

Report from the Assistant Director – Planning and Public Protection

**Request for an amendment to the Taxi Licensing Policy relating to the specification of vehicle windows on executive vehicles**

**Summary**

1. This report seeks Members determination of a request made by two private hire vehicle licence proprietors, who operate executive vehicles. The two proprietors have an Exemption Notice in line with the Council's recently approved Taxi Licensing Policy so that the executive vehicles do not have to display vehicle licence plates and signage. The proprietors now seek an amendment to the recently approved policy so that such executive vehicles also be exempt from the Council's vehicle windows condition (Condition 19, Appendix 2).

**Recommendations**

2. That Members approve Option 2 of this report.

Reason: The existing exemption from signage and vehicle licence plates is considered reasonable considering the circumstances for which executive vehicles are used. However, it is not considered that it is unreasonable to continue to require compliance with Condition 19 regarding windows, which was very recently endorsed by Members within the Taxi Licensing Policy. A full consultation was undertaken in relation to the Taxi Licensing Policy, and this issue was not raised at that time, (although the individuals now making the request were consulted on the Policy). Limited, informal consultation with the main trade associations has been carried out regarding the requested change, (in line with their request following the approval of the Taxi Licensing Policy) and there is no support for this change to the policy from them. It is considered that the cost of formal, full consultation in relation to the requested change at this time would be disproportionate in cost to the Licensing Authority, having regard to the recent policy, the views of the trade associations, and the public safety purpose of the condition relating to windows.

Following the introduction of the Taxi Licensing Policy representatives of the licence trade did request that they are formally consulted in relation to taxi licensing matters. Due to the Councils work with the West Yorkshire and York Combined Authority, over the next 12 months Officers will in any event be seeking the approval of this Committee to consult on matters resulting from this work relating to our Taxi Licensing Policy, and the request relating to the windows condition could instead form part of that future consultation process.

## **Background**

3. The Council has approved conditions relating to vehicle specification (Taxi Licensing Policy Appendix 1), one of these conditions relates to the light transmittance of windows in all licensed hackney carriage and private hire vehicles. The condition being No 19:
  - i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.
  - ii) All other windows within licensed vehicles shall have a light transmittance of not less than 50%.
  - iii) For estate-type vehicles the windows overlooking the luggage space can be of any manufacturer's tint providing it is not opaque.
  - iv) Any self applied material shall satisfy the requirements of i) ii) and iii) above if it has been approved by the Council.
4. Regulation 32 of the Road Vehicles (Construction and Use) Regulations 1986 requires the windscreen to have a minimum light transmission value of 75% and the windows to either side of the drivers head of not less than 70%.
5. As part of the review of the Taxi Licensing Policy, which was approved by this Committee on 23 April 2016, the light transmittance in relation to all other windows was reduced from 70% to 50% following representations received from the licensed trade.
6. On the 21 July 2014 this Committee approved an Exemption Policy in relation to the displaying of licence plates and signage on licensed private hire vehicles who exclusively undertake executive contract work (legislation only allows this provision in relation to private hire vehicles).

This exemption policy has been consolidated in the recently approved Taxi Licensing Policy, (at Appendix 2 to the Policy).

7. Two licensed private hire operators, who have vehicles that have been granted an Exemption Notice, have requested that the light transmittance window condition, (ii) above, should not apply to vehicles granted an Exemption Notice. They have requested that windows in executive vehicles can be any manufacturer's tint, due to the work they undertake. That the condition in relation to executive vehicles would state:
  - i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.
  - ii) All other window can be of any manufacturer's tint.
  - iii) Any self applied material shall satisfy the requirements of i) and ii) above if it has been approved by the Council.
8. Both operators believe executive vehicles should be allowed 'privacy glass' due to:
  - the customers they carry expect privacy;
  - the vehicles they wish to provide come fitted with privacy glass;
  - all their work is pre-booked on account; and
  - other licensing authorities allowing privacy glass in executive vehicles.

## **Consultation**

9. A formal consultation has not taken place due to the cost to the council, which would have to be met by the licensed trade. Officers have sought the views of the Hackney Carriage and Private Hire Associations, which are as follows:
  - Not sure how this will work, what happens when executive vehicles aren't doing executive work and start performing private hire jobs or are there exceptions in place to cover this? I think the existing ruling should be left in place to stop any arguments.
  - The reason heavily tinted windows are not allowed in Private Hire Vehicles and Hackney Carriages is that the authorities seem to think that the travelling public would be in some sort of danger if these were fitted. This has led to many vehicle owners having to spend

hundreds of pounds for replacement glass to satisfy this requirement.

