

Regulatory Committee

Tuesday 25 September 2018 7.30pm

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors Mrs J Gracey (Chairman), S A Lewis (Vice-Chairman), D A Cotty, Mrs M T Harnden and Ms A Shepperdson.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

A G E N D A

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Democratic Services, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk)**.
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
- 5) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If you wish to film a particular meeting, please liaise with

the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Chairman is aware and those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media, audio-recording, photography and filming in the Committee meeting.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

	<u>PAGE</u>
1. FIRE PRECAUTIONS	4
2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	4
3. MINUTES	4
4. APOLOGIES FOR ABSENCE	4
5. DECLARATIONS OF INTEREST	4
6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – 18 MONTH REVIEW	4
7. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY ON TINTED WINDOWS	8
8. EXCLUSION OF PRESS AND PUBLIC	13

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading)
- b) Confidential Information
(No reports to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign as a correct record, the Minutes of the meeting held on 26 June 2018, as attached at Appendix 'A'.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings.

Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared as should their membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon.

Members are advised to contact the Council's Legal section prior to the meeting if they wish to seek advice on a potential interest.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – 18 MONTH REVIEW (ENVIRONMENTAL SERVICES)

Synopsis of report:

This report provides information on the operational effectiveness of the Hackney Carriage and Private Hire Licensing Policy at a point 18 months from adoption and proposes amending the policy to take into account new legislation introduced by the Equality Act 2010 for wheelchair users.

Recommendations: that -

- i) the Committee note the contents of the report; and**
- ii) the proposed changes to the Hackney Carriage and Private Hire Policy regarding the Equality Act 2010, be approved**

1. Context of report

- 1.1 Runnymede's Hackney Carriage and Private Hire Licensing Policy was approved by this Committee in January 2017 and it duly became effective on 2 March 2017. The policy is valid for a three year period (until 2nd March 2020).
- 1.2 At the time of approval, Members asked that a report on the operational effectiveness of the policy be given at the 18 month point (Sept 2018).
- 1.3 The purpose of the policy is to set out and inform the trade of the Council's requirements and allows the public to know what standards they can expect of the trade.
- 1.4 Previous to the Policy's approval, the Council had a number of existing conditions, bylaws and requirements in relation to taxi and private hire licensing. These have been agreed by Committees over the years and whilst readily available, they were not contained within the context of a policy in one formal document.
- 1.5 The policy brings together the Council's policy standards, current conditions, bylaws and requirements and updated and revised those which were out of date or had been shown to be ineffective.

2. **Report**

- 2.2 Since its introduction, the policy has given Officers clear guidance, which is necessary to ensure a licensing regime which provides consistent standards and guidance on areas of taxi licensing which had, in the past, been unclear. Officers have used the policy as intended and appreciate its clarity and legal standing. This in turn gives them the confidence to advise the trade and make decisions based on the policy.
- 2.3 For drivers and operators, the policy gives clear guidance on the Council's expectations; which overall, they have no difficulty in complying with.
- 2.4 To give Members an insight into how the policy has worked some examples are shown below.
- 2.5 Medical reports and Disclosure and Barring Service (DBS) certificate renewals dates are now due on the anniversary of the date the licence was first issued so that in most cases they fall into line with licence renewal dates. This has considerably reduced the amount of time the Licensing section spends on administration.
- 2.6 The requirement that we do not plate vehicles with Mot advisories on brakes, tyres, steering or suspension has worked well. Officers have found that some vehicles have had multiple advisories on these areas and have had to be repaired to comply with our policy. They were clearly not suitable for members of the public in safety. This highlights the fact that some drivers fail to maintain their vehicles to a satisfactory standard, particularly in respect of tyre wear.
- 2.7 The requirement that we do not accept vehicles with 'part worn' tyres has also shown that safety is not foremost in the minds of some drivers, with several vehicles being refused a licence due to being fitted with part worn tyres.

3. **Policy framework implications**

- 3.1 Officers recognise that the policy will require amending from time to time, to reflect changes in procedures and/or legislation.
- 3.2 Minor changes in legislation which are referred to in the policy can be changed when they occur. For example when the General Data Protection Regulation (contained within the Data Protection Act 2018) came into force the references to Data

Protection within the policy were replaced with the new wording. A new convictions policy was also introduced earlier this year following approval by this Committee.

