in regular hackney carriages and private hire vehicles, but understood the need to amend the current provisions to allow the trade purchase suitable vehicles. It was noted that many newer vehicles, including low and zero emission vehicles, have tinted windows manufacturer fitted and quite often the windows did not allow for 35% transmission of light.
- 2.2** A review has been undertaken of all 17 of the vehicles that have been presented for test at the Council garage since December 2022 and have failed solely or primarily due to the rear windows not allowing 35% transmission of light. Table 1 below shows the age, make, fuel type, level of light transmission of their rear windows and some notes:

Table 1:

<u>Date of registration</u>	<u>Date of test</u>	<u>Make</u>	<u>Fuel Type</u>	<u>% Light Transmission</u>	<u>Notes</u>
May-17	Sep-23	Mercedes	Diesel	Unknown	Request to be exempt
Sep-19	Mar-24	Toyota	Hybrid	25	n/a
Dec-20	Feb-24	Toyota	Hybrid	25	n/a
Jun-20	Jan-24	Toyota	Hybrid	25	n/a
Jun-18	Dec-22	Volkswagen	Diesel	25	n/a
Mar-18	Jan-24	Toyota	Hybrid	25	n/a
Mar-23	May-23	Toyota	Hybrid	25	n/a
Mar to Aug-17	Aug-23	Mercedes	Unknown	25	n/a
Oct-17	Feb-23	Toyota	Hybrid	24	n/a
Mar-20	Jan-24	Toyota	Hybrid	20	n/a
Jul-20	Feb-24	Ford	Diesel	18	n/a

Mar to Aug-17	Apr-24	Hyundai	Hybrid	18	n/a
Oct-20	May-23	Lexus	Hybrid	17	Request to be exempt
Sep-17	Jan-24	BMW	Diesel	16.9	n/a
Apr-17	Apr-24	Ford	Diesel	16	n/a
Sep-17 to Feb-18	Mar-23	Hyundai	Hybrid	16	Film fitted
Jan-19	Mar-23	Mercedes	Diesel	10	n/a

2.3 Manufacturers do not appear to make public their windows specifications for each model of vehicle or for the differing ranges within a model. As can be seen from table 1, out of the 17 vehicles tested the windows of 9 of them allowed at least 20% light transmission, with a further 6 allowing between 16-18%, albeit one of those had film fitted meaning its true level of transmission would be higher. The level of transmission for 1 vehicle was 10% and unfortunately 1 vehicles readings were not recorded beyond them not allowing 35% of light though.

2.4 The Transport Manager has taken photographs of some vehicles windows that have been presented to the Council garage for test. The photographs can be found at **Appendix 1**.

2.4.1 The first photograph shows a proposed new Hackney Carriage vehicle with rear windows that allow light transmission of 23% and you can clearly see through the entire rear of the vehicle to the other side.

2.4.2 The second photos shows a vehicle with rear windows that allows 20% and there is visibility through the window.

2.4.3 The third picture shows a vehicle with rear windows that allows 25% and there is visibility through the window.

2.4.4 Lastly the picture shows a vehicle with rear windows that allows 72% and there is clear visibility through the window.

3. Recommendation

3.1 That Members determine whether to remove or amend the current condition in the taxi policy and allow all vehicles to have tinted and privacy glass in the rear passenger windows, to either:

a) Vehicles can only have factory fitted tinted/privacy windows and not aftermarket tinting;

OR

b) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 18% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986

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) Amend the current condition so that all vehicles must have rear passenger windows that allow a minimum of 20% light transmission (tolerance of 2%);
- d) Amend the current condition so that all vehicles must have rear passenger windows that allow a minimum of 18% light transmission (tolerance of 2%) **(RECOMMENDED)**;
- e) 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 **(ORIGINAL RECOMMENDATION)**; 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 The current taxi policy results in taxi drivers, who want to stay licensed with the Council, purchasing vehicles that fail the suitability test purely on the window tint. This has resulted in these drivers getting licensed with other authorities, who do not have the same criteria, and using the vehicles in the area anyway. The result of this is that the Council loses out on vehicles that are otherwise perfectly acceptable and the associated fees for future

applications and testing, and also the fees for those drivers who licence themselves elsewhere.

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
- 12.4 December 2023 - Licensing & Public Protection Committee

13. List of Appendices

13.1 Appendix 1 – Photographs of vehicles rear windows

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](#)