

SUBJECT:	Consideration of South Bucks District Council adopted policy approach to tinted windows on hackney carriage and private hire vehicles
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

1. Purpose of Report

- 1.1 To allow members to consider the results of an eight week consultation exercise concerning proposals to amend the Council's current adopted policy approach to tinted windows fitted in hackney carriages and private hire vehicles.

2. Links to Council Policy Objectives

- 2.1 There is a link between an efficient taxi and private hire licensing service with appropriately licensed drivers and vehicles and the council's policy objective for safer and stronger communities.

3. Background

- 3.1 On 9 October 2013 the Licensing Committee considered a report concerning the Council's current approach to tinted windows on hackney carriages and private hire vehicles. The Committee determined that a new policy wording, as set out below, was appropriate and that an eight week consultation exercise should be undertaken to seek views of interested parties on the proposed new wording.

“Light transmitted through the front windscreen of hackney carriages and private hire vehicles must be at least 75%. All other windows including the rear windscreen must allow at least 70% of light to be transmitted. Exceptions to this policy will be permitted for executive private hire vehicles which meet the Council's dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council's Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements”.

- 3.2 If adopted, this policy would only relate to new applications only. Vehicles already licensed that do not meet the proposed new policy requirements would be able to continue being licensed.
- 3.3 A consultation exercise commenced on 17 October 2013 and concluded on 11 December 2013. Details of the consultation were posted on the Council's website, letters were sent to all private hire and hackney carriage drivers and operators, South Bucks District Councillors, Parish Councils and a number of other individuals and organisation who officers believed may have been interested in contributing to this consultation. A link to the consultation was also posted on the Council's Twitter feed. A copy of the letter sent to drivers and operators is attached as Appendix 1 and a copy of the consultation webpage is attached as Appendix 2.

4. Discussion

- 4.1 14 responses to the consultation exercise were received, as detailed below. Of the 14 responses received 8 were in favour of the proposed new policy approach and 6 were not in

favour. A petition signed by 35 private hire and/or hackney carriage drivers was also received and is attached as Appendix 3.

4.2 Responses in favour of proposed new policy wording:

Councillor Lin Hazell - Perfectly happy to support this recommendation, I would be very reluctant to ride in a taxi with blacked out windows.

Nathan March, South Bucks District Council Community Safety Manager - I am in support of the proposed changes as I do not see any significant benefit to passengers of taxis to have tinted windows. Ensuring that taxis do not have tinted rear windows will benefit both taxi drivers and passengers by increasing the likelihood of any incident that takes place within a taxi being witnessed by others.

Christine Taylor - As a taxi user I agree with the proposed amendment re tinted windows.

Carol Gibson - The proposed change seems to strike the right balance as the dispensation relates only to those vehicles not required to display a licence plate. As a regular taxi user, and unlikely to fear for my own safety as a passenger, it is important that all passengers feel secure and able to attract attention if necessary. I support this change.

Councillor Jennifer Woolveridge - I agree with the changes proposed.

Councillor Wendy Matthews - I would support the changes in the interests of public safety and ensuring the situation is as clear as possible for everyone.

Stoke Poges Parish Council - agree to support the consultation requests.

Suzy Mills - I think restricting the tint in vehicle windows is a good idea. I drove a car with tinted windows in the past and my vision, especially at night, was very restricted. I never had tinted windows again.

4.3 Responses not in favour of proposed new policy wording:

David Brackin - I recently received notice of your proposals to impose a 70% maximum tinted rear windows in minicabs. The aim of clarifying a vague directive is admirable, but the issue we face as residents is not the tint in the windows, but the lack and price of minicab services. With poor public transport options compared with our near neighbour, minicabs are an essential lifeline in South Bucks. Making it harder and/or more expensive to provide such services seems to be going to wrong way. The arguments for preventing tinting are to allow passengers to signal for help (from booked and licensed drivers: the very thing that Boris is telling Londoners is a sign of safety!) and to facilitate enforcement (a rare occurrence for a rare problem which can be easily concentrated by enforcement at taxi ranks or pick-up/drop-off spots). Neither of these arguments is compelling. South Bucks should be seeking to make it easier to provide minicab services, and so the amendment should remove the restriction altogether and rely upon C&U regs. If you are seeking to improve safety, then may I suggest engaging on a program of mystery shopping minicab drivers driving skills: the standard of Roadcraft is dire and likely to have a considerably greater impact on safety and other road users than the colour of their rear windows.

Michael Saxby - Window tinting on taxis, etc should not be allowed.

Amir Davami, Private Hire Operator - I am in favour of current policy, rear windows should be tinted enough for the passenger to be seen from outside.

Asad Khan - Further to your letter regarding window tinting, if a car is purchased which has manufacture window tints which are not up too the new opposed policy then would we be required to alter this? I totally disagree with new policy. I would agree if the windows had more of a tint then allowed by the council or the law but putting forward a policy where we would have to go through removing manufacture installed tints is not only ridiculous but very expensive. I wish you would take all drivers views in to account before you reach a final decision.