- 3.3 Some changes in legislation do require policy amendments and whilst it is not the purpose of the policy to duplicate legislation one such change which needs to be incorporated with in the policy at this stage concerns sections 165 to 167 of the Equality Act 2010 which were implemented on 6 April 2017. These clarified the rules on wheelchair access to hackney carriage and private hire vehicles.
- 3.4 Owners of assistance dogs are already protected by provisions in the Equality Act 2010 which make it unlawful to refuse access or charge them extra. Similar protections now apply for wheelchair users, making it a criminal offence for drivers of hackney carriage and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra. The new sections of the act are set out below:
- **Section 165** places a duty on drivers of wheelchair accessible vehicles listed by the local authority to carry passengers in wheelchairs and provide assistance loading and unloading the passengers and handling their luggage.
 - **Section 166** allows for exemption certificates to be given to drivers under medical or physical grounds.
 - **Section 167** allows local authorities to maintain a list of vehicles suitable for carrying a person in a wheelchair, these are referred to as wheelchair accessible vehicles.
- 3.5 The implementation of this Act will help passengers in wheelchairs to have the information they need and ensure that drivers are aware of their legal responsibilities. To help passengers, we have published a list on our website which contains details of 10 wheelchair accessible vehicles and other Council publications. The list gives details of the make and model of vehicle, whether it is HC or PH and the name and contact details for the operator.
- 3.6 Section 165 of the Act specifically sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs. The duties are:
- To carry the passenger while in the wheelchair;
 - Not to make any additional charge for doing so;
 - If the passenger chooses to sit in a passenger seat to carry the wheelchair;
 - To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - To give the passenger such mobility assistance as is reasonably required.
- 3.7 The Act then goes on to define mobility assistance as assistance:
- To enable the passenger to get into or out of the vehicle;
 - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - To load the passenger's luggage into or out of the vehicle;
 - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 3.8 It is an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them.

- 3.9 Whilst it is not included in the Act, government guidance not to charge a wheelchair user extra means that in practice, amongst other matters, a meter should not be left running while the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment. This matter has been addressed in our policy, subject to the Committee's approval, along with a brief explanation of the duties placed on drivers.
- 3.10 It is proposed that this information is inserted into the policy at sections 5.76 to 5.79 and that the existing section 5.76 be renumbered as 5.80 and amended to include wheelchair accessible vehicles for test purchases. The proposed amendment is shown at Appendix 'B' with new text highlighted in bold.
- 3.11 All drivers/proprietors were written to in April 2017; this letter explained the changes to the Act and their duties. They duly submitted information regarding their wheelchair accessible vehicles which were placed on our website.
- 3.12 Looking ahead, the policy is due for review in 2020 and at that stage we will update it further where necessary.

4. Resource implications

- 4.1 The process of developing and introducing the policy was time consuming, however in practice it is saving Officer time.

5. Legal implications

- 5.1 In order to maintain currency and relevance the policy should be reviewed and amended as required, when new legislation is introduced or changes to conditions/requirements become necessary.

6. Equality implications

- 6.1 An Equality Impact screening Assessment was completed prior to the policy's approval. This has been reviewed and Officers have concluded that the proposed amendment would have a positive impact on the protected characteristic of disability by clarifying the Council's position and demonstrating that we can include wheelchair assisted vehicles in any test purchase operations.

7. Conclusions

- 7.1 The policy gives the Council a broad framework of regulation with clear direction regarding the regulation of the trade. Officers do not consider it to be onerous or inflexible. Most importantly it is the safety of the public which is the primary consideration and this should be at the forefront of the Council's Policy for regulating the hackney carriage and private hire trade.

(To Resolve)

Background papers

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/notes/contents>

7. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY ON TINTED WINDOWS (ENVIRONMENTAL SERVICES)**

Synopsis of report:

This report reviews our policy relating to tinted windows on Hackney Carriage and Private Hire vehicles and asks whether the Committee considers that it needs to be amended.

Recommendations:

Members are asked to review the policy based on the information contained in this report and choose from one of the following options:

Option A

Allow darker tinted windows – Change the requirement to : ‘All rear windows must allow at least 25% of light to be transmitted through them.’

Option B

Allow darker tinted windows on all but the door windows – Change the requirement to: ‘Windows on the rear passenger doors must allow at least 70% of light to be transmitted through them. Other windows at the rear of the vehicle can have any degree of tint.’

Option C

Make no change to the current policy.

Option D

Allow any degree of tinted window.

and consider whether to apply the exemption described in sections 2.17 and 2.18 of this report along with whichever option is chosen.

1. **Context of report**

1.1 This report relates to our Hackney Carriage and Private Hire vehicle licensing condition regarding tinted rear windows. This condition was approved by this Committee on 12 January 2017 as part of the Hackney Carriage and Private Hire Licensing Policy, effective from 2 March 2017.

1.2 Our policy in relation to tinted rear windows is as follows:-

- *The Road Vehicles (Construction and Use) Regulations 1986 as amended specifies the minimum levels of light that must pass through the windscreen and front side windows. For vehicles first used on or after 1 April 1985, the light transmitted through the windscreen must be 75% and 70% through the front side windows.*
- *The licensing authority recognises that many manufacturers fit tinted windows as standard original fittings as either ‘dark tint’ or ‘light tint’.*
- *There is a distinct difference between standard tinted windows which meet the legal requirements and what is commonly known as ‘privacy glass’ which is much darker and lets a minimum of light through as well as making it very difficult to see into the vehicle.*
- *To address public safety concerns around the use of ‘privacy’ glass and to allow as wide a range of vehicles as possible to be used by the trade the*

following conditions apply to vehicle windows on the rear windscreen / rear side windows:-

- (a) All rear windows must allow at least 70% of light to be transmitted through them.*
- (b) No vehicle shall be fitted with any form of additional film to darken or tint the windows on any part of the vehicle.*
- (c) Front side windows and the front windscreen must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986.*
- (d) Privacy glass shall only be acceptable where fitted to plate exempt vehicles*

