

PUBLIC PROTECTION COMMITTEE: 3 July 2018

Report of the Head of Shared Regulatory Services

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

1. Background

- 1.1 The following licence condition currently applies to both hackney carriage and private hire vehicles:

‘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 are asked to consider whether the condition should continue to apply to licensed vehicles.

2. Details.

- 2.1 The Road Vehicles (Construction and Use) Regulations 1986, as amended, requires that motor vehicles first used on or after 1 April 1985, must have windscreens which allow at least 75% of light to pass through, and the front side windows to either side of the driver’s head which must allow at least 70% light transmission. If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet the legal requirements.
- 2.2 Cardiff Council’s Vehicle Licence Condition relates to ‘all other windows allowing 70% of light to pass through’, which would include the rear windscreen and rear side windows.
- 2.3 Visual assessment of the level of tint of a vehicle window is difficult and the tint must be measured by specialised equipment prior to licensing. Where vehicles are presented for licensing with darkened glass that does not meet the vehicle licence condition, the glass is required to be replaced with glass that complies with the condition before the vehicle is licensed, at the expense of the vehicle proprietor.
- 2.4 Licensing Officers have increasingly noticed that owners of new licensed vehicles are having to obtain replacement glass for windows that do not comply with the condition outlined in paragraph 1.1 above. It appears that many new vehicles,

especially MPV style vehicles are manufactured with darkened glass as standard in the rear windows, which is restricting the choice of newer vehicles that can be licensed, and could potentially limit the trade to buying older vehicles or vehicles with a lower specification.

- 2.5 The table in Appendix A details a number of vehicles that are currently licensed in Cardiff. The vehicle models are listed in increasing specification order. It is evident from the table that non-tinted glass is usually standard in the basic models, but not available in models with a higher specification. In the case of both Skoda models non-tinted glass is not available as standard.
- 2.6 Officers have been advised that the cost of replacing the rear windows and windscreen on a Volkswagen Sharan is £1117 for the glass only, plus there would be the cost of 4-5 hours labour, taking it up to approximately £1500 -£1800.
- 2.7 The matter of darkened glass was discussed at the last Taxi Driver Forum on 27th February 2018. At the meeting the drivers in attendance also requested that the condition is removed due to the excessive costs involved in obtaining replacement glass and difficulty in obtaining suitable vehicles. They also feel it is unfair having this restriction as it does not apply to vehicles licensed by most neighbouring authorities, and those vehicles frequently pick up and drop off in Cardiff.
- 2.8 In vehicles that are manufactured with tinted rear windows, the windows generally allow around 30%-35% light transmission. The windows don't appear 'blacked out' and it is still possible to view the interior of the vehicle, but it is more difficult in poor light. Window tint is usually darker in vehicles such as limousines. Appendix B shows visual examples of the percentage of light transmission

3. **Considerations**

Safety & Comfort

- 3.1 When considering previous applications for darkened glass in licensed vehicles, the Committee took a number of matters into consideration before they decided to refuse the applications. These related mainly to: -
 - a) the effects that the darkened glass will have on effective enforcement as officers may be unable to observe if vehicles are overcrowded or any other breach of licence conditions taking place within the vehicle.
 - b) local concern and circumstances, for example, assaults on females in taxis may give rise to concern.
 - c) the effects of the reduction in visibility for passenger comfort, it may be that vulnerable individuals may feel at risk when travelling alone in a darkened vehicle.
 - d) licensed vehicles are used extensively at night during the hours of darkness when the effect of reduced visibility would be more marked.

- e) the level to which light transmission is affected
- 3.2 With regards to the enforcement of vehicles, Licensing Enforcement Officers have said that they do not notice problems of overcrowding in licensed in Cardiff. It is not possible to say whether this is a result of the current restriction on darkened glass or not.
- 3.3 In relation to passenger safety and comfort there is again no evidence to suggest that problems would be increased if the current condition were to be removed, but conversely it is difficult to say whether the current condition has prevented any issues such as physical attacks on drivers/passengers as there can be no evidence to prove/disprove this.
- 3.4 There are also no indications that there are increased safety/comfort concerns in other local authority areas that allow darkened glass.
An Inspector from South Wales Police was consulted on whether the condition should be removed and he stated the following:
' 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.'
- 3.5 With regards to passenger comfort, the statement that certain passengers may feel more vulnerable with darkened glass is speculative. Alternatively, it could be contended that some passengers may feel more comfortable in vehicles with darkened glass as it provides more privacy. There is no evidence available to support either of these considerations.
- 3.6 When considering driver and passenger safety it is worth bearing in mind whether any additional control measures would be necessary should the current condition be removed. Private hire vehicles have an added level of 'protection' as there is always a record of the booking retained with the private hire operator, so the driver/ passenger can be easily identified. In addition many private hire operators use GPS systems and are able to track the location of their vehicles.
There are no recorded bookings with hackney carriages, so the driver/passenger is harder to identify in the event of an incident/complaint. Measures such as CCTV systems may offer additional protection to drivers/passengers when visibility into the vehicle is reduced. For example Cambridge Council do not have any restrictions on the use of darkened glass, but have a mandatory condition that all licensed vehicles must have CCTV.
- 3.7 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.

DfT Guidance

- 3.8 The Department for Transport (DfT) Taxi and Private Hire Licensing Best Practice Guidance states:
‘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.’
- 3.9 The current Council Policy and licence conditions currently go against the considerations mentioned in this guidance.

Comparison with other local authorities

- 3.10 Vehicle licence conditions differ across local authorities. The Table in Appendix C details various local authorities and whether or not they allow darkened glass in licensed vehicles. Local authorities with a similar condition to Cardiff that do not allow darkened glass include Manchester, Leeds, Coventry, Caerphilly and Swindon. Local authorities that do permit darkened glass include Newport, Rhondda Cynon Taff, Blackpool, and Liverpool

4. Consultation

- 4.1 As stated in paragraph 2.7 above, at the last Taxi Drivers forum, drivers discussed removing the darkened glass condition. 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
- 4.2 In addition, the trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions, and emailed to contacts in the trade. The Licensing Section did not receive any responses in respect of the report.

5. Achievability

This report contains no equality personnel or property implications.

6. Legal Implications

- 6.1 When considering any application for a Private Hire Vehicle Licence, the Council, in accordance with Section 48(a) (i) (iv) and (v) of the Local Government (Miscellaneous Provisions) Act 1976 shall not grant such a licence unless they are satisfied that the vehicle is suitable in type size and design for use as a private hire vehicle, safe and comfortable.
- 6.2 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.
- 6.3 Other legal implications in respect of the manufacture of vehicles are found throughout the body of this report.

7. Financial Implications.

- 7.1 The licensing service is required to be self financing with all expenditure being met from fees and charges which are reviewed annually.

8. Recommendation

- 8.1 The Committee is asked to consider the report and determine the following:
- a) To maintain the existing licence condition stated in paragraph 1.1 in respect of hackney carriage and private hire vehicles;
 - Or;
 - b) To remove the existing condition for hackney carriage vehicles and private hire vehicles and replace with the following:

‘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 manufacture tints are permitted on the rear windows. ‘

Dave Holland
Head of Shared Regulatory Services

25 April 2018

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

Background Papers: None