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## AGENDA

<b>Committee</b>	PUBLIC PROTECTION COMMITTEE
<b>Date and Time of Meeting</b>	TUESDAY, 4 FEBRUARY 2020, 10.00 AM
<b>Venue</b>	COMMITTEE ROOM 1 - COUNTY HALL
<b>Membership</b>	Councillor Mackie (Chair) Councillors Sattar, Asghar Ali, Derbyshire, Goddard, Jacobsen, Lancaster, Robson and Wood

### 1 **Apologies for Absence**

To receive apologies for absence.

### 2 **Declarations of Interest**

To be made at the commencement of the agenda item in question, in accordance with the Members' Code of Conduct.

### 3 **Minutes** (*Pages 3 - 12*)

To approve as a correct record the minutes of the meetings held on 3 December 2019 and 7 January 2020.

### 4 **Prestige Vehicle Application** (*Pages 13 - 14*)

### 5 **Consideration of the Use of Darkened Glass in Licence Vehicles** (*Pages 15 - 34*)

### 6 **Urgent Items (if any)**

**Davina Fiore**  
**Director Governance & Legal Services**

Date: Wednesday, 29 January 2020

Contact: Graham Porter,  
02920 873401, g.porter@cardiff.gov.uk

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PUBLIC PROTECTION COMMITTEE

3 DECEMBER 2019

Present: Councillor Mackie(Chairperson)  
Councillors Derbyshire, Goddard, Jacobsen, Lancaster, Robson  
and Wood

13 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

14 : DECLARATIONS OF INTEREST

No declarations of interest were received.

15 : MINUTES

The minutes of the meetings held on 5 November 2019 were approved by the Committee as a correct record and were signed by the Chairperson.

16 : HACKNEY CARRIAGE VEHICLE LICENCE LIMITATION

The Committee received a report on Hackney Carriage Vehicle Licence Limitation. Members were advised that the Town Police Clauses Act 1847 and the Transport Act 1985 gives local authorities the power to grant hackney carriage proprietor (vehicle) licences and a Licensing Authority may limit the number of licences issued provided it has evidence that there is no significant level of unmet demand for the services of hackney carriages.

In Cardiff in December 2016 the Public Protection Committee resolved to continue the moratorium placed upon the granting of new hackney carriage vehicle licences as it was satisfied that there was no significant unmet demand. The moratorium was originally implemented in 2010 and there are currently 946 licensed hackney carriages in the city.

The Department for Transport (DfT) Best Practice Guidance recommends that where local authorities impose a limit on the granting of hackney carriage vehicle licences, an independent survey should be undertaken at no more than three yearly intervals to assess the current levels of demand. AECOM were commissioned by Cardiff Council to undertake an independent survey of Cardiff's taxi demand in the summer of 2019. The findings were attached to the report in Appendices A - D.

The overall recommendation of the AECOM report is that Cardiff Council should maintain the current moratorium on the issue of new licences in Cardiff, except where there is need in the future for additional licences in the event that section 161 of the Equality Act 2010 is brought into force.

This report provided the Committee with further detail of how the survey was conducted and the additional findings of the survey to allow the Committee to consider fully the recommendation.

The Committee debated the findings and in particular issues around disabled accessible vehicles and emissions standards. The Committee considered that the case for no increase in the number of licences issues had been satisfactorily made. Members questioned whether it would be possible to exempt electric vehicles from the limit. Officers indicated that a report on vehicle emissions would be brought forward in the near future.

Responding to a question from the Committee, officers also indicated that the authority have no powers to prevent cross-border hire and vehicles licensed by other authorities can legally carry out private hire work in Cardiff.

RESOLVED – That:

- (1) Based on the results of AECOM surveys, the Committee approved the continuation of the current moratorium on the issue of new hackney carriage proprietor licences.
- (2) Members noted that the Licensing Department will work with a number of stakeholders running an education and awareness campaign to help improve understanding amongst the public.

17 : URGENT ITEMS (IF ANY)

No urgent items were presented.

The meeting terminated at 11.00 am

## PUBLIC PROTECTION SUB COMMITTEE

3 DECEMBER 2019

Present: Councillor Mackie(Chairperson)  
Councillors Goddard and Jacobsen

### 5 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 Schedule 12A of the Local Government Act 1972. The public may be excluded from a meeting by resolution of the Committee pursuant to Section 100A (4) of the Local Government Act 1972 during discussion of this item.

RESOLVED : That the public be excluded.

### 6 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

(1) Application 1  
Deferred for 1 month

(2) Application 2  
Deferred for 1 month

(3) Application 3

The Sub Committee received representations from a driver who had received 6 penalty points for driving without due care and attention. The driver stated that during a trip to London he attempted to u-turn and was involved in a collision with a motorcyclist. The motorcyclist was knocked off his bike but was uninjured. The driver pleaded guilty to driving without due care and attention and was awarded 6 penalty points and a £400 fine.