- In order to avoid unnecessary expense being caused to the trade through this policy. It is proposed that any existing licensed vehicles which currently have factory fitted privacy glass be allowed to continue to be licensed on a yearly basis until such time as the vehicle is replaced or changes ownership (by change of ownership this includes the regular use of the vehicle by another driver). This will also allow time for drivers to make other arrangements for those customers who insist on vehicles with privacy glass.*

- 1.3 Prior to the approval of our policy a formal consultation took place between June and September 2016 and in recognition that this was an area which may cause some debate we included a specification question on the matter of tinted rear windows, as follows:-

Do you agree or disagree with restrictions on the use of tinted windows in that all rear windows must allow 70% of light through and they must not be fitted with film to darken the tint or be privacy glass (unless they are plate exempt vehicles).

This question received 38 responses, 30 of which agreed and 8 disagreed indicating broad support at that time for introducing restrictions on tinted rear windows.

- 1.4 There are no statutory regulations in place relating to rear passenger windows (i.e. all windows to the rear of the front driver/passenger seats). Prior to the policy becoming effective in March 2017 there had been no restriction on the level of tinted windows on the rear of Hackney Carriage (taxis) and Private Hire vehicles (PHV's) in Runnymede.
- 1.5 When vehicles are inspected prior to plating, Licensing Officers check the level of tints to their windows with a light meter. If requested, Officers can carry out an informal test of the tint levels on vehicles at no cost to the driver prior to purchase.
- 1.6 Members are reminded that the use of vehicles as taxis or PHV's is completely different to that of a private car. Taxis and PHV's provide a valuable public transport, servicing school and social services contracts, transporting visitors, residents, many of whom are elderly, business people and those requiring late night transport after experiencing the night time economy.
- 1.7 The Council cannot licence a private hire vehicle unless it is satisfied that the vehicle is suitable in type size and design and safe and comfortable for the public including consideration of the safety of vulnerable passengers. It may attach such conditions to Hackney carriage licences as it considers reasonably necessary.

2. Report

- 2.1 On 12 December 2017 a representation organised by a local private hire company, supported by 58 individual drivers (out of a total of 213) requested that the Council

reviews the policy with regard to tinted rear windows. However, mindful of the Committee's request to review the effectiveness of this policy after 18 months, it was considered prudent to wait until this 18 month report on the policy before doing so.

- 2.2 Consultation on the tinted window policy took place between 22 June and 17 August 2018. Four options were considered in the consultation paper. Those who responded were also given the opportunity to make comments on the policy. The consultation paper and accompanying letter can be seen at Appendix 'C'.
- 2.3 A total of 39 responses were received, of which 22 were from drivers, 4 from operators, 10 from the public and 2 others (1 each from Surrey Police and Royal Holloway University of London (RHUL)). Consultation responses and the comments made can be seen at Appendix 'D'.
- 2.4 In addition to the individual responses above, one Private Hire Operator, who made the original representation for a review, contacted their drivers via their own newsletter inviting replies to the consultation via themselves. It is not possible to say whether any of those who responded to the Council's consultation also replied to the operator who collated their replies.
- 2.5 58 drivers responded to the Operator's request as follows:-
- 52 registered D – Allow any tint
 - 4 registered A – Allow 25% on all windows
 - 2 registered C – No change
- 2.6 There were 4 options to consider in the consultation; these are shown below along with the number of responses to each option.

Option A

Allow darker tinted windows – Change the requirement to : 'All rear windows must allow at least 25% of light to be transmitted through them.'

Response - 4 in favour (2 drivers and 2 operators)

Option B

Allow darker tinted windows on all but the door windows –

Change the requirement to: 'Windows on the rear passenger doors must allow at least 70% of light to be transmitted through them. Other windows at the rear of the vehicle can have any degree of tint.'

Response - 3 in favour (3 public)

Option C

Make no change to the current policy.

Response - 14 in favour (4 drivers, 1 operator, 6 public and 2 other)

Option D

Allow any degree of tinted window.

Response - 16 in favour (15 drivers and 1 operator)

- 2.7 The consultation replies and the comments made show a marked difference of opinion and priorities between the trade and other parties. On the trade side the majority were in favour of allowing any degree of tinting.
- 2.8 The public and other parties, including Surrey Police and RHUL, focus heavily on personal safety. The majority of these favour no change in the policy which demonstrates a real concern about passenger safety.

Considerations

2.9 The majority of new vehicles are now supplied with some element of window tinting, some of this is barely visible and it is only the more heavily darkened tints which tend to be noticeable. In essence, tinted windows make it more difficult to see into the rear of a vehicle.

2.10 The main advantages of tinted glass are considered to be:

- Improved privacy;
- Additional protection from ultraviolet rays (UV) ;
- Improved thermal comfort by reducing heat build-up inside the vehicle; although all vehicles now have air condition so this effect is somewhat reduced.
- Private hire vehicles that are adapted to carry wheelchair passengers by their nature tend to have large expanses of glass. The ability for these windows to be tinted would afford passengers improved comfort and make the whole experience more pleasant.
- In some circumstances it may be the customer's preference to be afforded the privacy provided by darkened glass and in this case there are plate exempt private hire vehicles available to book which are permitted to have any degree of tinted glass.

