

Licensing Committee Report

Ward(s) affected: All Wards

Report of Director of Service Delivery

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Taxi and Private Hire Policy – Vehicle Glazing Requirement

Executive Summary

The Council in its role as the Licensing Authority for the hackney carriage and private hire vehicle trades has a paramount obligation to ensure the safety of the public.

Following the updates to the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy in 2021 and the consultation upon the Department for Transport's new draft Best Practice Guidance recently, a local issue is emerging of vehicles with 'privacy glazing' fitted which do not meet the adopted criteria. This is creating problems of applicants not being able to licence vehicles and having to replace factory fitted glazing, often at significant cost.

In response to this issue, Officers are proposing a minor change to the Council's Licensing Policy which seeks to allow 'privacy glass' to be permitted.

Many vehicles are still fitted with this style of glazing with it having been allowed under the previous Policy. Officers believe safety is not compromised as all vehicles will be required to be fitted with CCTV next year.

Recommendation to Committee

That the Committee considers the issue identified in the report and recommends that a minor change to the Council's Taxi and Private Hire Licensing Policy is introduced under delegated powers. This change is to permit the licensing of vehicles with 'privacy glazing' which is installed at the time of manufacture, as permitted previously.

Reason(s) for Recommendation:

To improve the range of vehicles available for licensing and to reduce costs to the licensed trade should glazing installed in a vehicle at the time of manufacture not meet the Council's specification.

Is the report (or part of it) exempt from publication?

No

1. Purpose of Report

- 1.1 The purpose of this report is to brief the Committee on the issue of vehicles fitted with 'privacy glazing' at the time of manufacture following the update to the Hackney Carriage and Private Hire Licensing Policy. It asks the Committee to consider a recommendation to amend the Policy under delegation, returning to the previous position, to address the concerns.

2. Strategic Priorities

Updating the Policy will contribute to our fundamental themes as follows:

- **Homes and jobs** – supporting applicants into the process to licence a vehicle as a taxi or private hire vehicle.
- **Environment** – improving transportation in the Borough through a well regulated private hire service.
- **Community** – ensuring that all taxi and private hire vehicle users are still able to travel safely.

3. Background

- 3.1 The Council in its role as the Licensing Authority for the hackney carriage and private hire vehicle trades has a paramount obligation to ensure the safety of the public. The current Hackney Carriage and Private Hire Licensing Policy approved in April 2021, reflecting Guidance issued by the Department of Transport in July 2020, introduced positive changes to the licensing function reflecting this obligation.

- 3.2 The Policy updated the glazing requirement for licensed vehicles as follows:

The Council's Policy on glazing states:

"the vehicle's windscreen and front side windows comply with national legal tint specifications. All other windows let enough light through for a person 20 meters away to be able to see the number of passengers in the vehicle in daylight and have no additional 'tint' applied".

The vehicle licence conditions also state the vehicles glazing must have:

“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%”

- 3.3 This was an update on the previous position which permitted factory fitted ‘privacy glass’ in the rear windows. Privacy glass is glazing which is darker in appearance and allows a light transmission of less than 70%, in some cases less than 20%. Many vehicles are manufactured with glass that is darker than the Council’s Policy limit fitted to windows rear of the driver, especially in luxury, estate and people carrier style vehicles.
- 3.4 The original rationale for this update was one of public safety. Customers want to be confident when entering a vehicle that there are no potential dangers awaiting them in the vehicle. Similarly, potential attacks on drivers can be reduced if the actions of customers in the rear of the vehicle can be easily seen. Transparent glazing also allows Officers and the Police to quickly check that the vehicle is not carrying more passengers than permitted.
- 3.5 However, following the Policy update the Council has received approximately a dozen applications where a vehicle has non-complaint glazing installed. This glazing is installed at the time of manufacture and costly to replace. This is having an implication for the licensed trade who are having a limited choice of vehicles to present for licensing, or are having to replace glazing vehicles installed in vehicles at the time of manufacture at a considerable cost, often several thousand pounds.
- 3.6 The issue of privacy glazing is discussed in the recent draft Taxi and Private Hire Licensing Best Practice Guidance consulted on by the Department for Transport. The position of the consultation draft was that:

“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.”

