

Wiltshire Council

Licensing Committee

04 December 2023

Proposed Changes to Wiltshire Council's Hackney Carriage Window Tint Policy and Minor changes to taxi guidelines

Executive Summary

Wiltshire Council has a statutory responsibility under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 to licence and oversee hackney carriage and private hire vehicle services.

Hackney carriages can pick up passengers from a rank or the street without being pre-booked. Hackney carriages in Wiltshire are currently licensed for a specific zone and cannot pick up a fare outside of their zone, unless it is pre-booked. Hackney carriages are restricted to working within their zone.

Private hire vehicles licensed in Wiltshire can operate anywhere in the County as their work is pre-booked. Private hire work is not restricted by zone; however, they are not permitted to pick up off ranks or be flagged down or pick up in the street.

At present different policies exist in relation to window tints on hackney carriage and private hire vehicles. For hackney carriage vehicles the Council's current policy states:

Vehicles must meet the legal standards for light transmission through the front windscreen and front side windows. However, the rear window and all rear side windows must have a light transmission of at least 50%, irrespective of whether the vehicle was manufactured contrary to this standard. Documents must be provided for proof of light transmission when requested by the council.

The policy for private hire vehicles is different and states:

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.

The policies are different for safeguarding reasons. Private hire bookings are prebooked and data must be recorded and documented by the operator. Should any incident occur, the vehicle would be able to be traced effectively. Hackney carriages pick up individuals off the street or rank with no prior knowledge on either parties' part of who is getting into the taxi or the taxi you are getting into. In view of this it was agreed by Licensing Committee that hackney carriage rear windows must be subject to 50% light transmission so

you can see into the rear of the vehicle to ensure nothing inappropriate is occurring.

The industry has been lobbying the Taxi Licensing team for some time as it is now harder to find a factory produced vehicle with windows that meet our tinting requirements. Drivers are having to pay an extra £2,000 to put clearer glass in brand new vehicles.

The Taxi Licensing Team undertook a benchmarking exercise to establish how other local authorities dealt with the issue of tinted windows. The results of the benchmarking exercise indicated there was flexibility to amend our current policy around window light transmission for hackney carriage vehicles to bring it in line with our requirements for private hire vehicles. However, any reduction in the window light transmission for hackney carriages would reduce safeguarding standards within Wiltshire and any decision to approve the proposal must balance the needs of the industry against the additional risk to public safety.

The report proposes that we bring our requirements for hackney carriage rear windows in line with that for private hire vehicles based on the evidence obtained by our review and the difficulty faced by the industry in procuring factory fitted vehicles to meet our requirements.

The report is also proposing 5 minor wording changes to our currently taxi guidelines, these are highlighted in the report.

Proposal(s)

It is proposed that the Licensing Committee considers and approves adopting the proposals identified in section 15.1 of the report.

The proposals are:

- 1. Taxi Licensing amend the policy on window tints for hackney carriage vehicles to bring it in line with the requirements for private hire vehicles. e.g., Tinted glass shall conform to the legal requirements of the current Road Vehicles (Construction and Use) (Amendment) Regulations 2022.**
- 2. That the following minor wording changes/inclusions in yellow below to the Council's taxi guidelines be approved and included within the guidelines.**

T21 Licence plates

The external licence plate must be securely fixed externally to the rear of the vehicle in a position specified by the council. The licence plate must be clearly visible and remain in that position for the duration of the licence. **The plate must be fixed with an authorised plate holder, affixed securely with double sided tape or screwed directly to the vehicle, the use of magnets to fix the plate is **not** acceptable due to the ease with which the plate can be removed.**

The internal licence plate must be securely fixed on the inside of the vehicle windscreen or clearly visible in the passenger compartment as specified by the council.

Missed appointment/missed appointment fee

To cancel an appointment without incurring a fee you must contact the fleet licensing team via email at fleet.licensing@wiltshire.gov.uk more than 72 hours in advance. The fee is subject to change and details of the fee can be found in the fees and charges document. Any failed inspection will also incur the missed appointment fee except in exceptional circumstances.

Lapsed vehicle licence

Any licence which has lapsed will have a maximum of 14 days from the licence end date to fully complete the application process (this includes any necessary tests). After this period the vehicle will be treated as a new application and will be required to meet the criteria of a new vehicle and incur the cost as such.

D12 Driver identification

A driver of a licensed vehicle shall:

(a) when standing, plying or driving for hire, wear the drivers badge with the lanyard provided by the council in such a position and manner on the upper part of the body so as to be plainly visible. When off duty, and driving a licensed vehicle, the driver's badge must be carried in the vehicle and be available for inspection.