2.11 The main disadvantages of tinted glass are considered to be:

- Tinted windows fundamentally make it more difficult to see into the rear of a vehicle.
- Activities taking place in the vehicle cannot be viewed from the outside posing a potential risk to both passengers and driver.
- Enforcement – tinted glass prevents enforcement officers including Police Officers from carrying out a quick visual check without stopping the vehicle. An operator may be less likely to infringe on licensing seating restrictions if the number of seats can be clearly seen. During enforcement exercises common practice is stop vehicles when empty to lessen inconvenience to passengers. It can be difficult to determine a full or empty vehicle with tinted glass.
- General Safety – At certain times of the day it is in the interests of the drivers or passengers to be on full view. Some passengers will not always behave reasonably. Passengers or drivers in full view may help to reduce unacceptable behaviour. Incidents that could compromise the safety of the driver or passengers may not be seen from outside the vehicle. In the event of an accident clear visibility may assist the Emergency services.
- Passenger confidence - Vulnerable passengers, for example young persons, the elderly and lone females may feel safer in a vehicle where they can be seen.
- Road Safety – whilst it could be argued that tinted glass may improve driving ability during bright conditions, during the hours of darkness it will restrict the driver's ability to have all round vision and awareness.

2.12 Every council can determine the criteria by which it can establish if a vehicle is suitable to be licensed as a private hire vehicle. The Department for Transport (DfT) Taxi and Private Hire Licensing - Best Practice Guidance, issued in 2010, makes the following reference to tinted windows:

The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to

- 2.13 The DfT guidance was in place when the Council adopted its current window tint Policy in 2017. The Council recognises the fact that this guidance was issued in 2010 and since then safeguarding issues around the use of hackney and private hire vehicles are now much more in the public view and have been subject of considerable media attention. This publicity has had a negative effect on the trade's image and this in some way is reflected in the 2018 consultation comments from the public.
- 2.14 Councils throughout the Country have different standards for vehicle licensing and this combined with the fact that licensed vehicles can operate legally in areas other than those which they are licensed creates a situation where a multitude of vehicles from other areas can work in Runnymede. The requirements and conditions for those vehicles are different to ours and in many cases these vehicles have no restrictions on tinted windows. The largest number of out of area vehicles in Runnymede are PHV's licensed with Transport for London which have no tinted window restrictions. For information, Appendix 'E' shows the tinted window standards for surrounding Councils.
- 2.15 The main area of concern from the trade is that many vehicles are now fitted with tinted windows as standard, these are mostly fitted to the higher specification vehicles, with the level of tint being above the levels in our licence condition which excludes them from licensing. Officers have carried out some research into the current tinting specification of the major manufactures vehicles, a list of these at Appendix 'F'.
- 2.16 It is evident from this list that many vehicles have tinted windows as an option and most of the highest specification vehicles have tinted windows as standard. Vehicle specification varies between manufacturers but in general higher specifications can include such items as lane assist, automatic parking aid or road following headlamps. The lower specification vehicles which do not have heavily tinted windows are still very well equipped, capable and comfortable vehicles.
- 2.17 Having to replace tinted windows without compliant glazing is an additional cost to the vehicle owner if they wish to licence that vehicle. Costs vary between manufacturers but it is believed to cost between £500 and £1,500 for a standard saloon/estate type vehicle. That said, it is the owner's choice whether to purchase the vehicle in the first place and incur the additional cost.
- 2.18 In the larger 8 seater multi-purpose vehicles (MPVs) some manufactures fit dark tinted windows as standard which do not allow 70% of light to be transmitted through them, (Mercedes Vito and Ford Custom Tourneo are but two examples). These types of vehicles are typically used to take multiple numbers of passengers to airport etc. The choice of vehicles of this nature is more limited and the cost of replacement windows can be prohibitively high.
- 2.19 For wheelchair users, these MPVs are often the only type of vehicles available to them and any restriction on these vehicles may have an adverse effect on the availability of wheelchair accessible vehicles. Therefore, due to the large cost and inconvenience associated with changing glass that conforms to both type approval and construction and use regulations, the Council may wish to exercise discretion, by way of an exemption for those 8 seater, MPV vehicles which have manufactured window tints.

3. Legal implications

3.1 The Council's current policy is that Hackney carriage and Private hire vehicles must not be fitted with tinted windows which do not allow at least 70% light through. Accordingly, where Officers apply the policy and do not grant an application the applicant is entitled to appeal to the Magistrates court. This would ensure a sufficient supply to meet the demand, for example airport journeys etc. and for when their intended use is that of a wheelchair accessible vehicle.

4. **Equality implications**

4.1 If the points at 2.18 were included in the policy it would have a positive impact on the protected characteristic of disability by allowing as wide a choice as possible for larger vehicles capable of being wheelchair accessible.

5. **Conclusions**

5.1 Members are asked to consider the contents of this report and make an informed decision on the future direction of the tinted windows policy.