RESOLVED – That the driver receive a written warning and be required to complete the BTEC Introduction to the role of the Professional Taxi and Private Hire Driver within 3 months.

(4) Application 4

The Sub Committee was asked to consider the case of a driver who had failed to produce a valid DBS certificate upon renewal of his licence. The driver stated that he had attended the Licensing Office in City Hall and produced his DBS. He did not receive the reminder correspondence. The driver produced a valid DBS certificate at the meeting.

RESOLVED – That no further action be taken.

(5) Application 5

The Sub Committee received representations from a driver who had received 6 penalty points for driving without valid insurance following a prosecution for plying for hire without a valid licence. Members were advised that the driver was a private hire driver who had picked up passengers that had not pre-booked as part of a planned operation by Licensing Officers. The driver stated that it was raining on the day in question and he agreed to take the passengers because of the bad weather. He accepted he was at fault and apologised.

RESOLVED – That the hackney carriage/private hire drivers licence be revoked.

(6) Application 6

The Sub Committee received representations from a driver who had received 6 penalty points for using a mobile phone whilst driving. The Sub Committee was advised that the driver received a call for a pick up at Cardiff Airport. The mobile phone was used to check directions.

The driver's representative addressed the Sub Committee. A request was made that, as the offence was committed and reported when the previous guidelines were in force then they should be applied when the Sub Committee considered this matter. Members were also asked to consider the exemplary record of the driver concerned.

The driver explained the events on the day in question. The driver accepted that he was at fault and that the safety of the public is paramount and in preparation for the sub-committee meeting had voluntarily put himself through the BTEC course. The driver also produced good character witnesses and asked that this be taken into account

RESOLVED – That the driver receive a written warning and be required to complete the BTEC Introduction to the role of the Professional Taxi and Private Hire Driver within 3 months.

(7) Application 7

The Sub Committee received representations from a driver who received 5 penalty points when prosecuted for leaving the scene of an accident. The driver also receive 3 penalty points for a speeding offence.

Members were advised that the driver had picked up four passengers in the City Centre. The passengers were unhappy at being overcharged by other drivers and were acting aggressively. The driver was subsequently involved in a collision with another vehicle which resulted in a wing mirror being damaged. The driver gave the other party his telephone number.

After the incident the driver had a conversation with the other driver. The

other driver quoted a £160 cost for the repair of the wing mirror. The driver suggested he use another garage. The driver was subsequently contacted by South Wales Police. He was advised that he needed to provide his registration number not his telephone number and the matter would therefore need to be considered by the Courts.

The speeding offence was committed in Newport when the driver had a customer in the vehicle.

RESOLVED – That the hackney carriage / private hire drivers licence be suspended by 10 days for driving offences.

(8) Application 8

Members were asked to consider the application for a hackney carriage / private hire driver licence from an applicant who had a convictions for possession of a fire arm and possession of ammunition. The applicant made representations to support the application. The applicant provided details of the conviction. Members were advised that whilst in custody the applicant chose to re-educate and reform his character. He was released from prison over seven years ago. During that time he has worked as a fitness instructor and a door supervisor.

RESOLVED – That the application for grant of a hackney carriage / private hire drivers licence be refused as the Sub Committee did not consider the applicant to be a fit and proper person to hold a licence.

(9) Application 9

Members were asked to consider an application from an applicant who had a number of conviction mainly in relation to the supply and possession of Class A drugs. Members were advised that the applicant accepted that his convictions were 'appalling'. However in the past 11 years he had changed his lifestyle and he is no longer in any trouble. He is now married and has 3 children. The applicant is currently working for Flightlink Wales.

Members asked the applicant to explain the circumstances in relation to a conviction for neglect of a child. The applicant stated that he was in a 'toxic' relationship with the mother of a child who was not his. Both partners were irresponsible. He was unable to elaborate on the neglect.

RESOLVED – That the application for grant of a hackney carriage / private hire drivers licence be refused as the Sub Committee did not consider the applicant to be a fit and proper person to hold a licence.

The meeting terminated at 1.30 pm

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## PUBLIC PROTECTION SUB COMMITTEE

7 JANUARY 2020

Present: Councillor Mackie(Chairperson)  
Councillors Derbyshire and Jacobsen

### 7 : EXCLUSION OF THE PUBLIC

Item 2 is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

### 8 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

#### (1) Disciplinary Hearing 1

The driver had received the report and did not agree that the information was accurate.

Witness 1 recounted his version of events. The driver's representative questioned the witness. Witness 1 confirmed the details of the driver, the taxi licence number and the taxi vehicle on the night of the incident.

The driver's representative suggested that number plates could have been cloned. The driver could not recall any trips in connection with the witnesses' statement. He added that the driver had not had any previous complaints.

The Sub-Committee asked whether the driver could recall a journey to Maesteg and whether he had received payment. The driver indicated that he could not recall trips he made during the Rugby weekends and which fares were accepted for cash.

