

**Minutes of the Licensing Committee
4 September 2019**

Present:

Councillor R.W. Sider BEM (Chairman)

Councillor A.J. Mitchell (Vice-Chairman)

Councillors:

C.L. Barratt

S.M. Doran

J. McIlroy

R.O. Barratt

S.A. Dunn

B.B. Spoor

I.J. Beardsmore

N.J. Gething

S. Buttar

K.M. Grant

Apologies: Councillor A. Brar

226/19 Minutes - 21 May 2019

The Minutes of the Meeting held on 21 May 2019 were agreed as a correct record.

227/19 Disclosures of Interest

There were none.

228/19 Revision of the Hackney Carriage and Private Hire Licensing Policy

The following supporting documents were circulated to the Committee immediately prior to the meeting and are attached to these minutes:

- Comparison between Spelthorne and Runnymede tinting criteria
- Runnymede's tinted window consultation comments and
- Proposed amendment to paragraph 6.5 of the draft policy in relation to tinted windows

The Principal Licensing Manager presented the draft Hackney Carriage and Private Hire Licensing Policy prior to it undergoing a four-week consultation period by the Taxi trade.

The Principal Licensing Manager explained that the Policy had been revised in light of recent discussions by the Surrey Licensing Managers Forum. The revisions were proposed to enable a consistent approach across Surrey which would prevent prospective applicants from "shopping around" boroughs, and also to promote the safety of the taxi-using public.

He summarised the key amendments to the Policy, which were:-

- the adoption of the National Anti-Fraud Network (NAFN)'s National Register of Refusal and Revocations (NR3);
- amendments to the criminal record checking process (via the Disclosure & Barring Service [DBS]);
- provisions of wording to give clear direction in respect of applications from app-based Private Hire Operations;
- requirement for all Private Hire Operators (PHOs) and their controllers to complete Barnardos' safeguarding vulnerable adults & CSE online training module;
- requirement for all controllers working under the employ of PHOs to submit basic DBS checks;
- wording to address the discretion for LEOs to require aesthetic vehicle faults to be rectified;
- consideration to imposing restrictions on window tinting in licensed vehicles;
- the implementation of a joint warranting scheme in conjunction with other Surrey authorities

The Principal Licensing Manager referred members to the late documents relating to consideration of restrictions on tinted windows. The Committee discussed the implications of imposing restrictions on tinted windows and having regard to the comments from Surrey Police to the Runnymede consultation, agreed that the cost to the Taxi trade was outweighed by the benefits of safeguarding the public.

The Principal Licensing Manager responded to the Committee Members questions and noted their comments for inclusion in the draft Policy.

Resolved to agree:

1. the draft Hackney Carriage and Private Hire Licensing Policy for consultation subject to inclusion of the amended Paragraph 6.5 on tinted windows as tabled at the meeting;
2. the immediate implementation of the NAFN's National Register of Refusal and Revocations (NR3); and
3. to **recommend to Council**, that the Scheme of delegations be amended to provide for the implementation of a joint warranting scheme empowering Licensing Enforcement Officers (LEOs) from other Surrey authorities to exercise common agreed enforcement duties when vehicles are operating outside of the issuing authority.

Comparison between Spelthorne & Runnymede tinting criteria

Spelthorne's current policy requirements on tinting

Front windscreen – 75%
Front passengers – 70%
Rear passengers – 22%
Rear windscreen – no restriction

Runnymede's proposed policy requirements on tinting

Front windscreen – 75%
All other windows – 70%

Exemption for EPH vehicles.

Exemption for “larger” (i.e. 8 seater) MPVs – so as not to restrict choice in this regard for trade.

Recommended position for Spelthorne to take

Front windscreen – 75%
All other windows – 70%

Exemption for EPH vehicles or if a good reason is provided (i.e. Mums & Sons).

No exemption for larger MPVs, Runnymede's policy was amended on appeal by the trade, in conjunction with Unite. However, Spelthorne's fleet features a limited number of 8 seater vehicles so we don't anticipate this would be an issue. Furthermore, a perusal of autotrader shows the perception that there are no vehicles available to be false.

It is worth considering that Volkswagen's default level of tinting may be subject to change, & would specify 65% transmission of light on the rear windows (in place of a lesser level of transmission typically seen with privacy glass). It therefore *may* be necessary to reconsider the level of tinting for the “all other windows” criteria at a later date – I would suggest that this be considered if necessary at such a time as the policy needs to be reviewed, when the DFT's best practice guidance is issued.