(To Resolve)

Background papers

Runnymede Borough Council Hackney Carriage And Private Hire Licensing Policy And Guidance

<https://www.runnymede.gov.uk/article/14525/Apply-for-a-Hackney-Carriage-or-a-private-hire-driver-s-licence-as-a-new-applicant>

Department of Transport Taxi and Private Hire Guidance 2010

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/notes/contents>

8. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing items in private, it is the

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

(To Resolve)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)

Regulatory Committee

Tuesday 25 September 2018

Appendices

Appendix		Page no.
A	Minutes – 26 June 2018	2
B	Equality Act 2010 Amendment	5
C	Tinted Windows Consultation papers	6
D	Tinted Windows Consultation responses	10
E	Tinting Policies of other Councils	13
F	Vehicle window tint specifications	14

Runnymede Borough CouncilREGULATORY COMMITTEE26 June 2018 at 7.50pm

Members of the Committee present: Councillors Mrs J Gracey (Chairman), S A Lewis (Vice-Chairman), D A Cotty, Mrs M T Harnden and Ms A Shepperdson.

Members of the Committee absent: None.

Councillors Mrs E Gill and N W Rubidge also attended the meeting.

127 FIRE PRECAUTIONS

The Committee noted the Fire Precautions.

128 MINUTES

The Minutes of the meeting of the Committee held on 21 March 2018 were confirmed and signed as a correct record.

129 2018 ANNUAL REPORT TO THE REGULATORY COMMITTEE

The Committee received for information, the 2018 annual report on matters relating to all the Regulatory functions covered by the Licensing Section. These were wide ranging, but the main service area was Taxi Licensing covering Hackney carriages and drivers and Private Hire Operators, vehicles and drivers.

Members reviewed statistical information relating to drivers and their vehicles, noting there were fewer drivers and vehicles now, but the same number of Private Hire Operators as in previous years. Officers reported that feedback from the trade was that the fewer numbers was directly attributable to the increasing number of UBER and other similar app based companies, particularly in Egham and that it was difficult to regain customers especially the large number of students who tended to use the app based companies. Officers confirmed that because existing legislation was made before mobile phones existed (1847 and 1976), it was difficult to regulate those operators. To date, UBER had not made an application to operate in Runnymede. Nevertheless, trade was affected as they were licensed in neighbouring boroughs and frequently worked in Runnymede.

The Committee had heard no cases for suspensions or revocations in 2017/18 as the 14 drivers had been dealt with under Delegated Authority. However, there had been one Hearing where a new driver's application had been refused. The driver subsequently won on appeal to the Magistrates' Court. However, no costs had been awarded as the Magistrates' considered the Council had acted reasonably with the facts they had at the time.

Officers had suspended seven vehicles during the year, six of which had been due to the vehicles failing to have their MOTs carried out in time. These were later re-instated when they complied.

The Committee was pleased that a national database of drivers who had been refused a licence or had it suspended or revoked was due to be introduced in the summer of 2018. This would be managed, maintained and hosted by the National Anti-Fraud network and would greatly assist Licensing Authorities in the future.

Members noted that with fewer drivers, there had been a smaller number of Knowledge Tests taking place. This affected income to the Council.

The Committee's attention was drawn to the ways in which the Licensing Section communicated with the Trade. This included an informative and up to date website, texts and letters and regular meetings with the Trade at the Taxi forum, which was held three times a year. The next forum was on 11 July 2018 at Chertsey Hall, to which Members were invited. Officers were keen to emphasise that their role was to help the trade as well as regulate.

Another important area of work for the Section was enforcement and dealing with complaints. Officers had built up a positive working relationship with enforcement Officers from Transport for London (TFL) and Surrey Police and carried out joint enforcement days which had been successful.

The Committee was advised that a report on the review and setting of Regulatory fees and charges would be submitted to the November meeting of the Committee.

Officers reported that they would consult the trade on Taxi fares during the summer and report back to the Committee in November. In line with revised guidance for staff on Consulting Members set out in the Council's Constitution, this would be signed off by the Chairman and Vice Chairman prior to despatch.

Officers agreed to update the Committee on any legislative changes when appropriate. It was acknowledged that Officers relied heavily on the Council's Taxi Licensing Policy as updated and improved. A consultation on tinted windows had recently been initiated and the results would be considered by the Committee in September 2018.

Members discussed feedback from the Trade and Officers agreed to consider any representations from the trade with regard to the 'pre-booking only' signage on private hire vehicles. Officers confirmed that signage should be clear and distinguishable.

The Committee noted the position with regard to Hackney Carriage ranks and the Chairman undertook to discuss opportunities for promoting the trade through the provision of additional taxi ranks in new developments such as Longcross and Egham Gateway with the Director of Commercial Services.

Officers confirmed that the introduction of CSE training via Barnardo's had been delayed owing to the Charity's limited resources to upload the driver details. It was hoped that the on-line course would be available in August 2018.

Officers were thanked for the comprehensive report and the team was also commended for their work in Taxi Licensing.