The Sub-Committee asked the driver to confirm that his witness statement was accurate. The driver disagreed with what he previously stated on the witness statement. The driver's representative stated that in his view not all transcripts are accurate.

The Sub Committee discussed all the information received. Members found the witness to be credible.

RESOLVED – That the Hackney Carriage / Private Hire drivers licence be suspended for 10 days and driver be required to complete the BTec Course in Transporting Passengers within 3 months.

(2) Disciplinary Hearing 2

Witness 1 addressed the Sub Committee. Members were advised that the witness was distressed and recalling being stranded with no money to return home. Both witnesses stated the incident was reported immediately as soon as they were home. They informed the police, banks and telecommunications company.

Driver's representative questioned Witness 1. Witness 1 did not remember the driver or using the Find My Phone app. Witness 2 via mobile video recognised the driver's face.

Driver's representative added that the driver had not had any previous complaints, and presented references to the Sub Committee. Driver confirmed he understood the policy regarding lost property.

The Sub Committee questioned whether the driver if he could recall where he was on the time of the incident as CCTV video recorded his vehicle in the vicinity. The driver stated he found it hard to remember where he was 3 months ago.

After careful consideration the Sub Committee gave significant weight to the witness statement and raised concerns the driver abandoned his passengers who were in a vulnerable position. CCTV evidence provided a record that vehicle was in the vicinity at the time of the incident and that the taxi picked up the witnesses.

RESOLVED – That the Hackney Carriage / Private Hire drivers licence be suspended for 20 days.

(3) Disciplinary Hearing 3

Adjourned sine die – driver did not attend

(4) Disciplinary Hearing 4

Adjourned sine die – driver did not attend

(5) Application 1

Adjourned sine die – driver did not attend

(6) Application 2

The Sub Committee received representations from an applicant who had committed two speeding fines. The applicant also had a Hackney Carriage / Private Hire drivers licence revoked by another local authority as a result of complaint made about his conduct.

The driver apologised for the speeding offences. He explained that the offences occurred at a time when he had some domestic problems. The

Local Authority took the precaution as standard protocol. The Local Authority did not deem the driver to be a threat to the public.

The Sub Committee were satisfied the driver understood the protocol regarding challenging passengers.

RESOLVED – That the application for a Hackney Carriage / Private Hire Drivers Licence be approved.

The meeting terminated at 1.55 pm

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CARDIFF COUNCIL  
CYNGOR CAERDYDD

**PUBLIC PROTECTION COMMITTEE: 4 February 2020**

REPORT OF THE HEAD OF SHARED REGULATORY SERVICES

**HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS**

The Committee is requested to determine the following application:-

**1. Mr Rehman, Infiniti Q50 – NL16 BXB**

Application to have the Infiniti Q50 to be approved as a prestige vehicle with a ten year age restriction.

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CARDIFF COUNCIL  
CYNGOR CAERDYDD

Agenda No.

**PUBLIC PROTECTION COMMITTEE: 4 February 2020**

**Report of the Head of Shared Regulatory Services**

**CONSIDERATION OF THE USE OF DARKENED GLASS IN RESPECT OF  
LICENSED VEHICLES**

**1. Background**

- 1.1 At its meeting of 3 July 2018, the Public Protection Committee considered a report in relation to whether the vehicle licence condition restricting the use of darkened glass should be removed. Cardiff Council is one of only a few local Authorities in Wales that has such a requirement. The condition states:

*Windscreen & Windows*

*'To be in a good clean condition and free from damage. The windscreen must allow at least 75% of light to pass through with all other windows allowing 70% of light to pass through.'*

- 1.2 The Committee resolved to allow the use of darkened glass (glass that lets less than 70% of light to pass through) that is manufacturer fitted in licensed vehicles, provided that a Council approved interior CCTV system was installed.
- 1.3 A subsequent report was considered by Committee at its meeting of 7 August 2018 explaining the need to ensure that any approved CCTV system complies with all legal requirements, and as a result the Committee resolved to delay implementation of the change of vehicle licence condition until approval of a CCTV specification criteria.
- 1.4 A subsequent report was considered on 6 November 2018. The report explained that a policy that mandates CCTV would require an evidential basis as part of the privacy impact assessment. However, there was no evidence at present to support the mandatory requirement of CCTV in vehicles with darkened glass. This requirement could result in the use of CCTV in these circumstances as being viewed by the Information Commissioner as being disproportionate and open to legal challenge.
- 1.5 It was stated in the July Committee report that there was no evidence available to indicate that removing the darkened glass condition would

increase safety concerns. An Inspector from South Wales Police was quoted saying:

*'I don't believe that we have any evidence based/analytical work done on offences or safety concerns around darkened glass. I think because of this and that it will be fitted during the manufacturing stage it would be difficult to raise any valid objections.'*

