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**LICENCE CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE  
VEHICLES – REVISION RELATING TO VEHICLE GLASS**

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**Responsible Cabinet Member(s) -Councillor Nick Wallis,  
Highways and Transport Portfolio**

**Responsible Director(s) - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. To propose revision of the current standards and test procedures for hackney carriage and private hire vehicles in relation to windows.

**Information and Analysis**

2. The Council is empowered under the provisions of Section 50 of the Local Government (Miscellaneous Provisions) Act 1976, to require the proprietor(s) of any given licensed hackney carriage or private hire vehicle, to present that vehicle for inspection by the Council's appointed vehicle examiner, on not more than three occasions per year. These examinations determine the vehicle's ongoing fitness for the licensed use.
3. The Council require vehicles to be presented to the VOSA vehicle examination centre at Banks Road. They have a vehicle '*Standards and Test Procedures Manual*' which serves as an inspection manual to vehicle examiners, this document identifies both the minimum acceptable criteria and the unacceptable criteria with regard to the vehicle. Upon the vehicle examiner being satisfied that a given vehicle complies with the standards in all respects, the proprietor is then issued a '*Certificate of Compliance*' for the vehicle. This certificate of compliance is a pre-requisite to the grant or renewal of a vehicle licence.
4. The current licence condition relating to glazing states:  
  
"The vehicle must be approved by the Council and shall be fitted with widows of the manufacturer's standard tint. No reflective or blackened glass that obscures the view of the interior from outside the vehicle may be used".
5. The phrase 'manufacturer's standard tint' has led to difficulties in interpretation between a proprietor who recently applied to licence a vehicle with darkened window glass and Licensing Enforcement Officers. He appealed to the Crown Court against refusal on the basis that his vehicle is the standard model supplied by the manufacturer. The same model is available fitted with lightly tinted glass (70% light transmission) as a special order. The Appeal was successful and the Judge indicated that the Council may wish to consider redrafting the condition.

6. The condition prohibiting vehicles with darkened glass was introduced as a public safety and road safety measure. The reasons include:
  - (a) Licensing Enforcement Officers can check from outside the vehicle that the maximum permitted number of passengers is not being exceeded.
  - (b) Police can easily check that passengers in the rear seats are wearing seat belt.
  - (c) Activities taking place in the rear of the vehicle can be observed from outside the vehicle.
  - (d) Potential customers can assess the cleanliness of the vehicle before opening the door.
  - (e) Vulnerable passengers will feel safer in a vehicle in which they can be seen.
  - (f) In the event of road accident, Fire Officers and Police Officers can easily check if there are rear passengers from outside the vehicle.
  - (g) From a road safety perspective the driver has better all round visibility when manoeuvring the vehicle, particularly when reversing.
  
7. It is the case that the majority of vehicle manufactures now fit tinted glass to vehicles, as a matter of course for the comfort of driver and passengers by reducing UV radiation and road and weather glare. The Motor Vehicles (Constructions and Use Regulations) of 1986 prescribe a legal minimum percentage visibility of 70%, in respect of all vehicle glass within the drivers normal field of vision eg the front windscreen and the two front doors. The regulations do not apply to glass fitted to the vehicle, beyond this prescribed normal zone of vision, commonly referred to as, '*to the rear of the B pillar*'. People Carriers in particular are supplied with heavily tinted or blackened glass to the glazed areas behind the driver.
  
8. Officers have identified that the conditions make no reference to the application of any laminate or film to the vehicle glass, whether tinted or clear. It is known that these films will significantly affect the optical, mechanical and durability characteristics of that glass. For this reason it is proposed that the Council prohibit such glass treatments, with the exception of the 'Contravision' advertisement system, to rear windscreen of wheelchair accessible vehicles.

### **Outcome of Consultation**

9. There has been no consultation as there is only clarification of the term "standard tint" and no material change in the Councils requirements relating to the fitting of darkened glass.

### **Legal Implications**

10. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

11. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is considered that the contents of this report directly relate to the prevention of crime.

### **Council Policy Framework**

12. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

### **Decision Deadline**

13. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

### **Key Decisions**

14. This is a key decision because it directly relates to the requirements for a vehicles to be licensed by the Council

### **Recommendation**

15. It is recommended that :-

- (a) Vehicle licence conditions and test procedures for Hackney Carriage and Private Hire Vehicles approved by the Council be amended:

The vehicle shall be fitted with window glass in accordance with current Construction and Use Regulations as prescribed in respect of the *normal zone of vision* ie the front windscreen 75% light transmittance and the front door windows 70% light transmittance and that the remaining glass within the vehicle shall have a minimum light transmittance of not less than 70%. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass.

- (b) That vehicles currently licensed by this Council fitted with the glazing when new by the vehicle manufacturer will not be required to satisfy the condition in paragraph (a) above.

## **Reasons**

16. The recommendations are supported by the following reasons:-

- (a) A public safety measure to protect the driver and fare paying passengers.
- (b) A road safety measure to ensure the driver had adequate all round visibility.
- (c) To allow “grandfather rights” to vehicles currently licensed by the Council with respect to glazing fitted by the vehicle manufacturer.

**John Buxton**  
**Director of Development and Environment**

## **Background Papers**

The Motor Vehicles (Constructions and Use Regulations) 1986  
The Councils Licence Conditions for Hackney Carriages and Private Hire Vehicles

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