130 GAMBLING POLICY – THREE YEARLY REVIEW

The Committee's approval was sought to extend the Council's Gambling Policy to comply with the Gambling Commission's instructions to a number of local authorities to make their renewal date fall in January rather than August. The Statement of Gambling Policy was for 2015 – 2018, therefore an extension of 5 months was required.

Officers outlined the timetable for consultation and Committee approval. Officers would therefore consult on the Gambling Policy and report back to the Committee in November 2018. It was agreed that the Consultation would be signed off by the Chairman and Vice Chairman prior to despatch.

Members were content to approve accordingly.

RESOLVED that

the extension of the Council's Gambling Policy 2015 – 2018 until 30 January 2019, be approved

Chairman

(The meeting ended at 8.25pm)

5.76. Wheelchair Accessible Vehicles

5.77. Section 165 of the Equality 2010 Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.

5.78. The licensing authority maintains a 'designated vehicle' list in accordance with the Equality Act 2010. Therefore, drivers are subject the following duties :-

- a) to carry the passenger while in the wheelchair;**
- b) not to make any additional charge for doing so;**
- c) if the passenger chooses to sit in a passenger seat to carry the wheelchair;**
- d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and**
- e) to give the passenger such mobility assistance as is reasonably required.**

The Act then goes on to define mobility assistance as assistance:

- a) to enable the passenger to get into or out of the vehicle;**
- b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;**
- c) to load the passenger's luggage into or out of the vehicle;**
- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.**

5.79. It is the licensing authority's requirement not to charge a wheelchair user extra means that, in practice, a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment.

5.80. To ensure that the Equality Act 2010 is upheld, the Licensing Authority will:

- a) Have a zero tolerance policy to access refusals - investigating all reported violations of the Act with a view to pursuing a conviction.**

and may
- b) Undertake periodic test purchasing with assistance dog owners or **wheelchair users** on licensed vehicles to ensure that licensing requirements are being complied with.**



Runnymede Hackney Carriage and Private Hire Consultation

25 June to 17 August 2018

Runnymede's policy on hackney carriage and private hire licensing policy was approved by the Regulatory Committee with effect 2 April 2017. This policy is kept under review to ensure it remains relevant and proposals to amend the policy can be made where required.

One area of the policy in relation to tinted windows has been highlighted by the trade as causing concern.

Drivers and operators have raised concerns about the difficulty in sourcing new or second hand vehicles which meet our tinted window policy. Their concern is that many higher specification vehicles come with tinted windows or privacy glass as standard and replacement of these windows leads to considerable extra cost. In addition they have a further concern that hackney carriages and private hire vehicles which are licensed in adjacent authorities also work in Runnymede but they do not have this condition and benefit from the greater availability of higher specification vehicles.

Runnymede's current policy can be seen below at 6.46 to 6.60(i). The areas of the policy which are causing this specific +concerns are 6.46 (a) and (d) are highlighted.

6.46. Tinted windows

- 6.47. The Road Vehicles (Construction and Use) Regulations 1986 as amended specifies the minimum levels of light that must pass through the windscreen and front side windows. For vehicles first used on or after 1 April 1985, the light transmitted through the windscreen must be 75% and 70% through the front side windows.
- 6.58. The licensing authority recognises that many manufacturers fit tinted windows as standard original fittings as either 'dark tint' or 'light tint'.
- 6.59. There is a distinct difference between standard tinted windows which meet the legal requirements and what is commonly known as 'privacy glass' which is much darker and lets a minimum of light through as well as making it very difficult to see into the vehicle.

6.60. To address public safety concerns around the use of 'privacy' glass and to allow as wide a range of vehicles as possible to be used by the trade the following conditions apply to vehicle windows on the rear windscreen / rear side windows:-

- (a) All rear windows must allow at least 70% of light to be transmitted through them.
- (b) No vehicle shall be fitted with any form of additional film to darken or tint the windows on any part of the vehicle.
- (c) Front side windows and the front windscreen must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986.
- (d) Privacy glass shall only be acceptable where fitted to plate exempt vehicles

6.60(i) In order to avoid unnecessary expense being caused to the trade through this policy. It is proposed that any existing licensed vehicles which currently have factory fitted privacy glass be allowed to continue to be licensed on a yearly basis until such time as the vehicle is replaced or changes ownership (by change of ownership this includes the regular use of the vehicle by another driver). This will also allow time for drivers to make other arrangements for those customers who insist on vehicles with privacy glass.

Following representations made by drivers and operators we are consulting on the tinted windows policy (above).

We have four options for you to consider, briefly these are, Option A – allow darker tinted windows, Option B - allow darker tinted windows on all but the door windows, Option C – make no change and Option D – allow any degree of tinted window.

Please complete the survey and let us know your preferences to the options shown, you can also make free text comments if you wish.

**Runnymede Hackney Carriage and Private Hire Consultation
22 June to 17 August 2018**

Please read the following options and indicate your preference by placing a cross in the adjacent box

Option A **Allow darker tinted windows** - Change the requirement at 6.46(a) to :

'All rear windows must allow at least 25% of light to be transmitted through them.'

Option B **Allow darker tinted windows on all but the door windows –**

Change the requirement at 6.46(a) to:

'Windows on the rear passenger doors must allow at least 70% of light to be transmitted through them. Other windows at the rear of the vehicle can have any degree of tint.'