- 1.6 The July report also provided details of a trade consultation that took place in 2017 asking 'should Cardiff Council allow darkened glass in hackney carriage and private hire vehicles?' Sixteen drivers completed the survey and the results found that 62.5% of respondents believe that the council should allow darkened glass in both hackney carriage and private hire vehicles, 25% of respondents believe that only private hire should be allowed to have darkened glass; and 12.5% of respondents believe that darkened glass should not be permitted in either hackney carriage or private hire vehicles.
- 1.7 In recent months, the Licensing Department have received reports from the trade relating to difficulty in having their glass replaced, as manufacturers are increasingly not supplying glass that complies with the current licence conditions. This has created an issue whereby vehicle proprietors are having to use third parties to source replacement glass which can have implications for the manufacturer warranty of the vehicle as they are using non-manufacturer approved glass. Some modern vehicles also use the fitted glass for the antenna for communication equipment such as the radio and satellite navigation. Therefore, when the glass is replaced with non-manufacturer fitted glass this can affect the antenna. Attached at Appendix A and B are recent letters to the Licensing Department from the trade related to the difficulty in replacing glass.
- 1.8 As previously reported at the March 2019 Public Protection Committee relating to the introduction of emission standards for licensed vehicles, the Licensing Department intend to implement a phased policy of vehicle improvement, beginning with removing the oldest and more polluting vehicles from the city's roads and transitioning to the long-term target of achieving a 100% zero emission fleet of licensed vehicles. Vehicles are increasingly being manufactured with darkened glass as standard and vehicles proprietors will find it increasingly difficult to purchase vehicles with non-darkened glass and the potential economic burden of meeting the emission requirements.
- 1.9 In light of the above, the Cardiff Hackney Carriage Alliance, who are the Licensing Department's recognised trade organisation, have formally requested that the authority reconsider amending the vehicle conditions to permit the use of manufacturer fitted glass. As with all vehicles, those



manufactured with darkened glass would have undergone vigorous safety checks and must comply with all relevant legislation and type approval. There is no suggestion that the use of these vehicles at night or in poor light conditions would create any problems of light transmission and reduced visibility for the driver.

- 1.10 The Cardiff Hackney Carriage Alliance have provided documentation in support of their request, these documents are detailed at Appendix C and D.

## **2. Achievability**

- 2.1 This report contains no equality personnel or property implications.

## **3. Legal Implications**

- 3.1 Sections 48 (1) (a) (i) (iv) and (v) of the Local Government (Miscellaneous Provisions) Act 1976 stipulate that the Council shall not grant a private hire vehicle licence unless it is satisfied that the vehicle is suitable in type size and design for use as a private hire vehicle, safe and comfortable. Further, if a licence is granted the Council may attach such conditions to it as it considers to be reasonably necessary.
- 3.2 Under section 47 of the Act the Council may attach to the grant of a Hackney Carriage licence such conditions as it may consider reasonably necessary. The range of conditions is wide and can therefore encompass safety, comfort and design.
- 3.3 Applicants have the right of appeal to the Courts against the refusal of a licence or conditions attached to a licence. Council policies may be challenged by way of judicial review.
- 3.4 Legal implications in relation to data protection issues are found throughout the body of this Report. In particular the Code of Practice issued by the Information Commissioner's Office must be given considerable weight. Any condition relating to CCTV which cannot be justified as proportionate to identified needs is vulnerable to legal challenge. Assessments must be based on reliable evidence. As there is no such evidence available it is not possible to impose a condition requiring CCTV at the present time.

## **4. Financial Implications.**

- 4.1 There are no financial implications arising directly from this report.

## 5. Recommendation

5.1 It is recommended that the Committee resolve to either:

a) Remove the hackney carriage & private hire vehicle licence condition stated in paragraph 1.1 (relating to darkened glass) and replace with:

*‘Windscreen & Windows*

*‘To be in a good clean condition and free from damage. All windows must comply with relevant legislation in respect of light transmission. Only original vehicle manufactured tints are permitted on the rear windows. ‘*

Or;

b) Retain the hackney carriage & private hire vehicle licence condition stated in paragraph 1.1 (relating to tinted glass)

## 6. Reasons for Recommendation

6.1 To ensure that any conditions made in respect of vehicle licence conditions remain proportionate.

**Dave Holland**  
**HEAD OF SHARED REGULATORY SERVICES**

**2 January 2020**

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers:

- Report of the Head of Shared Regulatory Services: ‘*Consideration of the Use of Darkened Glass in Respect of Licensed Vehicles*’. 3 July 2018
- Report of the Head of Shared Regulatory Services: ‘*CCTV Systems in Licensed Vehicles*’ 7 August 2018
- Report of the Head of Shared Regulatory Services: ‘*Consideration of the use of darkened glass in respect of licensed vehicles*’ 6 November 2018
- Report of the Head of Shared Regulatory Services: ‘*Update to the age, emission and testing requirements of hackney carriage and private hire vehicles*’ 5 March 2019
- The Law Commission Consultation Paper 203 - Reforming the Law of Taxi and Private Hire Services - Consultation Response (August 2012)

# AUTOHOUSE CARDIFF

## INDEPENDENT MERCEDES SPECIALISTS

UNIT 1 CLYDESMUIR IND EST  
CLYDESMUIR RD  
TREMORFA  
CARDIFF  
CF24 2QS  
TEL: 02920487679



16<sup>th</sup> December 2019

Dear Sir/Madam,

RE: Mercedes Estate REG: MX11UMC, Hackney Carriage Plate 91.