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From	Option	COMMENTS
HC/PH Driver	A	
HC/PH Driver	A	All new cars have dark windows
PH Operator	A	No change to tinted windows & I don't like The very dark windows at all, you can't see what's Going on etc.
PH Operator	A	My suggestion is to allow any shade tint on rear side and rear window and a lighter tint on front side windows
Public	B	
Public	B	
HC/PH Driver	B	
Other	B	
HC/PH Driver	C	The legislation on tinted windows throughout a vehicle should be adhered to and passengers should not be demanding that a vehicle is illegal by having darker tinted windows. If "Privacy Glass" is fitted as new then that must also comply with the regulations and should be permitted. I don't think that any passenger is going to decline being taken in a car because of the intensity of the tint, and if they do, then they are not worth the problem.
HC/PH Driver	C	
HC/PH Driver	C	
HC/PH Driver	C	
Public	C	I struggle to see any real requirement/need for taxis to be fitted with privacy / tinted windows. Apart from the abuse concerns (which I believe are still valid). I am also concerned with road safety issues due to the reduced ability to see through vehicles. This particularly applies to taxis which often(temporarily park) in 'inconvenient places to pitch up or drop-off passengers. An example being –whilst emerging from a minor road onto another road and not being able to see approaching vehicles due to parked vehicles (or see pedestrians behind vehicles).
PH Operator	C	
Public	C	
Public	C	I can see absolutely no justification for having any sort of tinting, other than might reasonably shield from sunlight so long as it is legal in terms of the road traffic acts, any more than on a bus or train. Personally, I think it is more a style issue. If the current policy was introduced to enhance passenger safety, unless there is some new evidence that this has <u>reduced</u> safety, then I can see .no reason to change it.
Public	C	Anything that makes things safer for passengers, whether children or adults, should be maintained. I see no reason for tinted windows at all, I think it's a kind of status symbol, and is a bit creepy. It doesn't allow the driver to be identified if a crime has

		been committed.
Public	C	Personally I think anything other than a basic tint is not only unpleasant for the passenger it is a driving hazard for the driver as it allows less visibility of the surroundings, particularly if the side and back windows are even moderately tinted. Manufacturer only choose to put them in so that they can make a bigger profit. Untinted windows can actually be fitted as standard on the low priced ranges (at least with Ford they can). Perhaps drivers should not aim for such high specs.
Public	C	I am a driver with a disability and can only drive an MPV type vehicle and I've not found one yet without Privacy Glass.
Public	C	
Public	C	I don't know why we are discussing it, They shouldn't be tinted at all, Haven't we learnt anything from Rotherham, Oxford, Telford, Etc,Etc,Etc
Royal Holloway University of London	C	Our student body are currently on vacation but following discussions with a small number of students and the SU it was felt that the current policy – restricting the use of darker tinted windows – still represents the safest option for passengers and offers then a feeling of security when using Hackney Carriage and Private Hire vehicles.
Surrey Police Inspector for Runnymede Neighbourhoods team.	C	<p>I have considered Runnymede Borough Council's current policy of all rear windows must allow at least 70% of light to be transmitted through them.</p> <p>In short, the current policy means that hackney carriage and private hire vehicles cannot have rear heavily tinted "privacy" windows. The basis for this restriction is for public safety. The current regulations reduce the possibility of sexual abuse involving a number of hackney carriage or private hire drivers.</p> <p>It is recognised that the current policy may involve an additional cost for operators. Apart from the cost of removing any non-compliant glass, drivers must also receive mandatory safeguarding training in order to be licenced.</p> <p>My own view is that the balance of cost against public safety and benefit is satisfied with the current arrangements.</p> <p>Practical considerations include:</p> <ol style="list-style-type: none"> 1. An operator may be less likely to infringe on licensing seating restrictions if the number of seats can be clearly seen. 2. Heavily tinted glass will prevent enforcement officers including Police officers from carrying out a quick visual check without stopping the vehicle. During enforcement exercises common practice has always been to, wherever possible, stop vehicles when empty to minimize inconvenience to passengers. This could be frustrated by the use of heavily tinted glass .