(b) not lend the badge to any other person or cause or permit any other person to wear it.

D22 No smoking policy

The driver of a licensed vehicle must not smoke in the vehicle at any time, including when being used for social, domestic and pleasure purposes. When smoking, the driver must move away from the vehicle and ensure that all doors and windows are closed. The driver of a licensed vehicle shall not permit any other person or fare-paying passenger to smoke in a licensed vehicle. (Note:- This is a requirement of the Health Act 2006 and relevant regulations).

Wiltshire Council's policy also includes a ban on electronic inhaler type cigarettes and references to smoking in these Guidelines includes use of such cigarettes.

If approved by the Licensing Committee the changes will come into effect on 01 January 2024.

Reason for Proposals

- To ensure that the Taxi Licensing service policies for vehicles are in line with modern day production techniques and vehicle specification.
- To bring Taxi Licensing in line other local authorities in relation to its policy around window tints for hackney carriage vehicles.

- To assist the industry with reducing costs to change factory fitted windows and provide a greater variation of vehicles that would meet hackney carriage standards.
- To provide greater clarification to the industry on our processes and provide consistency.

Samanta Howell
Director, Highways & Transport

Proposed Changes to Wiltshire Council's Hackney Carriage Window Tint Policy and Minor changes to guidelines

1.0 Purpose of Report

- 1.1 To provide Wiltshire Council's Licensing Committee with the relevant information to make an informed decision on changing the Council's policy on window tints for hackney carriage vehicles, to bring it in line with those for private hire vehicles and adopting a small number of wording changes to our current policies.

2.0 Relevance to the Council's Business Plan

- 2.1 Taxi Licensing is relevant to several areas of the Council's business plan.
- **Growing the economy** – The proposals would increase the number of vehicles that could potentially be licensed as a hackney carriage. The changes would also reduce costs for the taxi industry. A thriving taxi industry can support all forms of retail and the night-time economy as well as the most vulnerable in society.
 - **Protecting those who are most vulnerable** - Ensuring that the most vulnerable have greater access and choice in relation to taxis and transport within their local area. Providing an opportunity for social inclusion by having the freedom to travel.

3.0 Main Considerations for the Council

- 3.1 The Taxi Licensing Team undertook a benchmarking exercise with 11 neighbouring local authorities. 10 responses were received with 100% of those responding had the same policies in relation to window tints for both hackney carriage and private hire vehicles.
- 3.2 Of the 10 responses received, 1 specified 65% light transmission for rear side windows. The remaining 9 responders adhered to national standards. The responses are shown in detail in Appendix A.
- 3.3 The 50% light transmission criteria was introduced to ensure anyone in the rear of a hackney carriage vehicle could be seen, as a deterrent to reduce any inappropriate behaviour. Any reduction in the level of light transmission would reduce safeguarding standards in relation to hackney carriages.
- 3.4 Hackney carriages can pick up from the street or a rank and do not have to maintain records of their bookings, reducing traceability.

- 3.5 As of the end of May 2023 there were 539 licensed hackney carriage vehicles and 283 private hire vehicles.
- 3.6 Drivers are finding it difficult to procure factory fitted vehicles that meet our hackney carriage window tint criteria. Drivers are paying around £2,000 to change windows on brand new vehicles to meet our criteria.

4.0 Background

- 4.1 The Council's current guidelines and policies in relation to taxis have not been updated since 2018, a copy is attached as Appendix B. The minor changes proposed will clarify the processes for the industry and provide greater consistency.
- 4.2 The Taxi Licensing team are currently completing a review of the above guidelines following proposed best practice standards published by Central Government in July 2022 and the Council's declaration of a climate emergency.
- 4.3 The 50% light transmission criteria was introduced to improve safeguarding in Wiltshire. National cases such as the conviction of black cab rapist, John Worbouys who drugged and assaulted his passengers in the back of his black cab influenced the decision to introduce the criteria. Lighter windows reduce the chance of an incident like this occurring.
- 4.4 Research has shown that the only factory produced vehicle that would meet our current hackney carriage requirements is the Vauxhall Insignia.
- 4.5 Central Government stated within the proposed 'Best Practice Guidance for Licensing Authorities in England' that:

'For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in luxury, estate and people carrier style vehicles.'

'If the objective of the authority's prohibition of tinted windows is to address a concern that illegal activity is taking place in a vehicle, the evidence for this should be established and alternative options should be considered, for example, CCTV in vehicles. When licensing vehicles, authorities should be mindful of this as well as the significant costs and inconvenience associated with changing glass that conforms with the requirements of vehicle construction regulations.'