We have been asked by the customer to source a rear window for Mercedes estate.

An original clear rear window glass is only available from Mercedes Germany and the cost of shipping glass from Europe and the fitting of said glass is unfeasible.

We have managed to source a replacement 2<sup>nd</sup> hand tailgate for the vehicle but not in the original black as required for this vehicle.

It would not be economically viable for a vehicle of this age to have the tailgate resprayed in the correct colour and fitted.

As it is an estate car it also has rear side windows to allow full view of passengers in the rear seats. Also you can see clearly into the rear luggage area from the rear side of the vehicle.

Photographic evidence of this is available.

Many thanks  
Autohouse Cardiff

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VAT NO:177 9467 44

COMPANY NUMBER:8767366

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PEUGEOT

## Peugeot Customer Care

We've now had the chance to consider your recent enquiry and respond. Thank you for contacting the Peugeot Customer Care team.

Dear Mr Karumakarin

Thanks for your recent email about the tinted glass windows on your Peugeot Partner.

I can confirm that ourselves as the manufacturer, don't supply or manufacture clear glass windows for this specific vehicle.

I hope this helps. In the meantime, if you require any further assistance, please let us know by calling customer care on the number below or by return email.

Your reference number is: 191204-005819

Thanks for contacting Peugeot Customer Care.

Kind regards  
Customer Care

Subject

**Tinted glass - SD17OYG**

Question Reference # 191204-005819

Date Last Updated: 04/12/2019 04.16 PM

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## Points of discussion for the Public Protection Committee Meeting

### Tinted glass

1. Police report outlines no relevance between tinted windows and public safety. A South Wales Police inspector told the council in 2018 "I don't believe that we have any evidence based or analytical work done on offences or safety concerns around darkened glass.
2. Neighbouring local Councils operating with tinted windows not reporting any problems. Based on FOI requests there are:

**RCT – 314 cars – percentage with tints**

**Newport – 847 cars – percentage with tints**

**Caerphilly – 113 cars – percentage with tints**

**V. O. G Number of cars not disclosed but 50% with tints**

3. 85% of new cars come with tinted glass as standard, current government legislation states the front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. More and more new cars are being manufactured with dark privacy glass as standard, especially high-end EXECUTIVE /MPV cars. Reduced choice for drivers. More cost to drivers, older, higher mileage, less reliable vehicles are having to be used on the streets, as drivers cannot replace them with the that meet the councils criteria. – Poorer image for Cardiff for visitors looking to visit and travel in our beautiful city.
4. Premier cars actually stated that their disabled customers requested privacy glass vehicles. Hence Cardiff operators unable to fulfil customer's needs.
5. Drivers names & badge numbers, all recorded by the operator. Council have drivers full vehicle details on log. This ensure public safety and protection.
6. Cardiff Bus, another form of public transport operating within the Cardiff boundaries have their windows covered with advertising – more incidents of violence on the buses than in taxi's.
7. Majority of cars are tracked by GPS especially the main 5 operators, Uber / Ola /Capital /Dragon / Premier.
8. Shear cost to drivers to change to clear glass (between £1500-£3000) car dependent.
9. Some manufacturers have a 4-month waiting list to acquire clear glass due to European supply.

10. Air noise and water leakage into the vehicle once the glass has been changed from manufacturer standards.
11. Some vehicle manufactures don't supply clear glass at all for certain models.
12. Voiding of the warranty to change to clear glass from a third-party supplier.
13. Effects radio and navigation signals as some aerials are located built in the rear windscreen.
14. No other council in England or Wales has reported any problems or concerns for public safety with having dark tinted glass.
15. Tinted windows stop valuables from being seen by thieves and thus reduce crime rates on taxis.
16. Tinted windows help by reducing the harmful ultraviolet rays and reduces exposure to UV radiation.
17. Helps reduce heat loss in the vehicle as well as keeping the vehicle cooler in hotter temperatures, resulting in less emissions produced from the cooling/heating system of the vehicle.
18. From Customer discussions, there is a preference for tinted windows vehicles for comfort.
19. Financial difficulties on drivers operating in Cardiff with tinted windows being a standard feature for the newer prestige vehicles (Euro 6).
20. Operators losing out on work to operators from out of Cardiff city limits, VOG/ RCT/ Newport etc that can provide privacy glass vehicles. Harming Cardiff Businesses.
21. The reduction of private hire fleet age as drivers are being put off buying new vehicles (euro 6), and many buying secondhand vehicles with greater light permeation.
22. At the last public protection committee meeting, drivers were asked to complete a short survey sheet asking, 'Should Cardiff Council allow darkened glass in hackney carriage and private hire vehicles?' Sixteen drivers completed the survey and the results were as follows:
  - 62.5% of respondents believe that the council should allow darkened glass in both hackney carriage and private hire vehicles
  - 25% of respondents believe that only private hire should be allowed to have darkened glass



