

LICENSING COMMITTEE

Local Government (Miscellaneous Provisions) Act 1976 Vehicle Licensing – Tinted Windows 6th June 2019

Report of the Licensing Manager

PURPOSE OF REPORT

To consider the imposition of vehicle licence conditions to hackney carriage and private hire vehicle licences in respect of tinted windows, and consider licensing of the vehicle presented to councillors by Mr Patel and Mr Patel.

The report is public

RECOMMENDATIONS

The Committee are requested to consider the imposition of vehicle licence conditions to hackney carriage and private hire vehicle licences in respect of tinted windows, and consider licensing of the vehicle presented to members by Mr Patel and Mr Patel.

1.0 Background

- 1.1 Under section 47(1) and 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the grant of a licence of a hackney carriage or private hire vehicle under the Act of 1976 such conditions, as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.
- 1.2 For councillors' information, the Council has no established conditions attached to the grant of private hire and hackney carriage vehicle licences in respect of permitted level of tint on windows of licensed vehicles operating in the District.
- 1.3 Mr Faruk Patel and Mr Mohammed Siddik Patel wish to licence a Toyota Prius as a hackney carriage vehicle that has the rear windows tinted. The level of tint on the rear windows is of such a level that you cannot see through into the rear of the vehicle. Attached at **Appendix 1** are photographs of the vehicle.
- 1.4 Councillors should consider the imposition of a condition relating to permitted level of tint on licensed vehicles to provide clarity for the trade and ensure each application is treated fairly and consistently.

- 1.5 Mr F.Patel and Mr M.Patel have been invited to attend Licensing Committee and present their vehicle for councillors' for inspection.

2.0 Benchmarking

- 2.1 Many other licensing authorities insist on a certain minimum standards in terms of light transmission whilst others do not stipulate any requirements at all.

- 2.2 Provided are some examples of conditions/vehicle specifications councillors may wish to consider.

Manchester City Council:

Front windscreen transmission - minimum 75% light
Front side door glass transmission - minimum 70% light
Remaining glass (exc. rear window) transmission - minimum 70% light

South Ribble:

Any hackney carriage or private hire vehicle which is first licensed shall be fitted with glass windows which permit a minimum of 70% light transmission (irrespective of whether the vehicle was manufactured contrary to this standard). No vehicle shall be fitted with additional film designed to tint or darken the glass. (PHVs can apply for an exemption)

Bury:

Front passenger and driver side windows (minimum light transmittance - 70%)
Remaining glass (other than the rear windscreen) minimum light transmittance - 25%.

Wyre:

All factory fitted glass to the front of the drivers door pillar vehicle, shall permit a minimum of 70% light transmission and no vehicle shall be fitted with additional film designed to tint or darken the glass.

- 2.3 Examples of window tint levels are attached at **Appendix 2** and will be available to view at the meeting.

- 2.4 The Council's vehicle maintenance unit were asked to provide the legal position on permitted level of tints on windows on domestic vehicles during MOT testing. They are as follows:

MOT Manual, Section 3 – Visibility

“check for, excessive tinting or discolouration of the windscreen or windows on either side of the driver's seat”, “Failure for tinting or discolouration is only justified if the driver's view is significantly affected”.

3.0 Options

- 3.1 Options available to councillors are:

- 1) To introduce a condition to private hire vehicle licences regarding permitted tint levels of windows as decided by councillors;

- 2) To introduce a condition to hackney carriage vehicle licences regarding permitted tint levels of windows as decided by councillors or,
- 3) To allow the permitted level of window tint to continue unregulated, and;
- 4) To permit licensing of Mr Patel and Mr Patel vehicle as observed;
- 5) To refuse the licensing of Mr Patel's and Mr Patel's vehicle as observed.
- 6) Councillors are also requested to provide guidance to the Licensing Manager of how to manage other vehicles that may already be licensed that would not currently meet the licence conditions. e.g. to enforce the condition on licence renewal, suspend any vehicles until such time as they meet the condition requirements or issue a notice period when the conditions would come into effect.

4.0 Conclusion

- 4.1 Councillors are asked to determine whether they wish to introduce vehicle licence conditions regarding the permitted level of tint on licensed private hire and hackney carriage vehicles operating in the district and to consider the vehicle presented by Mr Patel and Mr Patel for licensing.
- 4.2 It is thought that to allow the rear windows of licensed vehicles to have no maximum tint level it may compromise public safety, authorised Council officers, members of the public or any other person could not easily identify any misdemeanours. Significant tint levels may also restrict drivers view.
- 4.3 Should councillors decide to implement conditions, all subsequent vehicles would be tested at the Council's vehicle maintenance unit (VMU), any modifications would be required before licensing is permitted. VMU have confirmed they can acquire the necessary equipment to carry out the light tests.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None.</p>		
<p>FINANCIAL IMPLICATIONS</p> <p>Financial Services have not been consulted, as there are no financial implications.</p>		
<p>LEGAL IMPLICATIONS</p> <p>Under Section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976 any person aggrieved by a condition attached to a private hire vehicle licence has a right to appeal to the Magistrates' Court within 21 days of the grant of the licence.</p>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <p>BACKGROUND PAPERS</p> <p>None.</p> </td> <td style="width: 50%; padding: 5px;"> <p>Contact Officer: Jennifer Curtis Telephone: 01524 582732 E-mail: jcurtis@lancaster.gov.uk Ref: JC</p> </td> </tr> </table>	<p>BACKGROUND PAPERS</p> <p>None.</p>	<p>Contact Officer: Jennifer Curtis Telephone: 01524 582732 E-mail: jcurtis@lancaster.gov.uk Ref: JC</p>
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