



# Walsall Council

## **REPORT OF THE INTERIM REGULATORY MANAGER**

### **LICENSING AND SAFETY COMMITTEE**

**29 NOVEMBER 2011**

### **TINTED WINDOWS IN LICENSED VEHICLES**

#### **1.0 Summary of report**

- 1.1 To place before committee a report concerning a request made by the Hackney Carriage/Private Hire Association to allow vehicles with any degree of tinted windows to be licensed if they meet current Construction and Use Regulations.

#### **2.0 Recommendations**

- 2.1 The committee is asked to consider the information contained in the report and to determine whether they wish to remove the vehicle licence conditions in relation to tinted windows in both private hire and hackney carriage vehicles.

#### **3.0 Background information**

- 3.1 On the 19 October 2011 the private hire/hackney carriage trade organisation submitted a letter prior to the Licensing and Safety Committee meeting, requesting that vehicles with any degree of tinting be licensed if they met current legal standards.
- 3.2 Walsall M.B.C licensed vehicle conditions state that 'No vehicle with windows darkened or tinted by manufacture will be licensed if those windows affect public safety by virtue of the fact that visibility is restricted into the interior of the vehicle .No windows tinted after manufacture may be fitted.
- 3.3 At that same meeting the Licensing and Safety Committee had agreed to licence a vehicle in which the percentage light transmittance through the rear/back windows was 9%.
- 3.4 The Licensing Enforcement Team carry out numerous enforcement

exercises, and it is beneficial for them to be able to see into the vehicle from any particular angle.

3.5 A guidance document issued by the Vehicle & Operator Services Agency (V.O.S.A) on tinted windows is given as **Appendix 1**.

3.6 It should be noted that there is an increasing trend by vehicle manufacturers to fit privacy glass as standard in their vehicles, particularly on Multi Purpose Vehicles.

#### **4.0 Resource considerations**

4.1 **Financial:** None

4.2 **Legal:** The cost of any appeal to a magistrates court by any person aggrieved by the decision of the council in respect of any conditions set by the authority as permitted under the legislation.

The Local Government (Miscellaneous Provisions) Act 1976 governs the issue and control of licences for private hire and hackney carriage vehicles, drivers and operators.

Section 48 of the Act allows councils to attach to the grant of a licence for private hire vehicles such conditions as they consider reasonably necessary.

The conditions attached to vehicle licences are standard.

Section 1.24 & 1.39 of the hackney carriage/private hire vehicle licence conditions state 'No vehicle with windows darkened or tinted by manufacture will be licensed if those windows affect public safety by virtue of the fact that visibility is restricted into the interior of the vehicle  
No windows tinted after manufacture may be fitted

There is a legal minimum percentage light transmittance of 75% and 70% prescribed in the Motor Vehicles (Constructions and Use Regulations) 1986 in respect of all vehicle glass within the drivers normal field of vision; e.g. the front windscreen (75%) and the two front doors (70%)

These regulations do not apply to glass fitted to the vehicle beyond this prescribed normal field of vision and therefore they can legally have any degree of tint .

The Best Practice Guidance issued by the Department for Transport for Taxi and Private Hire Vehicle Licensing in 2010 states in part that

'Vehicles may be manufactured with glass that is darker rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the

large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations'.

4.3 **Staffing:** Nothing arising from this report

**5.0 Citizen impact**

5.1 None arising from this report.

**6.0 Community safety**

6.1 The committee will determine whether tinted windows in licensed vehicles may affect public safety.

**7.0 Environmental impact**

7.1 None arising from this report

**8.0 Performance and risk management issues**

8.1 Nothing arising from this report

**9.0 Equality implications**

9.1 Nothing arising from this report

**10.0 Consultation**

10.1 Nothing arising from this report

**11.0 Contact Officer**

11.1 Steve Knapper, 01922 652221