- 12.5% of respondents believe that darkened glass should not be permitted in either hackney carriage or private hire vehicles

21. The Department of transport states in there “best practice guidance” document that 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

22. In recent Public protection committee meetings, Cardiff Council have approved to have tinted glass as long as an approved CCTV is installed as yet the council have not clarified to which system.

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# Tinted glass – it's clear!

Whilst that's obviously not true, maybe the issues relating to tinted glass in taxis and private hire vehicles are clear, contrary to popular belief.

This document summarises the responses received from the 43 police forces and constabularies that collectively serve the whole of England and Wales, in relation to a request for information relating to the commission of crimes in taxis and private hire vehicles in which tinted glass contributed or was thought to have contributed to the commission of an offence.

## 1.0 Background

- 1.1 For many years, a proportion of the councils across England and Wales have refused to licence vehicles as taxis or private hire vehicles if they were fitted with tinted glass.
- 1.2 As far as I am aware, no research has ever been undertaken to establish the numbers of councils permitting (or prohibiting) the use of vehicles with tinted glass as taxis and private hire vehicles. From my own experience, I would suggest the split is about equal between those that permit, and those that prohibit tinted glass. Irrespective of the numbers, there is certainly a lack of consistency across England and Wales.
- 1.3 Every reason that has ever been given for prohibiting the use of vehicles with tinted glass assumes that it is not only possible, but easy to see into the rear passenger compartment of a motor car at night. Even without the benefit of forensic investigation, every one of us with reasonable sight can easily establish whether that is true by simply trying to see into vehicles at night. If there is no lighting, it is impossible to see into a vehicle at night, even if it has clear glass, because it is dark! If there is lighting, whether that be overhead street lighting, light from illuminated shop windows, or vehicle headlights they all create shadows and / or reflections that make it virtually impossible to see into a vehicle and, if it is possible to see anything at all, it is usually impossible to even establish how many passengers there are, because of the presence of head restraints.
- 1.4 Whilst there is evidence of drivers being attacked and robbed by passengers or others who pose as potential passengers; and there are rare instances when licensed drivers have sexually assaulted passengers, no-one seems to have ever investigated whether such occurrences were contributed to in any way by the presence of tinted glass.
- 1.5 Anecdotally, it seemed that licensed drivers who had sexually assaulted passengers had taken them to dark, quiet, remote locations where they were

unlikely to be seen. Likewise, robberies of drivers seem more frequently to be committed in reasonably dark and quiet locations, where there are again unlikely to be witnesses.

- 1.6 Whilst across England and Wales outside of London there is inconsistency, across the whole of London there is consistency, because taxi and private hire licensing is undertaken by Transport for London for the whole of Greater London.
- 1.7 The most up-to-date taxi legislation in the whole of the country is that which applies to private hire licensing in London. The combined effect of the Private Hire Vehicles (London) Act 1998 and The Private Hire Vehicles (London PHV Licences) Regulations 2004 is to permit a vehicle to be licensed as a private hire vehicle as long as it complies with the Road Vehicles (Construction and Use) Regulations 1986 (as amended). The construction and use regulations only specify the minimum levels of light that must pass through the windscreen and windows to either side of the driver. There is no prohibition on the use of glass with any degree of tint for windows rear of the driver.
- 1.8 In view of the prevalence of licensed private hire vehicles with tinted or privacy glass in London and the inconsistent licensing of similar vehicles across the rest of England and Wales, a survey was undertaken of the 43 police forces and constabularies that serve England and Wales in an attempt to establish whether tinted glass contributed to the commission of offences in taxis and private hire vehicles.

## **2.0 The survey**

- 2.1 In July 2010, an identical request was made of all 43 police forces and constabularies for them to advise:

“Whether the police force / constabulary holds any data or information that indicates that the presence of anti-glare / tinted glass in any taxi (hackney carriage or private hire vehicle) contributed to the commission of a criminal offence.”

- 2.2 If such information was held, the request then went on to ask for supplemental information, namely:

“If the answer to the above is ‘yes’, please provide a summary of each incident in which anti-glare / tinted glass contributed to the commission of an offence, including such matters as to whether the suspect / offender was the driver or passenger, the nature of the offence(s) allegedly / actually committed, and state why the presence of anti-glare / tinted glass was considered to be a contributory factor.”