Option C **Make no change to the current policy.**

Option D **Allow any degree of tinted window.**

Remove the requirement at 6.46(a) and (d)

If you have any comments or suggestions you would like to make please place them below

Runnymede Hackney Carriage and Private Hire Consultation
22 June to 17 August 2018

In what capacity are you responding to this consultation:-

Hackney carriage/private hire driver

Private hire operator

Member of the public

Other (please specify)

This consultation will also be available on our web page, you can copy the word document and email it to us at licensing@runnymede.gov.uk.

Otherwise you can return the consultation questionnaire by email to licensing@runnymede.gov.uk using the subject line "Consultation"

Alternatively you can post your response to:

Runnymede Borough Council
Environmental Health and Licensing (taxi consultation)
Runnymede Civic Centre
Station Road
Addlestone
Surrey
KT15 2AH

This consultation will be open for responses until Friday 17 August 2018. A report on the policy around tinted windows, the consultation process and responses received will be considered by the Council's Regulatory Committee on 25 September 2018.

HC/PH	A	
OP	A	No change to tinted windows & I don't like The very dark windows at all, you can't see what's Going on etc.
OP	A	My suggestion is to allow any shade tint on rear side and rear window and a lighter tint on front side windows
OP	A	All new cars have dark windows
Public	B	
Public	B	
Other	B	
HC/PH	C	The legislation on tinted windows throughout a vehicle should be adhered to and passengers should not be demanding that a vehicle is illegal by having darker tinted windows. If "Privacy Glass" is fitted as new then that must also comply with the regulations and should be permitted. I don't think that any passenger is going to decline being taken in a car because of the intensity of the tint, and if they do, then they are not worth the problem. Brian Foley
HC/PH	C	
HC/PH	C	
HC/PH	C	
OP	C	
Public	C	
Public	C	I struggle to see any real requirement/need for taxis to be fitted with privacy / tinted windows. Apart from the abuse concerns (which I believe are still valid), I am also concerned with road safety issues due to the reduced ability to see through vehicles. This particularly applies to taxis which often (temporarily park) in 'inconvenient places to pitch up or drop-off passengers. An example being – whilst emerging from a minor road onto another road and not being able to see approaching vehicles due to parked vehicles (or see pedestrians behind vehicles).
Public	C	I can see absolutely no justification for having any sort of tinting, other than might reasonably shield from sunlight so long as it is legal in terms of the road traffic acts, any more than on a bus or train Personally, I think it is more a style issue .If the current policy was introduced to enhance passenger safety, unless there is some new evidence that this has <u>reduced</u> safety, then I can see .no reason to change it .
Public	C	Anything that makes things safer for passengers ,whether children or adults, should be maintained .I see no reason for tinted windows at all ,I think it's a kind of status symbol, and is a bit creepy . It doesn't allow the driver to be identified if a crime has been committed.
Public	C	Personally I think anything other than a basic tint is not only unpleasant for the passenger it is a driving hazard for the driver as it allows less visibility of the surroundings, particularly if the side and back windows are even moderately tinted. Manufacturer only choose to put them in so that they can make a bigger profit. Untinted windows can actually be fitted as standard on the low priced ranges (at least with Ford they can). Perhaps drivers should not aim for such high specs.

Public	C	I am a driver with a disability and can only drive an MPV type vehicle and I've not found one yet without Privacy Glass.
Public	C	I don't know why we are discussing it, They shouldn't be tinted at all, Haven't we learnt anything from Rotherham, Oxford, Telford, Etc,Etc,Etc
Other RHUL	C	Our student body are currently on vacation but following discussions with a small number of students and the SU it was felt that the current policy – restricting the use of darker tinted windows – still represents the safest option for passengers and offers then a feeling of security when using Hackney Carriage and Private Hire vehicles.
Other Police	C	<p>I have considered Runnymede Borough Council's current policy of all rear windows must allow at least 70% of light to be transmitted through them. In short, the current policy means that hackney carriage and private hire vehicles cannot have rear heavily tinted "privacy" windows. The basis for this restriction is for public safety. The current regulations reduce the possibility of sexual abuse involving a number of hackney carriage or private hire drivers .</p> <p>It is recognised that the current policy may involve an additional cost for operators. Apart from the cost of removing any non-compliant glass, drivers must also receive mandatory safeguarding training in order to be licenced.</p> <p>My own view is that the balance of cost against public safety and benefit is satisfied with the current arrangements. Practical considerations include:</p> <ol style="list-style-type: none"> 1. An operator may be less likely to infringe on licensing seating restrictions if the number of seats can be clearly seen. 2. Heavily tinted glass will prevent enforcement officers including Police officers from carrying out a quick visual check without stopping the vehicle. During enforcement exercises common practice has always been to, wherever possible , stop vehicles when empty to minimize inconvenience to passengers. This could be frustrated by the use of heavily tinted glass. 3. Hackney carriage and private hire vehicles provide a service to the public. Passengers should be comfortable with the fact that the vehicle they are about to enter is fit for purpose. Some passengers, particular vulnerable passengers, will feel safer if they can be seen from the outside of the vehicle. 4. General Safety. There are occasions where it is in the interests of the drivers or passengers to be on full view. Some passengers will behave unreasonably and unlawfully and the availability of a view from outside the vehicle may help to reduce unacceptable behaviour. Incidents that could compromise the safety of the driver or passengers may not be seen from outside the vehicle. In the event of an accident clear visibility may assist the Emergency services. 5. Hackney carriage and private hire vehicles may be used to facilitate offences such as :drugs distribution (including“ County Lines”), Child Sexual Exploitation, Modern Slavery and other criminal activity where the victim is too vulnerable and afraid to seek help. Often reports by the public are especially useful in indicating persons who are potentially at risk. By heavily tinting windows, the chance of being observed as a victim or perpetrator of crime is reduced significantly .

