
Licensing and Regulatory Committee

7th November 2008

Report of the Director of Neighbourhood Services

Request to review tinted windows condition as attached to hackney carriage and private hire vehicle licences

Summary

1. This reports asks members to consider a request to review the licence condition which limits the degree of tint permitted for licensed hackney carriage and private hire vehicle windows in respect of low emission, environmentally friendly vehicles.

Background

2. At the meeting of this committee on 3rd November 2006 members resolved that the licence condition in respect of hackney carriage and private hire vehicles be amended to include the following:-

“The licensed vehicle shall be fitted with windscreen glass that has a light transmittance of 75% and all other window glass in the vehicle shall have a light transmittance not less than 70%. Any self applied material shall be of the same standard and shall be approved by the taxi licensing office.”

3. This committee further resolved on 17th March 2008, when considering licence conditions for stretched limousines, with respect to tinted glass, no changes would be made to the standards for tinted glass in these vehicles even though it would be impracticable to do so given the nature of the vehicles. It was considered that any variation from the standards we apply to other private hire vehicles and hackney carriages would be difficult to justify as the very reasons we apply those conditions is still relevant to limousines.

4. A representation has now been made by a private hire operator for members to reconsider their policy in respect to certain classes of vehicle. His request is:-

“Vehicles which by their nature are designated as executive/luxury class and/or designated as environmentally friendly dual fuel, as listed in the relevant DVLA/VOSA publications, could be exempted from certain licensing criteria as laid out by the relevant licensing authority.”

5. This request is made on the back of his desire to license several hybrid vehicles which he will import from Japan. These vehicles come factory fitted with glass that will not meet our standard criteria. The same vehicles are also supplied in the UK

but not in the hybrid variant. These too are fitted with tinted glass which does not meet the standards. The operator has attempted to source replacement glass for the vehicles but has been unable to do so as the factory fitted standard glass is tinted. A supporting email is attached as Annex 1.

6. In considering this issue members are reminded that:-

Members of this committee on 2nd November 2007 requested officers to investigate the availability of taxi vehicles which both meet Euro 4 and Euro 5 emission standards and which also achieve low greenhouse gas emissions (e.g. carbon emissions).

7. Officers reported back on 4th July 2008 and members resolved relaxation on vehicle age limits and reduction in licence fees to incentivise the trade to licence low carbon emission vehicles.
8. Members are advised that at the moment there are very few vehicles that fit this category and are suitable for use as hackney carriage/private hire vehicles.

Consultation

9. The York Taxi Association and the York Private Hire Association have been consulted on this issue. Both associations supported the introduction of the tinted glass condition and neither would wish to see any change.

Options

10. Option 1 – Make no changes to the licence conditions.

Option 2 – Remove the tinted window condition for environmentally friendly vehicles as defined by the relaxation on age limits and reduction of licence fees.

Option 3 – Remove the tinted window condition for vehicles which by their nature are designated as executive/luxury class and/or designated as environmentally friendly.

Option 4 – Remove the condition on tinted windows for all licensed vehicles.

Analysis

11. When members of this committee determined to make the vehicle licence condition in November 2006 officers reported the following:-

Although officers try to discourage the use of tinted glass for the reasons listed below, they have no authority to prohibit the fitting of tinted glass to licensed hackney carriage and private hire vehicles. This is giving increasing concern for the following public safety reasons:

- a. Enforcement officers cannot see that the maximum number of passengers is not being exceeded.

- b. Police cannot check if passengers are wearing a seat belt.
 - c. Activities taking place in the vehicle cannot be viewed from outside posing a risk to both passengers and the driver.
 - d. Vulnerable passengers will feel safer in a vehicle where they can be seen.
 - e. In the event of an accident the emergency services can easily check if there are passengers inside.
12. It was on these safety grounds that members resolved to apply the tinted window condition. Its application has not been without difficulty and some drivers have had additional expense (up to £1000) to have glazing changed in their vehicles. In considering this request, members will have to decide whether the weight of the safety objective outweighs that of their environmental aspirations.

Corporate Priorities

13. The council has a corporate priority to reduce greenhouse gas emissions from its own activities and encourage, empower and promote others to do the same. It also seeks to encourage the use of environmentally friendly modes of transport.

Implications

14. **Financial:** None

Human Resources (HR): None

Equalities: None

Legal: All hackney carriage and private hire vehicles licence conditions may be subject to legal challenge. In order to resist challenge all conditions must be reasonably necessary. The committee must balance the rights of businesses within their area to operate as they wish with the Council's legitimate aim of protecting the rights of the public to be protected and transported safely.

Crime and Disorder: Members are reminded that there is a duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions.

Information Technology (IT): None

Property: None

Other: None

Risk Management

15. Members are advised that any decision made which is unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

Recommendations

16. Members are asked to approve Option 1 – To make no changes to the existing licence condition for hackney carriage and private hire vehicles in respect of tinted windows.

Reason: The safety considerations for the introduction of the condition is valid for all vehicles licensed by the council irrespective of engine emissions.

Contact Details

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**Report
Approved**



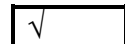
Date

23rd Oct 08

Specialist Implications Officer(s) Legal Services

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annexes:

Annex 1 – Email from applicant containing supporting information.