2.3 Subsequent discussions with police forces and constabularies resulted in the request being modified and / or a new supplemental request being made of those forces / constabularies that had information to provide, to specify the period of time covered by the search, and to also provide details of the total number of crimes recorded in such period of time.

### **3.0 Survey responses**

3.1 36 (86.05%) of the 43 police forces and constabularies respond to the request for information under the Freedom of Information Act 2000.

3.2 Of the 36 responses that were received, 17 (47.22%) were unable to or failed to provide the requested information. 16 of them advised that the force / constabulary did not hold (or hold in a searchable format) the requested information and one provided incomplete and unusable information.

3.3 19 (52.78%) of the 36 forces and constabularies that responded to the request for information provided complete responses.

3.4 No police force or constabulary identified a single recorded crime in which anti-glare / tinted glass was considered to have been a contributory factor in the commission of any offence or alleged offence in a taxi (hackney carriage or private hire vehicle).

3.5 Not all police forces and constabularies provided the requested information relating to the total number of recorded crimes for their force /constabulary area, because they were not necessarily obliged to do so, if the requested data was contained in the British Crime Survey that is collated and published annually by the Home Office.

3.6 Appendix A consists of a table summarising all the responses received to the initial request for information relating to anti-glare / tinted glass and supplemented by information provided in response to the further request for information relating to levels of recorded crime or by data extracted from the British Crime Surveys, unless analytical assumptions have been made.

3.7 For the purposes of clarity, the following appears at the foot of the table as a 'note':

“Unless indicated by “Est.”, the figures quoted are for the total number of crimes recorded in the period specified, either as advised by the police force as part of its response to a request under the Freedom of Information Act or as published in the British Crime Survey or Surveys for the year or years in question. The data was extracted from the British Crime Surveys for the years from 2001/02 to 2009/10 from the Home Office website at: <http://rds.homeoffice.gov.uk/rds/bcs-publications.html> on 24 August 2010. “Est.” indicates that the total recorded crimes has been

estimated, having regard to the British Crime Surveys. For years prior to 2001/02, the level of recorded crime has been presumed to have been the same as recorded in 2001/02, despite the fact that nationally recorded crime has generally fallen year-on-year from its peak in 1992. For incomplete periods, such as that for Durham Constabulary from 1 December 2005 to 31 March 2006, a pro rata figure, based on the number of months, has been used in conjunction with the total number of crimes recorded in 2005/06. For periods since 1 April 2010, a pro rata figure, based on the number of months, has been used in conjunction with the total number of recorded crimes for the previous year, namely 2009/10. As Hertfordshire Constabulary has neither provided the dates for the period they searched nor the total number of recorded crimes, a “?” indicates the details are unknown as at the date of compilation of the above table.”

#### **4.0 Conclusion**

4.1 With the provision of useable information from almost half (44.19%) of the police forces and constabularies (including the Metropolitan Police) covering England and Wales for periods going back to 1 April 1993 (in the case of Surrey Constabulary), there is no identifiable information held by any police force or constabulary anywhere in England and Wales to suggest that anti-glare / tinted glass has ever contributed to the commission of an offence or an alleged offence by anyone in a taxi (hackney carriage or private hire vehicle).

#### **5.0 Observations**

5.1 It is acknowledged that in the Department for Transport “Taxi and Private Hire Licensing: Best Practice Guidance”, published in March 2010, the Department for Transport encouraged councils not to prohibit tinted glass, because of the costs to the trade of replacing such glass.

5.2 However, councils are never going to place the costs to the trade of replacing perfectly good anti-glare / tinted glass above, what has long been perceived by them to be, a “public safety” issue.

5.3 A council will only ever be likely to be persuaded to relax its policy on glass when confronted with clear and overwhelming evidence that its long held belief of a potential risk to public safety is not, as a matter of fact, a risk. The current survey shows that, out of more than 17.5 million recorded crimes, there was no offence or alleged offence committed that was believed to have been contributed to by the presence of anti-glare / tinted glass in a taxi (hackney carriage or private hire vehicle).

5.4 Whilst statistical information is not available about the number of private hire vehicles licensed by Transport for London that are fitted with anti-glare / tinted

glass, anecdotally it does appear that a significant proportion of the “roughly 49,000 licensed private hire vehicles” (Transport for London website on 3 January 2011: <http://www.tfl.gov.uk/corporate/modesoftransport/1632.aspx>) are vehicles fitted with such glass. Despite London having the largest private hire fleet of private hire vehicles with anti-glare / tinted glass in England and Wales, in the five years between 1 April 2005 and 31 March 2010 during which the Metropolitan Police recorded over 4.4 million crimes, none were considered to have been contributed to by the presence of anti-glare / tinted glass in a taxi (hackney carriage or private hire vehicle).

