

Hackney Carriage and Private Hire Licensing Policy on Tinted Windows (Environmental Services, Robert Smith)

Synopsis of report:

This report considers Runnymede Borough Council's policy relating to tinted windows on Hackney Carriage and Private Hire vehicles.

Recommendation(s):

Members are asked to review the policy based on the information contained in this report and resolve whether to:

- i) make no change to the Council's policy on tinted windows; or
- ii) amend the policy by modifying the condition as set out in the report

1. Context of report

- 1.1 This report relates to this Council's Hackney Carriage and Private Hire vehicle licensing condition regarding tinted rear windows.
- 1.2 A 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, Section 48(1)(a)(i - iv) of the LGMPA 1976 part. It may attach such conditions to Hackney carriage licences as it considers reasonably necessary.
- 1.3 Runnymede's condition on tinted windows was approved by this Committee on 12 January 2017 as part of the Hackney Carriage and Private Hire Licensing Policy (the 'policy') which came into force on 2 March 2017.
- 1.4 Our 'Policy' (6.47 to 6.60(ii))contains the following in relation to tinted rear 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 and the rear windscreen / rear side windows:-*

- (a) *All rear windows must allow at least 70% of light to be transmitted through them.*
- (b) *An exception will be made for 8-seater MPV vehicles, tinted windows will be permitted on this type of vehicle.*
- (c) *No vehicle shall be fitted with any form of additional film to darken or tint the windows on any part of the vehicle.*
- (d) *Front side windows and the front windscreen must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986.*
- (e) *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. Any existing licensed vehicles which currently have factory fitted privacy glass will 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*

6.60(ii) *In relation to 6.60(b) above, in recognition that the larger MPV type vehicles are limited in choice and widely used as wheelchair accessible vehicles any restriction on these may have an adverse effect on the number of wheelchair accessible vehicles in Runnymede. As such an exception has been made for this type of vehicle’.*

- 1.5 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 this policy becoming effective in March 2017, Runnymede Council had no restriction on the level of tinted windows on the rear of Hackney Carriage (taxis) and Private Hire vehicles (PHV’s).
- 1.6 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.
- 1.7 Although the tinted windows policy has only been in place since January 2017 it has been reviewed by this Committee on three occasions, firstly in September 2018 when minor adjustments were made to allow tinted windows on larger wheelchair accessible vehicles. Secondly, in March 2020 when the policy was renewed at the end of its 3-year lifespan, and thirdly, in March 2021 with the recommendation to return to this Committee in June 2022 with a further update on the situation regarding any reports of crimes where tinted windows had been a contributory factor, as well as following updated Taxi and Private Hire Best Practice Guidance from the Department for Transport.
- 1.8 The Department for Transport are now consulting on new draft Taxi and Private Hire Best Practice Guidance (‘Draft Guidance’). The consultation is open until 20 June 2022, (this consultation is the subject of a separate report on this agenda). The final version of the new Taxi and Private Hire Best Practice Guidance is likely to be published later this year.

2. **Report**

- 2.1 Previous consultation and feedback from the trade shows a widespread disquiet with this policy. However, the Police, in the form of the local Inspector, were supportive of this in and cited the need to be able to identify persons in vehicles due to their concerns over ‘County Lines’ and safeguarding issues during consultation on the matter in 2018.

- 2.2 Since 2018, the Police have not made any comments or representations regarding tinted windows in any further policy consultations and have not at any time commented on those of other Surrey authorities.
- 2.3 Officers made a request to the Police in April 2022 asking for information on how many crimes or incidents have been committed in Runnymede or Surrey where having tinted windows on a taxi was a contributory factor. Police researchers analysed their records and the Police traffic department checked their records.
- 2.4 The police have informed us that tinted windows have not featured as a contributory factor in any recordable crimes or incidents, although it should be noted that should they have been, it would not necessarily mean this would be recorded on Police crime recording systems or indeed be thought to have sufficient weight to be a factor in the crime. The Police crime recording system does not include a category of 'tinted windows' and the system is unable to carry out a narrow search on the subject.
- 2.5 Officers have also discussed the matter with Surrey Police's Designing out Crime Officer, who has stated that tinted windows are not considered to be a contributory factor in crime and they are not aware of any cases where they have caused concern.
- 2.6 No responses concerning tinted windows were received during the consultation prior to renewal of our policy in March 2020. However, Officers are aware of the trade's feelings on this matter.
- 2.7 The Statutory Taxi & Private Hire Vehicle Standards which were the subject of a report to this Committee in March 2021, whilst referring to many areas of vehicle licensing did not mention tinted windows.
- 2.8 The 'Guidance' which was in place when this Council adopted its current window tint Policy in 2017 is set below:-