'In the absence of evidence to show that a requirement for the removal of factory fitted windows is necessary and proportionate, licensing authorities should not require their removal as part of vehicle specifications. However, authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting.'

4.6 The last paragraph of the above advice is interesting, as it is rare for the Council to receive complaints in relation to inappropriate behaviour or abuse in its taxis. However what level of evidence/incidents is deemed sufficient evidence to insist on clear glass, 1?, 10?, the issue is very subjective. The Council would not want to introduce any policy that would put the public at risk.

4.7 The current legislation on window tints stipulates that front windscreens must have 75% light transmission and front side windows 70%, there are no restrictions on rear windows. A link to the Government web page on the law in relation to window tints is shown below;

[Tinted vehicle windows: the law - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/tinted-vehicle-windows-the-law)

4.8 The current Road Vehicles (Construction and Use) (Amendment) Regulations 2022 stipulate the below in relation to light transmission through vehicle windows. Note, our Private Hire vehicles must adhere to these standards.

TABLE II

(Regulation 32(10))

1	2	3	4	5
<i>Item</i>	<i>Class of Vehicles</i>	<i>Windows</i>	<i>Percentage</i>	<i>Documents specifying procedure</i>
1	Motor vehicles first used before 1st April 1985	All windows	70	British Standard Specification No. 857 or No. 5282
2	Motor vehicles first used on or after 1st April 1985 and trailers	(a) Windscreens	75	The documents mentioned in sub-paragraph (i), (ii) or (iii) of the definition in paragraph (13) of “specified safety glass (1980).”
		(b) All other windows	70	

4.9 The Council are experiencing an increasing number of late renewals which places more pressure on the team. The change to allow a maximum of 14 days after expiry to submit an application will provide consistency when dealing with late applications.

4.10 The number of drivers using magnets to secure their vehicle plates has increased significantly over the last 6 months. Magnets are not secure and allow the plates to be easily removed. Enforcement Officers have witnessed

numerous plates hanging off vehicles or upside down. The proposed change will ensure they are securely fixed to vehicles.

- 4.11 The notice period for notification of missing appointments has been increased from 24 hours to 72 hours as the number of missed appointments is increasing, these are appointments that could be used by other drivers.
- 4.12 Enforcement has identified an issue with drivers not using the Council supplied, very visible lanyard. This makes it difficult to establish if drivers are wearing their badges as they should. The change will ensure only a Council issued lanyard is used which leads to easier identification of driver's badges.
- 4.13 The Council has seen an increasing number of drivers sitting in vehicles with the door/window open smoking. The proposed changes are designed to ensure that no smoke enters the vehicle, and any driver smoking must move away from the vehicle.

5.0 Safeguarding Implications

- 5.1 Amending the current policy to align window tint requirements on hackney carriage and private hire vehicles does potentially have additional safeguarding implications. As explained above, all private hire bookings are recorded so it would be easier to investigate an incident and identify a vehicle/individual involved. As hackney carriages can pick individuals up off the street or rank without any record of the journey the policy amendment would lead to hackney carriages with darker rear windows which could be a factor in any potential inappropriate behaviour. However, it should be noted the Council has not received any complaints of this nature in the last 12 months.
- 5.2 It should be noted that the change would only bring Wiltshire Council in line with other local authorities in the area and accepted best practice. Wiltshire currently has the tightest restrictions for hackney carriages of any authority that took part in the benchmarking review.

6.0 Public Health Implications

- 6.1 The proposal to align window tint requirements on hackney carriage and private hire vehicles could potentially lead to increased incidents of inappropriate behaviour. Private hire vehicles licensed in Wiltshire have been subject to the proposed requirements for many years and the Council have received no complaints or reports of inappropriate behaviour in the rear of a vehicle.
- 6.2 Allowing windows with less light transmission will provide a greater level of protection for passengers from UV rays from the sun.

7.0 Environmental and Climate Change Considerations

- 7.1 There are no environmental or climate change considerations arising from this report proposal.

8.0 Corporate Procurement Implications

8.1 There are no direct procurement implications arising from this report.

9.0 Equalities Impact / Workforce Implications of the Proposal

9.1 The impact of these proposals is assessed as 'low' against the council's statutory responsibilities. The new policy would bring hackney carriage vehicles in line with private hire vehicles and those licensed by neighboring authorities.

9.2 The proposals outlined in this paper do not have any workforce implications.

10.0 Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

10.1 Vehicle owners licence vehicles as private hire to avoid the additional cost of replacing factory fitted windows.

10.2 The number of hackney carriage vehicles may fall to such levels that there are insufficient to provide a service from the ranks within Wiltshire's towns.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

10.3 There is the possibility of negative press coverage and reputational damage as the public may view the changes as reducing safeguarding standards in Wiltshire.