Alan Donn, Fleet Cars - We have just found out the council are intending to ban all tinted windows. We must put in objection to this as the cost of changing to clear glass will be enormous. All of our clients have no objection to tinted windows. Most of vehicles come standard with tints. As you know times are hard at the moment, all the cost of insuring, taxing, licensing and the fuel have made it very difficult to make a decent living. Even some drivers have quit the industry. We request you not to make this rule. All the drivers working for fleet are in agreement with this letter.

Shabir Hussain - I am sending this email in response to your request on my view on tinted windows on a licensed taxi. I do not feel that preventing cars with tints is adequate to justify the safety of passengers. There are controls on the driver already in place to prevent known offenders carrying a taxi badge. I am also concerned that not enough is done to prevent unlicensed taxis operating in the area which is more dangerous to the passenger than a licensed cab with tinted windows. There are so many arguments that I do not have time to banter about so I am requesting that you take the time to reflect on this decision and allow factory fitted tints on licensed taxis. On another note I have seen a letter by Wycombe District Council allowing taxis to only submit an mot with the vehicle licence renewal and would welcome this initiative from South Bucks as well. I cannot understand why one council would differ in their policies to another. Thank you for your continuing support and look forward to hearing from you.

- 4.4 Petitions received by the Council are required to be dealt with in accordance with the Council's Procedure Rule 24 and in accordance with the Council's adopted Petition Scheme as set out in Part 5 of the Constitution. As stated in paragraph 4.1, a petition signed by 35 private hire and/or hackney carriage drivers was received in relation to this consultation exercise. The petition has been acknowledged, a copy of the petition posted on the Council's website and an offer of a meeting with officers made to the petitioners. Should a meeting with petitioners take place details of the meeting will be provided to the Licensing Committee at the meeting on 29 January 2014 when this matter is considered.
- 4.5 The petition submitted does not appear to be in favour of the proposed new policy regarding tinted windows, although the petition heading is somewhat confusing. The third page of the petition has a slightly different heading to the first two pages. The petition heading states that the Council is "thinking of implementing rear tint window" with the words "removal of" and "no" added in in writing at some stage. The petition expresses concern about the cost to drivers associated with replacing tinted glass on vehicles and states that there are more serious issues that the Council ought to be addressing. The covering letter accompanying the petition states that 8 out of 10 vehicles are now manufactured with tinted rear windows. Although many vehicles have only very lightly tinted windows, which would be eligible for licensing if the policy which was the subject of consultation was adopted, it is also the case that there does appear to be a trend for dark tinted windows to be installed upon manufacture in some types of

vehicles that are commonly used as taxis and/or private hire vehicles, such as the Ford Galaxy.

- 4.6 Members will note that some of the representations received do not relate directly to this proposed policy amendment, they address other issues and concerns which are not currently under consideration. In some cases representors incorrectly assume that this policy, if adopted, would be applied retrospectively. If the policy is adopted it will only apply to new applications and not existing licensed vehicles.

5. Resource, Risk and other Implications

5.1 Resource:

- 5.1.1 The cost of carrying out this review and the consultation process involve staff time and resources, but these costs will be met within the existing budget.
- 5.1.2 If an applicant for a vehicle licence appeals against the decision of either officers or the Licensing Sub Committee this would result in legal fees to defend the appeal and further costs which we would seek to recover if the appeal was unsuccessful. In the event of a successful appeal the Council may also have to pay the applicants costs.

6.0 Recommendation.

- 6.1 It is recommended that members consider whether to:

- a) approve the revised policy wording stated in paragraph 3.1 above as agreed on 9 October 2013; or
- b) in light of the comments made in response to the consultation, agree a revised policy wording permitting a different level of window tint on rear windows, substituting an alternative appropriate percentage into the policy wording below. Members are asked to note that if a decision was taken to recommend a level of tint to be permitted that is materially different to the level that was consulted on then a further consultation exercise would need to be undertaken and the results of that consultation exercise considered prior to a final decision being made.

“Light transmitted through the front windscreen of hackney carriages and private hire vehicles must be at least 75%. Light transmitted through the front side windows of hackney carriages and private hire vehicles must be at least 70%. All other windows including the rear windscreen must allow at least (insert appropriate percentage) of light to be transmitted. Exceptions to this policy will be permitted for executive private hire vehicles which meet the Council’s dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council’s Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements. Executive private hire vehicles meeting the dispensation requirements will be required to meet the requirement for 75% and 70% of light to be transmitted through the front windscreen and front side windows respectively”.

- 6.2 It is further recommend that if the Licensing Committee approves option 6.1a above, it recommends adoption of the preferred policy option to full Council for approval at the meeting of 25 February 2014.

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Background Papers:	Hackney Carriage & Private Hire Licensing Policy & Associated Documentation Date of Adoption 11 December 2007, First Review 12 April 2011. Report to Licensing Sub Committee 9 October 2013 Consideration of policy approach to tinted windows on hackney carriage and private hire vehicles.