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 both Type Approval and Construction and Use Regulations.

- 2.9 The new 'Draft Guidance' contains a section on tinted windows which is more comprehensive than those in the previous 'Guidance'. The new 'Draft Guidance' states at 8.14 to 8.16:

'The rules for tinted vehicle windows are available on [gov.uk](https://www.gov.uk). For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in luxury, estate and people carrier style vehicles.

If the objective of the authority's prohibition of tinted windows is to address a concern that illegal activity is taking place in a vehicle, the evidence for this should be established and alternative options should be considered, for example, CCTV in vehicles. When licensing vehicles, authorities should be mindful of this as well as the significant costs and inconvenience associated with changing glass that conforms with the requirements of [vehicle construction regulations](#).

In the absence of evidence to show that a requirement for the removal of factory fitted windows is necessary and proportionate, licensing

authorities should not require their removal as part of vehicle specifications. However, authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting.'

2.10 Members will have noted the key difference in the wording of the 'Draft Guidance' with the additional text in bold.

2.11 The DfT consultation document on the 'draft guidance' makes reference to tinted windows as shown below:-

'As of 31 March 2021, 87 of 281 licensing authorities had a minimum light transmission policy for rear (those that are rear of the B pillar) windows in taxis and 86 for private hire vehicles.

A restriction on the level of window tinting (which reduces the transmission of light) is usually on the grounds that passengers should be able to see the vehicle is unoccupied before entering and that enforcement Officers can see that vehicles are not carrying more passengers than for which the vehicle is licensed.

It is expected that the greatest concerns over visibility will be at night when ambient light levels are low.

Passengers are, however, able to request that the rear windows of a vehicle are opened before entering.

The need for compliance and enforcement Officers to check whether a vehicle is overloaded is not disputed. Vehicles are licensed to carry a maximum number of passengers to ensure their safety. The extent to which window tinting makes a significant difference in ascertaining at night whether a moving vehicle is overloaded is not known.

To confirm whether a vehicle was overloaded would require a check when the vehicle is stationary. If a vehicle is stationary, the compliance and enforcement officer can ask that any windows are opened and so the benefits in prohibiting tinted rear windows is unclear.

Licensing authorities that require the removal of factory-fitted tinted windows sometimes allow exemptions from light-transmission requirements for executive hire services.

Most commonly, these vehicles are defined by the list price of the vehicle used. These are, though, licensed as PHVs and it is difficult to prevent them from being used for normal services, nor is it possible to establish a sub-category of drivers that are extra fit and proper.

Given that all PHV drivers are vetted to the same level, regardless of the nature of their work, there seems no rationale for one vehicle being permitted to have tinted windows and another not.

The replacement of rear windows can cost many hundreds if not thousands of pounds. If licensing authorities are concerned about the safety of passengers, a better option could be for them to consider, after taking into account potential privacy issues, whether the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and PHV users as recommended in the statutory taxi and private hire vehicle standards.'

Considerations

2.12 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. Tinted windows fundamentally make it more difficult to see into the rear of a vehicle.

2.13 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 conditioning, 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. If the windows were tinted it would improve passenger 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.
- Improved uptake of newer specification vehicles with improved safety features and fewer emissions.
- A wider selection of new and second-hand vehicles for drivers to purchase.