- By allowing "executive" cars to have heavily tinted glass, you would be implying that the public are safer in an "executive" vehicle than a PHV or hackney vehicle, which is clearly nonsense.
- To relax the rules for one sector would be seen as unfair to all the other vehicle licensees. The restrictions should remain the same for all or remove the restriction for all.
- The problem you will find is that the automotive industry is making cars with tinted windows which is passed via approval for the British market so I do not see any reason why such a vehicle cannot or should not be licensed.
- With the automotive market at the moment it's very hard to find vehicles that do not have tinted windows therefore it's getting harder to source vehicles at affordable prices with certain regs in place.
- Purposed blacked out windows is another issue, these vehicles should not be licensed.
- So if the vehicle is submitted for licensing with tinted windows and it's being manufactured on a production line with tinted windows then I do not see any reason why this cannot be licensed.
- Selby for instance allow their vehicles to have tinted windows etc so I am led to believe.
- Most cars, especially the executive type vehicles, have tinted windows.
- Also all our checks should be sufficient to make sure all York city taxi drivers can carry the citizens and visitors to York safely.

10. Officers have also contacted Licensing Authorities in North and West Yorkshire with regards to their requirements, limited responses have been received (it could be view that other authorities have not responded as they do not have policies in place regarding executive vehicles):

Authority	Condition/Requirement
Scarborough BC	Have sufficiently transparent windows so as not to compromise road safety and comply with current legislation.

	<i>This condition applies to all licensed vehicles.</i>
Leeds CC	Glazing forward of the 'B' pillar shall comply with Construction and Use Regulation 32 with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in the off side front and near side front windows. The windscreen shall have a minimum light transmission value of 75%. Tinted film applied to any window on the vehicle is not permitted.  <i>This condition applies to executive vehicles only.</i>
Harrogate BC	No condition in place regarding window tints, only that they must be factory fitted.
Calderdale C	There are certain exemptions from some vehicle conditions, if the executive use licence is granted, these are: tinted windows, doors signs, rear plates
Kirklees C	All windows fitted to Kirklees Private Hire Vehicles MUST comply with the minimum legal requirements; to transmit 75% of light to the front windscreen and 21% light to all other vehicle windows. Further, all vehicles must meet required standards at annual testing. No tinted film is accepted on current licensed vehicles or new applications.  <i>This condition applies to all licensed vehicles.</i>

## Options

11. Option 1 – Approve full consultation to be carried out on amending the policy to include an exemption to standard condition 19 relating to windows for Executive Vehicles, and request that a report be brought back to Members to consider the proposed change and the results of consultation.
12. Option 2 – Take no action at this time, and advise Officers to consult on this matter at a time when the council are formally consulting on other matters relating to hackney carriage and private hire licensing.
13. Option 3 – Refuse this request outright.

## Analysis

14. There are currently 587 private hire vehicles licensed by the Council, seven of these have been granted the Exemption Notice with regards to the displaying of licence plates and signage. There are also 183 licensed hackney carriage vehicles.
15. The condition relating to light transmittance of windows in licensed vehicles was introduced to maintain a high level of safety for the travelling public when using hackney carriage and private hire vehicles. To ensure that the Police, Council Enforcement Officers and members of the public can always see into a licensed vehicle in outside lighting conditions. This discourages crime from being carried out inside when they can easily see out of, and others can see into, the vehicle.
16. Option 1 is not recommended due to the disproportionate cost of carrying out a separate consultation process in relation to this issue, having regard to the very recent adoption of the Taxi Licensing Policy, (which included the individuals now making the request for further change), the public safety reason for imposing the condition relating to windows, and the views of the trade set out in this report.
17. Option 3 is not recommended as the Council intends to reconsult on the Taxi Licensing Policy in 12 months time following work with other authorities and this would present an opportunity to consult on the requested change at that time.
18. Option 2 is recommended for the reasons set out in the recommendation above at paragraph 2 to this report.

## Council Priorities

19. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

## Implications

20. The direct implications arising from this report are:
  - (a) **Financial** – There are no financial implications for the Council, there are however implications for the licensed trade due to the

cost incurred if windows have to be changed to meet our requirements.

- (b) **Human Resources (HR)** - There are no HR implications.
- (c) **Equalities** – There are no equalities implications.
- (d) **Legal** – There are no legal implications.
- (e) **Crime and Disorder** – There are no crime and disorder implications.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

### Risk Management

- 21. There are no risks associated with this report. Private hire vehicle licence holders have a right of appeal to Magistrates Court against any conditions attached to the licence within 21 days of the licence being granted.

### Contact Details

<b>Author:</b>		<b>Chief Officer Responsible for the report:</b>			
Lesley Cooke Licensing Manager (01904) 551515		Mike Slater Assistant Director – Planning and Public Protection			
		<b>Report Approved</b>	√	<b>Date</b>	5 April 2017
<b>Specialist Implications Officer(s)</b>					
Senior Solicitor (01904) 551040					
<b>Wards Affected:</b>				<b>All</b>	√
<b>For further information please contact the author of the report</b>					

## **Background papers**

Taxi Licensing Policy

[https://www.york.gov.uk/downloads/download/3192/taxi\\_licensing\\_policy](https://www.york.gov.uk/downloads/download/3192/taxi_licensing_policy)