
Report To:	Legal Services Manager (Licensing, Litigation and Committees)	Date:	21 September 2022
Report By:	Head of Service – Roads & Transportation	Report No:	LS/87/22
Contact Officer:	Jim Bradley	Contact No:	01475 714757
Subject:	Licensed Vehicle Tinted Windows		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to ask the Board to note the terms of this report regarding a recent request from the taxi trade for an amendment to the Licensed Vehicle Inspection Manual which was approved and adopted by the Board on 11 September 2013 in relation to the specification required in section K1 of the Manual regarding the level of light required through tinted windscreen and other windows in licensed public and private hire vehicles.

1.3 The Council has received a recent request from a representative of the taxi trade requesting the Council relax the current conditions in relation to tinted windows in licensed public and private hire vehicles.

1.4 At present the Council's Licensed Vehicle Inspection Manual at section K1 states that the front windscreen and driver/passenger windows should allow at least 75 % light through if tinted and all other windows should allow at least 70 % light through if tinted. An extract from the relevant section of the Council's Licensed Vehicle Inspection Manual is set out at **Appendix 1** of this report.

1.5 The report requests the Board note the recent call from a representative of the taxi trade for a review of the Council's prescribed standards regarding the windows of licensed vehicles, if they are tinted, and consider if it would now be appropriate to authorise the Head of Legal and Democratic Services to undertake a consultation exercise with Police Scotland, the Taxi trade and members of the public.

2.0 RECOMMENDATIONS

2.1 The Board is asked to :

- (1) note the terms of this report;
- (2) authorise the Head of Legal and Democratic Services to consult with Police Scotland, the Taxi Trade and the public, if appropriate, to determine the level of support for relaxing the standards set out in section K1 of the Council's Licensed Vehicle Inspection Manual and determine what alternative standard should apply;

- (3) instruct Officers to provide a further report to the Board at the culmination of the consultation.

Gail Macfarlane
Head of Service – Roads & Transportation

3.0 BACKGROUND AND CONTEXT

3.1 The Council's licensed vehicle inspection manual at section K1 sets out the current prescribed specification for tinted windows. At present Inverclyde Council's vehicle testing standards states that a licensed vehicle will fail an inspection if :

"The front windscreen and driver/passenger windows allow less than 75 % light through if tinted. All other windows allow less than 70 % light through if tinted."

3.2 The legal requirement for un-licensed private cars and light commercial vehicles is that the windscreen must permit a minimum of 75% light through if tinted and the front side windows must permit a minimum of 70% light through if tinted. All other windows may be tinted to any degree and can be completely blacked out.

3.3 It is understood that the rationale for having a prescribed level of tint in the rear windows of licensed vehicles was to allow the passenger compartment to be clearly visible from the exterior of the car. It was previously acknowledged that some passengers may feel vulnerable getting into the back of a vehicle which has heavily tinted windows. It is understood that in 2012 prior to the approval of the manual by the Board, the senior local Police Officer from Strathclyde Police expressed an opinion to the former Head of the Council's Roads Service, that they wished a view into the back of licensed vehicles to see if taxi or private hire drivers were carrying passengers or if illegal activity was taking place in the rear of a vehicle.

3.4 Over the past few years licensing authorities across the UK have come under pressure from the taxi trade to relax the conditions in relation to the level of tint permitted on the rear windows of licensed vehicles. It is believed that this request for a relaxation of the conditions has arisen as a result of the number of cars that are either fitted with 'privacy glass' as a standard feature or have been specified with 'privacy glass' as an additional cost option.

3.5 The existing standards regarding tinted windows limits operators when purchasing a second hand vehicle as many vehicles that would otherwise be suitable for public or private hire use have been specified with "privacy glass" when new. It is understood that this is less of an issue for operators purchasing new vehicles who can choose an option that meets the current requirements.

3.6 The Scottish Government Taxi and Private Hire Car Licensing: Best Practice Guidance for Licensing Authorities Second Edition, April 2012 does not include any guidance specific to tinted windows. Hence, it is a matter for each local authority to determine its position in relation to tinted windows.

3.7 The Department for Transport: Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England 2022, which is currently a consultation document, does contain the following sections specific to tinted windows:

8.14 The rules for tinted windows are available on gov.uk. 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.

8.15 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.