- 3.7 After considering the above draft guidance, together with the consideration that from April 2023 all licensed vehicles must be fitted with CCTV, Officers recommend to return to the previous Policy requirement which allowed privacy glass installed at the time of manufacture in licensed vehicles which had a light transmission at a lower level than the 70% stipulated by conditions.
- 3.8 There are still a number of vehicles licensed at the time of the previous Policy which have 'privacy glazing' installed, with these vehicles set to become compliant with the current Policy at the time the vehicle is changed.
- 3.9 In addition, as the trade seek to licence new vehicles as trade picks up following the pandemic vehicles are being presented with glazing that does not meet requirements. Vehicles have already been purchased in order to assist, in a number of cases Officers have allowed these vehicles to be licensed, on the basis that they become compliant within 6 months.
- 3.10 As a consequence, there are a number of vehicles licensed which do not meet the current Policy, although would be required to do so.
- 3.11 Without compromising public safety, this change would likely be welcomed by the trade and provide them with a wider number of vehicles to present for licensing, or reduce costs for those who have purchased a vehicle which does not meet requirements. Similarly, if the trade are not required to spend thousands of pounds on replacing windows, they are likely to be in a better position to adopt the CCTV policy (costing between £600-£700) at an earlier date.
- 3.9 Under the Council's Constitution (page 3-70, paragraph 10), the Head of Environment and Regulatory Services, in consultation with the Lead Councillor for Environment, has delegation to make minor changes to the Taxi and Private Hire Licensing Policy. As such, should Licensing Committee agree, this change has been made under delegation with immediate effect.

4. Consultations

- 4.1 It is clear having received feedback from a number of applicants that the factory fitted privacy glass is an issue for many, with approximately a dozen vehicles being found to be non-compliant with this specification.
- 4.2 The issue of glazing is clearly also of national concern with the requirement being specifically highlighted in the recent Best Practice Guidance consultation.

5. Key Risks

- 5.1 Clearly there is a risk of increased costs with the trade having to replace non-compliant glazing in vehicles. On the other hand the requirement was introduced with a clear public safety rationale.
- 5.2 However any 'relaxation' of requirements cannot be to the detriment of the public safety rationale for licensing and needs to be carefully balanced. After considering the matter, notably that the Council previously permitted 'privacy glass' (if fitted at the time of manufacture) and with the additional protection of all vehicles being required to be equipped with CCTV in less than 12 months, Officers believe that this risk can be addressed.

6. Financial Implications

- 6.1 There is no financial implications for the Council as a result of this change. For the trade however, the cost of replacing glazing in vehicles can amount to many thousands of pounds.

7. Legal Implications

- 7.1 The Council in its role as the Licensing Authority for the hackney carriage and private hire vehicle trades has a paramount obligation to ensure the safety of the public.
- 7.2 Section 47 and 48 of the 1976 Act allows the Council to specify the design and appearance of both Hackney Carriage and Private Hire Vehicles. The Council does this via its adopted Licensing Policy.
- 7.3 However, an applicant may submit an application to licence a vehicle which does not comply with the Council's policy, although it is likely that this application will be refused unless the applicant can demonstrate to the Council why the Policy should not apply in their circumstances.
- 7.4 Should the Council refuse an application for the grant of a hackney carriage or private hire vehicle licence, there is a right of appeal.

8. Human Resource Implications

- 8.1 The minor change to the Policy can be managed from the current resource.

9. Equality and Diversity Implications

- 9.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 9.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 9.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 9.4 There are no equality and diversity implications arising from this report.

10. Climate Change/Sustainability Implications

- 10.1 The Council's current Taxi and Private Hire Licensing Policy sets out a vehicle age and emissions criteria in order to help improve air quality in the Borough. There are no changes to this position.

11. Summary of Options

- 11.1 After considering the report, the Committee may:
- i. Recommend that a minor change to the Councils' policy in respect of vehicle glazing is introduced under delegation, or
 - ii. Not recommend such a change.

12. Conclusion

- 12.1 The current position is that the updated Policy is causing a number of applicants to bear the cost of changing glazing which is installed in vehicles at the time of manufacture. Having considered draft Best Practice Guidance on this specification, together with the safeguards that all vehicles will be required to be equipped with CCTV in the near future, the Committee are asked to recommend a minor revision of the Council's Policy to support the licensed trade.

13. Background Papers

[Taxi and Private Hire Licensing Policy 2021](#)

[Statutory Taxi and Private Hire Vehicle Standards \(Department for Transport, 2020\)](#)

[Taxi and Private Hire Vehicle Licensing: Best Practice \(Department for Transport, 2010\)](#)

[Taxi and Private Hire Vehicle Licensing: Best Practice Guidance for Licensing Authorities in England \(draft\). \(Department for Transport, 2022\)](#)

[Taxi and Private Hire Vehicle Licensing: Councillor Handbook \(Local Government Association, 2021\)](#)

14. Appendices

None

Please ensure the following service areas have signed off your report. Please complete this box and do not delete.

Service	Sign off date
<i>Finance / S.151 Officer</i>	<i>1 July 2022</i>
<i>Legal / Governance</i>	<i>04 July 2022</i>
<i>HR</i>	
<i>Equalities</i>	
<i>Lead Councillor</i>	
<i>CMT</i>	<i>6 July 2022</i>
<i>Committee Services</i>	<i>30 June 2022</i>