		<p>To change the policy to allow darker rear tinted windows could increase threat and risk both to passengers and drivers</p> <p>I believe that Runnymede Borough Council is upholding responsible and effective standards to the benefit of service users and also the drivers themselves.</p> <p>I consequently conclude that the current policy is effective and proportionate and support Option C - Make no change to the current policy .</p>
HC/PH	D	
HC/PH	D	
HC/PH	D	
HC/PH	D	
HC/PH	D	
HC/PH	D	Any vehicle that passes it's MOT should not be subjected to such a ridiculous test, manufactures have been fitting tinted glass for years who are RMC to say no to tinted glass after all the main purpose is to help with eye strain.
HC/PH	D	
HC/PH	D	
HC/PH	D	Due to the impending safeguarding training for all HC/PH drivers, I don't believe that this requirement is necessary
HC/PH	D	
HC/PH	D	
HC/PH	D	
HC/PH	D	
HC/PH	D	Allow manufactured tinted windows
OP	D	Provided they pass an MOT and have been factory fitted.

COUNCIL	TINTING POLICY
GUILDFORD	<p>The windows of any vehicle shall not have been treated so that anything other than the manufacturer's original fitted windows are in use (privacy glass is excluded).</p> <p>The windows of any vehicle shall not have been treated with any tint other than that originally fitted to the vehicle, i.e. tinting film. All windows let enough light through for a person 20 meters away to be able to see the number of passengers in the vehicle in daylight.</p>
WOKING	No policy regarding tinting
SPELTHORNE	<p>All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows, which state that as a minimum:</p> <ul style="list-style-type: none"> • The light transmitted through the windscreen must be at least 75% and the front side windows must allow at least 70% of light to be transmitted through them. <p>Newly licensed vehicles will only be considered suitable where all rear side windows allow at least 22% of light to be transmitted through them. There is no minimum transmission requirement for the rear windscreen.</p>
Transport for London	<p>Hackneys - no tints allowed</p> <p>PHV's - no restrictions</p>
Royal Borough of Windsor and Maidenhead	No restrictions
Surrey Heath	All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986
Bracknell Forrest	<p>All licensed vehicles (except for private hire vehicles with a dispensation) must meet the following requirements:</p> <p>(i) Light transmitted through the windscreen must be at least 75%</p> <p>(ii) All other windows (both front and rear) must allow at least 70% of light to be transmitted</p>

Popular makes comparison of tinted widow fitment , optional extra or standard.

Ford - Mondeo

Style – optional extra

Titanium –optional extra

Titanium hybrid - optional extra

ST - optional extra

Vignale –standard

Ford – S-Max

Zetec – optional extra

Titanium & Titanium X – standard

Ford – B Max

Zetec –optional extra

Titanium - optional extra

Titanium X –standard

Ford – Galaxy

Zetec - optional extra

Titanium –standard

Titanium X –standard

FORD TOURNEO

Connect 9 seater – optional extra

Custom 9 seater - standard

Mercedes

All optional extra unless top of the range models.

Vito 9 seater - standard

Skoda Octavia

S - not optional extra

SE - not optional extra

SE - optional extra

SE L - standard

L&K - standard

VRS – standard

Skoda Superb

S - not optional extra

SE - not optional extra

SE Technology- standard

SEL - standard

SPOTRLINE - standard

L&K – standard

Toyota – Auris

Icon - not optional extra

Design - standard

Excel – standard

Toyota – Avensis (no longer in production)

Active – not optional extra

Business Edition - not optional extra

Business Edition plus –standard

Excel –standard

Toyota – Prius

All models - not optional extra

Vauxhall - Insignia

Design –optional extra

SE - optional extra

Tech Line - optional extra

Elite - optional extra

SRi –standard

SRI VX – standard

Vauxhall – Vectra

Unavailable no longer in production

Vauxhall – Zafira

Unavailable no longer in production

Volkswagen – Passat Saloon & Estate

S Model - optional extra

SE Model – approx. 65% tints as optional extra

Blue Motion – approx 65% black tints as optional extra

SE Business Model – approx 65% black tints fitted as standard

Volkswagen – Touran

S Model – optional extra

SE Model & Sport – approx 65% black tints as standard

Volkswagen – Sharan

S Model - optional extra

SE Model – approx 65% black tints as standard

SEL Model – approx 65% black tints as standard