10.4 There is the potential for increased inappropriate behaviour with darker rear windows, however the change would only bring hackney carriages into line with our private hire vehicles, those vehicles licensed by neighbouring authorities and bring Wiltshire in line with proposed best practice.

11.0 Financial Implications

11.1 There are no direct financial implications, however any increase or decrease in licensed vehicles would impact on the income derived from Taxi Licensing. There are not expected to be any significant financial impacts from introducing the missed appointment fee.

12.0 Legal Implications

12.1 There are no legal reasons that would stop the Council amending the window tint policy for hackney carriage vehicles to bring it in line with private hire vehicles and proposed Government best practice.

12.2 There is no legal requirement to consult with the industry, however the Council has taken on board industry feedback when drafting the proposal.

13.0 Options Considered

13.1 The following options have been considered for tinted windows; the minor wording changes have not been considered:

Leave the existing hackney carriage window tint policy in place

Benefits	Risks
Enhanced safeguarding through the toughest window tint restrictions of any local authority surveyed.	Reduced number of hackney carriage vehicles as owners license vehicles as private hire to avoid additional costs of replacing factory fitted windows.
	Reduction in hackney carriages to such a level that there are insufficient to provide a service on the ranks within Wiltshire's towns.

Adopt the same policy for Hackney Carriage vehicles as Private Hire vehicles for window tint requirements.

Benefits	Risks
Costs for vehicle owners greatly reduced	Potential for increased incidents of inappropriate behaviour. However, this is unlikely as our private hire vehicles adhere to the proposed new standard for hackney carriages and we do not have significant issues with private hire vehicles
Greater choice of vehicle to licence as a hackney carriage leading to possibly more vehicles licensed.	
Trade will be happy that the Council has listened to them and taken action on an issue that they have raised over the last 12 months.	

14.0 Conclusion

- 14.1 Amending the existing policy on window tints for hackney carriages to bring it in line with the policy for private hire vehicles and accepted best practice will ensure the future sustainability of the hackney carriage taxi licensing service and encourage more vehicles to be licensed as hackney carriages.
- 14.2 Wiltshire Council currently has the toughest criteria in relation to hackney carriage window tints of all the local authorities reviewed in the benchmarking exercise. The policy is causing issues for drivers as they cannot find factory fitted windows to meet our criteria and are paying £2,000 to have the windows changed on brand new vehicles. This prohibits them from licensing vehicles as hackney carriages which could service our ranks and towns in Wiltshire and is a factor behind the increase in the number of private hire vehicles.

15.0 Proposal

15.1 It is proposed that the Licensing Committee gives approval for the Taxi Licensing team to:

- i) Amend the window tint policy for hackney carriages and bring it in line with the criteria for private hire vehicles. The new policy wording would be:

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) Regulations.

- ii) Make the following minor wording changes/inclusions in yellow below to the Council's taxi guidelines and include within the guidelines.

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The external licence plate must be securely fixed externally to the rear of the vehicle in a position specified by the council. The licence plate must be clearly visible and remain in that position for the duration of the licence. **The plate must be fixed with an authorised plate holder, affixed securely with double sided tape or screwed directly to the vehicle, the use of magnets to fix the plate is not acceptable due to the ease with which the plate can be removed.**

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- (a) when standing, plying or driving for hire, wear the drivers badge **with the lanyard** provided by the council in such a position and manner on the upper part of the body so as to be plainly visible. When off duty, and driving a licensed vehicle, the driver's badge must be carried in the vehicle and be available for inspection.
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Wiltshire Council's policy also includes a ban on electronic inhaler type cigarettes and references to smoking in these Guidelines includes use of such cigarettes.

If approved by the Licensing Committee the changes will come into effect on 1 January 2024.

16.0 Reasons for Proposal

- To ensure that the Taxi Licensing service can recruit sufficient numbers of hackney carriage vehicles to service the ranks and streets of the Wiltshire Council area.
- To bring Taxi Licensing policies in relation to window tints in line for both hackney carriage and private hire vehicles, in line with proposed best practice and neighbouring local authorities.
- To reduce costs for the industry and provide consistency to our processes and provide greater clarification for the trade.

Samantha Howell
Director, Highways & Transport

Report Author:

Tom Ince, Principal Compliance Officer
Tom.ince@wiltshire.gov.uk
Tel: 01380 826334

October 2023

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

Appendix A – Window Tint benchmarking results

Appendix B – Wiltshire Council Guidelines re Hackney Carriages and Private Hire Drivers, Vehicles and Operators.