- 5.5 For the sake of completeness, it should be stated that vehicle manufacturers are more frequently installing anti-glare / tinted glass as standard to their standard production models for a variety of reasons: environmental, driver and passenger (and animal) comfort, and for added security.

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## Appendix A

A summary of all the responses received to a request for information relating to anti-glare / tinted glass.

Please also refer to the 'note' at the foot of the table for further analytical information.

<b>Police Force / Constabulary</b>	<b>From</b>	<b>To</b>	<b>Recorded Crimes</b>	<b>Glass an Issue</b>
Avon and Somerset Constabulary	01.04.2007	30.06.2010	441,902	0
Bedfordshire Police	01.07.2008	30.06.2010	86,924	0
Cambridgeshire Constabulary	No information available			
Cheshire Constabulary	No response received by date of collation			
City of London Police	No information available			
Cleveland Constabulary	01.09.2005	27.07.2010	294,432	0
Cumbria Police	01.01.2000	30.06.2010	366,789	0
Derbyshire Constabulary	01.01.2007	30.06.2010	Est. circa 263,059	0
Devon and Cornwall Constabulary	01.01.2005	31.07.2010	Est. circa 617,838	0
Dorset Police	No information available			
Durham Constabulary	01.12.2005	31.07.2010	Est. circa 217,690	0
Dyfed-Powys Police	01.01.2006	30.06.2010	114,819	0
Essex Police	No information available			
Gloucestershire Constabulary	01.04.2001	30.06.2010	Est. circa 460,780	0
Greater Manchester Police	01.01.2006	30.06.2010	Est. circa 1,279,976	0
Gwent Police	1997	2010	700,000 to 800,000	0



<b>Police Force / Constabulary</b>	<b>From</b>	<b>To</b>	<b>Recorded Crimes</b>	<b>Glass an Issue</b>
Hampshire Constabulary	Information not available			
Hertfordshire Constabulary	?	?	?	0
Humberside Police	No response received by date of collation			
Kent Police	Information not available			
Lancashire Constabulary	Information not available			
Leicestershire Constabulary	01.01.1997	31.07.2010	More than 1,800,000	0
Lincolnshire Police	Information not available			
Merseyside Police	No response received by date of collation			
Metropolitan Police	01.04.2005	31.03.2010	4,440,933	0
Norfolk Constabulary	01.04.1995	31.08.2010	Est. circa 915,868	0
North Wales Police	Information not available			
North Yorkshire Police	Information not available			
Northamptonshire Police	Information not available			
Northumbria Police	01.01.2005	30.06.2010	621,331	0
Nottinghamshire Police	Information not available			
South Wales Police	01.01.2010	31.07.2010	83,893	0
South Yorkshire Police	No response received by date of collation			
Staffordshire Police	Information not available			
Suffolk Constabulary	August 1998	29.07.2010	circa 600,000	0
Surrey Police	01.04.1993	31.07.2010	Est. circa 1,113,489	0
Sussex Police	Information not available			
Thames Valley Police	Information not available			

<b>Police Force / Constabulary</b>	<b>From</b>	<b>To</b>	<b>Recorded Crimes</b>	<b>Glass an Issue</b>
Warwickshire Police	No response received by date of collation			
West Mercia Police	No response received by date of collation			
West Midlands Police	01.04.2000	30.06.2010	Est. circa 3,034,938	0
West Yorkshire Police	01.04.2009	31.03.2010	71,291	0
Wiltshire Constabulary	Information not available			
<b>Total recorded crimes</b>			<b>Est. circa 17,525,952</b>	
<b>Total crimes in taxis contributed to by type of glass</b>				<b>0</b>

Note:

Unless indicated by "Est.", the figures quoted are for the total number of crimes recorded in the period specified, either as advised by the police force as part of its response to a request under the Freedom of Information Act or as published in the British Crime Survey or Surveys for the year or years in question. The data was extracted from the British Crime Surveys for the years from 2001/02 to 2009/10 from the Home Office website at: <http://rds.homeoffice.gov.uk/rds/bcs-publications.html> on 24 August 2010. "Est." indicates that the total recorded crimes has been estimated, having regard to the British Crime Surveys. For years prior to 2001/02, the level of recorded crime has been presumed to have been the same as recorded in 2001/02, despite the fact that nationally recorded crime has generally fallen year-on-year from its peak in 1992. For incomplete periods, such as that for Durham Constabulary from 1 December 2005 to 31 March 2006, a pro rata figure, based on the number of months, has been used in conjunction with the total number of crimes recorded in 2005/06. For periods since 1 April 2010, a pro rata figure, based on the number of months, has been used in conjunction with the total number of recorded crimes for the previous year, namely 2009/10. As Hertfordshire Constabulary has neither provided the dates for the period they searched nor the total number of recorded crimes, a "?" indicates the details are unknown as at the date of compilation of the above table.