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

- Tinted windows make it more difficult to see into the rear of a vehicle. Activities taking place in the vehicle cannot be seen 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 seen clearly. 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 on full view may help to reduce unacceptable behaviour. Incidents that could compromise the safety of the driver or passengers may not be visible 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 could restrict the driver's ability to have all round vision and awareness.

2.15 The Council recognises the fact that the 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 in the past due to several high-profile cases. This publicity has had a negative effect on the trade's image throughout the Country. The introduction of our tinted windows policy was in part to counter this bad publicity and provide reassurance for the traveling public.

2.16 Councils throughout the Country have different standards for vehicle licensing, 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. However, it is noteworthy that London hackney carriages are not permitted to have tinted windows. For information, Appendix 'A' shows the tinted

window standards for Surrey Councils and the Royal Borough of Windsor and Maidenhead which borders Runnymede to the north and frequently has its licensed vehicles in the area around Egham.

- 2.17 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.
- 2.18 Officers are frequently asked about the possibility of relaxing this condition by drivers. Their view is that finding suitable vehicles which meet our policy is increasingly difficult, as many of the older second-hand vehicles which would have met the policy are now unavailable, and there is a lack of choice and availability of vehicles whether new or second-hand.
- 2.19 Many drivers whilst wanting to upgrade their vehicles and buy a newer model are now delaying this decision and using their existing vehicles for longer. This is costly for drivers with older vehicles with high mileage. These vehicles require more maintenance to keep them roadworthy, which is particularly expensive when it comes to replacing major components.
- 2.20 A proportion of vehicles come with tinted windows as standard and some of these fall below our requirement. Vehicle manufacturers have not taken the level of tinted windows into account in their manufacturing processes and the dealers themselves are unsure of tinting levels. There has been no incentive for manufacturers to provide vehicles with tinted windows to meet any Councils' specification and the lack of take-up of a consistent tinted windows policy Countrywide has made availability of suitable vehicles a constant headache for drivers.
- 2.21 In Runnymede we do not have a vehicle age limit and the vehicle's continued licensing depends on the vehicle's condition (this is in line with the 'Draft Guidance'). The increased prevalence of dark tinted glass, fitted as standard to new cars, could potentially limit the choice of suitable vehicles so that licence holders choose to purchase and licence older vehicles or licence with another authority with less stringent conditions.
- 2.22 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.
- 2.23 With the increasing sales and use of electric vehicles we have noticed that almost all electric cars have tinted windows, as it keeps the interior cooler, and saves energy being expended trying to reduce the temperature with air conditioning. Our current policy may be a factor in holding back electrification as drivers will be reluctant to change windows on new electric vehicles to comply with this policy.
- 2.24 Should Members decide to modify the condition, Officers would recommend that the Committee notes the need for windows to be safe and secure. With that in mind, a condition such as the one below is suggested:
- i) All windows must be kept clean and free of any stickers or labels except those required by relevant legislation or licensing conditions;
 - ii) All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulations (as amended) with regards to the level of

tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%;

- iii) Tinted films applied to the vehicle windows post manufacture are not permitted; and
- iv) All Side and rear windows will not have a visual light transmission restriction provided that the side and rear windows were installed by the vehicle's manufacturer.

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.

4. Equality implications

- 4.1 An Equalities Impact Screening Assessment was carried out on the main policy for taxi and private hire licensing when it was created and reviewed. Amending the condition as suggested 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

Statutory taxi and private hire vehicle standards

[Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Local Government (Miscellaneous Provisions) Act 1976

[Local Government \(Miscellaneous Provisions\) Act 1976 \(legislation.gov.uk\)](http://legislation.gov.uk)

Runnymede Borough Council Hackney Carriage and Private Hire Licensing Policy

[Hackney Carriage and Private Hire Licensing Policy 2020 to 2025 \(runnymede.gov.uk\)](http://runnymede.gov.uk)

DfT draft best practice guidance 2022

[Taxi and private hire vehicle: best practice guidance to assist local authorities - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

DfT best practice guidance 2010

[Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)