
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	25 th JANUARY 2022	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595 716 emma.mchugh@southderbyshire.gov.uk	DOC:
SUBJECT:	PETITION AGAINST THE TINTED WINDOWS REQUIREMENT IN THE PRIVATE HIRE LICENSING POLICY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That Members review the petition regarding the tinted windows requirement of the Council's Private Hire Licensing policy.
- 1.2 That Members resolve to
 - Keep the tinted windows requirement within the policy;
 - Amend the tinted windows requirement i.e., reduce the minimum light transmission or require the back windows to be compliant with the Construction and Use Regulations 1986 with no additional tints to be added, or as Members consider appropriate; or
 - Remove the tinted windows requirement.

2. Purpose of Report

- 2.1 To provide Members with the necessary information to be able to consider the recommendation contained in paragraph 1.1 of this report.

3. Detail

- 3.1 In 2019, a review of the Private Hire Licensing Policy was undertaken. One of the proposed amendments was in relation to the tinted windows and the proposal was:

'For safety reasons, it must be possible to observe the driver of a licensed vehicle and the passenger(s) being carried. Many licensed vehicles are used for the carriage of children and vulnerable adults and for this reason vehicles which have tinted windows which prevent clear vision into the vehicle will not be licensed. The minimum light transmission permitted for the wind screen and all of the windows in

the licensed vehicle is 70%. It is advisable to contact the Licensing Department for further clarification.'

- 3.2 An 8-week consultation took place with existing licence holders and members of the public. In addition, a Driver's Forum was held to discuss all the proposals contained in the draft Policy. Seven written responses were received in relation to the consultation. Only one of the responses was in opposition to the proposed tinted windows requirement. Five of the responses received were in full support of the proposals. With regards to the Driver's Forum, 29 drivers and operators were in attendance and some concerns were raised in relation to the tinted windows requirement. As a result of the concerns raised, the proposal was amended to the following:

'For safety reasons, it must be possible to be able to observe the driver and the passenger(s) being carried in a licensed vehicle. Many licensed vehicles are used for the carriage of children and vulnerable adults and for this reason vehicles which have tinted windows which prevent clear vision into the vehicle will not be licensed. The minimum light transmission permitted for the wind screen is 75% and all other windows in the licensed vehicle shall be 70%.

The only exception to this requirement is for executive type vehicles being used exclusively for executive hire, corporate contracts or work of a similar nature. A request for exemption should be submitted in writing with supporting evidence.

When purchasing new or used vehicles for use as a private hire vehicle, vehicle proprietors are advised to contact the Licensing Department to ensure the vehicle is compliant with the required light transmission values.

The above requirement for tinted windows will only apply to private hire vehicle licences issued after 1st July 2019. Existing private hire vehicle licences may continue to have tinted windows that do not meet the required light transmission values as long as the tints are manufacture fitted. Any licensed vehicle with retro fitted tinted windows will have to remove the additional tints.'

- 3.3 On 30th May 2019, the draft Policy was approved by Environmental and Developmental Services. No amendments were made to the proposed tinted windows requirement.
- 3.4 The tinted windows requirement came into force on 1st July 2019 and related to all new vehicle licences. All new vehicles undertake a Tintman test at their initial Depot test to ensure compliance with the requirement. Since July 2019, 71 new vehicle licences have been granted that have been compliant with the tinted windows requirement. There are currently 131 licensed private hire vehicles.
- 3.5 On 19th September 2021, a petition with supporting reasons was received from Mr Ali requesting the tinted window requirement is removed from the Policy. The petition is signed by 128 licensed drivers. A copy of the petition and supporting email are attached as **Appendix 1**.
- 3.6 With regards to other local licensing authorities, North West Leicestershire District Council and East Staffordshire Borough Council requires that tinted windows meet the Construction and Use Regulations 1986 and no additional tint should be added to the window. Erewash Borough Council require that the windows except the windscreen permit 75% minimum light transmission.

3.7 In response to the petition, the Police, County Councils, and relevant agencies were contacted with regards to their views on the tinted windows requirement. A summary of the views is attached as **Appendix 2**.

4. Financial Implications

4.1 There are no financial implications.

5. Corporate Implications

Employment Implications

5.1 None

Legal Implications

5.2 None

Corporate Plan Implications

5.3 None

Risk Impact

5.4 None

6. Community Impact

Consultation

6.1 None

Equality and Diversity Impact

6.2 None

Social Value Impact

6.3 None

Environmental Sustainability

6.4 None

7. Background Papers

None