3.8 The Council's Vehicle Inspection department has requested information from a number of Scottish local authorities seeking details of their specifications regarding tinted windows in licensed vehicles. From the information received it appears that there is a wide range of policies regarding specifications for tinted windows. In particular, Edinburgh City Council require a minimum of 75% +/- 2% light through on all glass fitted. East Lothian Council require a minimum of 40% light through on all rear glass. Midlothian Council require a minimum of 65% +/- 2% light through all rear glass. West Lothian Council conditions state "the windscreen and all windows and glass partitions (where fitted) must be safety glass in accordance with the European Standard in force at the time of approval and be of a clear material or the manufacturer's fitted comfort glass giving unrestricted vision to the vehicle interior. Other types of tinted glass are not permitted". Renfrewshire, North Ayrshire, East Ayrshire, Clackmannanshire, East Renfrewshire Councils do not impose any restriction on the level of tint behind the B pillar, that is, the pillar between the front passenger/driver compartment and the rear passenger compartment.

4.0 PROPOSALS

4.1 If the board considers it acceptable to allow darker tinted windows behind the B pillar of a licensed vehicle then it will be necessary to vary the existing standard within the Council's Vehicle Inspection Manual in order to delete the existing standard and replace with an alternative standard. It may be possible that a statement such as the following could replace the current condition:

There will be no restriction on all tinted windows fitted but they must comply with the relevant Road Traffic Act and / or Construction and Use Regulations requirements. Only tinted windows fitted by the vehicle's manufacturer are acceptable. After-market (stick-on type) window tints are not permitted.

4.2 The level of tint on the windows behind the B pillar has no effect on the road worthiness of the vehicle however there are other issues which require to be considered, such as views held by Police Scotland, the taxi trade and members of the public.

4.3 It will be necessary to consult with Police Scotland, the Taxi trade and the public, if deemed appropriate, to determine the level of support to relaxing the existing standards relating to tinted windows in licensed vehicles.

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial			X
Legal/Risk			X
Human Resources			X
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

5.2 Finance

One off Costs

None

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 Legal/Risk

There are no legal issues.

5.4 Human Resources

None.

6.0 CONSULTATION

6.1 Subject to the views of the General Purposes Board, the Head of Legal & Democratic Services will commence a consultation with Police Scotland, the Taxi Trade and members of the public, if deemed appropriate.

7.0 BACKGROUND PAPERS

7.1 None.

METHOD OF INSPECTION

1. Whilst sitting in the drivers seat examine the drivers view of the road through the swept area of the windscreen.
 - 1.1 Check windscreen.
 - 1.2 Is an approved type and carries an Approval Mark.
 - 1.3 Is free from scratches, scores or cracks.
 - 1.4 Check that vehicle front windscreen and front passenger/driver windows allow at least 75% light through if tinted. All other windows should allow at least 70% light through if tinted.
 - 1.5 Is of clear glass free from scratches, scores or cracks.
 - 1.5 Check condition of glazing rubber and interior surround for evidence of water leaks.
 - 1.7 Check condition of glass in zone A and remaining swept area.
 - 1.8 Check condition of glass in remaining swept area.
2. Check interior mirror.
 - 2.1 Is an approved type and carries an Approval Mark (See Note).
 - 2.2 Stalk is secure on mounting and the adjustment pivot holds the mirror securely.

REASONS FOR REJECTION

1. Unapproved type windscreen fitted; glass not Approval Marked.
2. Windscreen glass reversed.
3. Front windscreen and driver/passenger windows allow less than 75% light through if tinted. All other windows allow less than 70% light through if tinted.
4. Windscreen glass so scratched, scored or cracked that it could impair the driver’s vision under adverse light or weather conditions, or it could fail in service. Tinted glass installed or self adhesive tinting material affixed to any part of the glass.
5. Glazing rubber split or perished to cause windscreen to leak.
6. In zone (A)
7. Damage not contained within 10mm diameter circle.
8. Windscreen sticker or other obstruction encroaching more than 10mm (taxi data head).
9. A combination of minor damaged areas which seriously restricts the drivers view.
10. Remaining swept area
11. Damage not contained within 40mm diameter circle.
12. A windscreen sticker or other obstruction encroaching more than 40mm (taxi data head).
13. A temporary windscreen.

RETEST CRITERIA

FRR