		<p>3. Hackney carriage and private hire vehicles provide a service to the public. Passengers should be comfortable with the fact that the vehicle they are about to enter is fit for purpose. Some passengers, particular vulnerable passengers, will feel safer if they can be seen from the outside of the vehicle.</p> <p>4. General Safety. There are occasions where it is in the interests of the drivers or passengers to be on full view. Some passengers will behave unreasonably and unlawfully and the availability of a view from outside the vehicle may help to reduce unacceptable behaviour. Incidents that could compromise the safety of the driver or passengers may not be seen from outside the vehicle. In the event of an accident clear visibility may assist the Emergency services.</p> <p>5. Hackney carriage and private hire vehicles may be used to facilitate offences such as: drugs distribution (including "County Lines"), Child Sexual Exploitation, Modern Slavery and other criminal activity where the victim is too vulnerable and afraid to seek help. Often reports by the public are especially useful in indicating persons who are potentially at risk. By heavily tinting windows, the chance of being observed as a victim or perpetrator of crime is reduced significantly.</p> <p>To change the policy to allow darker rear tinted windows could increase threat and risk both to passengers and drivers. I believe that Runnymede Borough Council is upholding responsible and effective standards to the benefit of service users and also the drivers themselves.</p> <p>I consequently conclude that the current policy is effective and proportionate and support Option C - Make no change to the current policy.</p>
HC/PH Driver	D	
HC/PH Driver	D	
HC/PH Driver	D	
HC/PH Driver	D	
HC/PH Driver	D	
HC/PH Driver	D	Any vehicle that passes its MOT should not be subjected to such a ridiculous test, manufactures have been fitting tinted glass for years who are RMC to say no to tinted glass after all the main purpose is to help with eye strain.
HC/PH Driver	D	
HC/PH Driver	D	
HC/PH Driver	D	Due to the impending safeguarding training for all HC/PH drivers, I don't believe that this requirement is necessary
HC/PH Driver	D	
HC/PH Driver	D	
HC/PH Driver	D	

Tinted window consultation comments.

Appendix 'B'

HC/PH Driver	D	
HC/PH Driver	D	
HC/PH Driver	D	Allow manufactured tinted windows
PH Operator	D	Provided they pass an MOT and have been factory fitted.

6.5 Tinted windows

The Road Vehicles (Construction & Use) Regulations 1986 as amended specifies the minimum levels of light that must pass through the windscreen and front side windows. For vehicles first used on or after 1 April 1985, the light transmitted through the windscreen must be 75% and 70% through the front side windows.

The licensing authority recognises that many manufacturers fit tinted windows as standard original fittings, as either 'dark tint' or 'light tint'.

There is a distinct difference between standard tinted windows which meet the legal requirements and the 'dark tint' - commonly known as 'privacy glass', which is much darker and lets a minimum of light through, making it very difficult to see into the vehicle.

To address public safety concerns around the use of 'privacy' glass and to allow as wide a range of vehicles as possible to be used by the Hackney Carriage and Private Hire trades, the following conditions regarding tinting apply to licensed vehicle windows:-

- (a) All rear windows must allow at least 70% of light to be transmitted through them.
- (b) No vehicle shall be fitted with any form of additional film to darken or tint the windows, on any part of the vehicle.
- (c) Front side windows and the front windscreen must meet the requirements of the Road Vehicles (Construction & Use) Regulations 1986, as detailed above.
- (e) Privacy glass shall only be acceptable: -
 - i) where fitted to plate exempt vehicles, as applied for in accordance with section 6.8 of this policy.
 - ii) where good reason is given for its use (for example, in the case of disabled-access school-run vehicles, where contracted clients may be liable to light-triggered seizures). What is considered "good reason" will be at the discretion of LEOs in conjunction with the PLO.
- (f) Any glass which has been replaced must be safety glass and must comply with The Road Vehicles (Construction and Use) Regulations 1986.

Grandfather rights for vehicles licensed before September 2019

In order to avoid unnecessary expense being caused to the trade through this policy, any vehicles licensed before September 2019 which currently have factory fitted privacy glass will be allowed to continue to be licensed on a yearly basis until such time as the vehicle is replaced or changes ownership (by change of ownership this includes the regular use of the vehicle by another driver).

Conversely however, for the avoidance of confusion - licensees will not be permitted to install tinted glass in these vehicles.

It is assumed that this grace period will allow time for drivers to make other arrangements to accommodate existing customers who prefer or require use of vehicles with privacy glass.