
Taxi Vehicle Conditions – Amendment

Licensing and Public Safety Committee

Decision to be taken by: Licensing and Public Safety
Committee

Decision to be taken on/Date of meeting: 30/04/2024

Lead director/officer: Sean Atterbury, Director of
Neighbourhood and Environmental Services

Useful information

- Ward(s) affected: All
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- Report version number: 1

1 Summary

- 1.1 The licensing authority is responsible for licensing hackney carriage and private hire vehicles.
- 1.2 Each authority sets its own standards for establishing the safety and suitability of the vehicles that it licenses. In Leicester this includes conditions on a licence when granted.
- 1.3 In 2023, a taxi strategy was implemented including the additions & amendments of conditions. One of these conditions related to the minimum light transmission on vehicles.
- 1.4 Following discussions with officers and the trade, the condition relating to tinting conflicts with the manufacturers' standards and therefore is limiting the vehicles that can be licensed.
- 1.5 The purpose of this report is to ask the Committee for an amendment in condition wording to ensure that vehicles that are suitable for the purpose of being used as a taxi are not restricted whilst maintaining safety standards.

2 Determination to be made

- 2.1 Members are asked to agree the amended condition wording at 4.16.

3 Scrutiny/Stakeholder Engagement

- 3.1 After informal trade discussions, concerns have arisen regarding the condition's impact on the types of vehicles available for purchase within the trade. The current wording of the condition restricts the use of vehicles typically suitable for taxi operations.
- 3.2 Officer concerns centre around the precise language of the condition and the unintended consequences caused. Feedback indicates that a revision of the wording would alleviate these issues while upholding established standards.

4 Detailed report

- 4.1 The Local Government (Miscellaneous Provisions) Act 1976 makes provision for councils to license private hire vehicles. Each council sets its own parameters for pre-licensing requirements, in order to be satisfied that a vehicle is suitable to be licensed in the interests of public safety.

- 4.2 The council has separate sets of conditions of fitness for hackney carriages and private hire vehicles. These set out minimum requirements that must be met before a vehicle will be licensed and for the duration of the licence.
- 4.3 In January 2024, a segment of Leicester City Council's Taxi Strategy was executed, focusing on the additions and modifications of condition wording associated with private hire vehicle licences.
- 4.4 One of the conditions pertains to the light transmission through the windows of the vehicles. The current language of this condition is as follows:

Condition 17

Windows

The minimum light transmission through the windows shall be as follows:

- The front windscreen must allow 75% of light through;
- The front side windows must allow 70% of light through;
- The rear windows must allow 65% of light through.

- 4.5 The inclusion of this condition was motivated by the objective of enhancing visibility from external viewpoints into the rear compartment of the vehicle, primarily to bolster safety measures.
- 4.6 During the implementation process, a transition phase was established for vehicles acquired within six months prior to the implementation date. Such vehicles were granted an exemption from the new condition.
- 4.7 Drivers who purchased their vehicles on or before January 14, 2024, and found that the manufacturer's standards contradicted the condition's wording had the condition disappplied.
- 4.8 Consequently, 157 exemptions were granted following the implementation on January 1, 2024. These exemptions were granted in consideration of manufacturers' standard production rather than aftermarket tinting.
- 4.9 This situation raised concerns and posed challenges for drivers who had purchased vehicles manufactured according to standard specifications affected by this condition. Additionally, it presented implementation difficulties for officers, necessitating an extension of the exemption period.
- 4.10 The sole recourse for officers was to issue a rectification notice, compelling drivers to replace the rear side windows of their recently purchased vehicles—a potentially significant financial burden for them. This was avoided with the current exemption in place which will expire on May 14, 2024.
- 4.11 Legal limits for light transmission states: Vehicles first used on 1 April 1985 or later the front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. There are no rules for tinting the rear windscreen or rear passenger windows.
- 4.12 Leicester City Council licenses a diverse range of vehicles, with Toyota, Hyundai, Mercedes, Ford, and Peugeot being among the most popular makes.

- 4.13 Based on information provided by manufacturers, they indicate that the visible light transmission value varies across their vehicle models and requires specific Vehicle Identification Numbers (VINs) for accurate assessments. This variability stems from differences in trim levels and types of glass utilised.
- 4.14 After sampling vehicles from online sources provided by manufacturers, it was found that the average visible light transmission on the rear windows falls within the range of 15-30% (85-70% VLT).
- 4.15 There have been no reports or concerns raised by the police regarding safety issues in taxis related to tinting or visibility.
- 4.16 The proposed wording amendment is as follows:
The minimum light transmission through the windows shall be as follows:
- The front windscreen must allow 75% of light through;
 - The front side windows must allow 70% of light through;
 - The rear windows must be standard factory fitted, installed by the car manufacturer at the time the vehicle was built. After market or retro fitted tints will not be allowed. Any replacement rear window must replicate the same visible light transmission as the original standard factory fitted.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

There are no financial implications arising from the recommendations in this report.

Stuart McAvoy – Head of Finance

5.2 Legal implications

The power for the Council to license a Hackney Carriage/s is contained within Section 37 of the Town Police Clauses Act 1847 and the power to place conditions on the licensing of Hackney Carriages is contained in Section 47 of the Local Government (Miscellaneous Provisions) Act 1976. Section 48 of the same Act provides similar provisions for Private Hire Vehicles. In accordance with the legislation, the Council may attach to the grant of a licence such conditions as it may consider reasonably necessary.

It is for individual licensing authorities to reach their own decisions within their statutory powers on overall policies and individual licensing matters. It is therefore within the Authority's power to add conditions it considers reasonably necessary to a licence.

The Department for Transport Guidance "Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England" (updated 17 November 2023) details at paragraph 8.8 Tinted windows:

"For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. There are no rules for tinting the windows rear

of the B-pillar and vehicles are often manufactured with glass in the rear that is darker than the front, especially in luxury, estate and people carrier style vehicles.

There is a significant cost and inconvenience associated with requiring drivers to replace the standard manufacturer or factory specifications for window glass. Some passengers may feel more comfortable in vehicles that do not have very heavily tinted rear windows but there is a lack of evidence to suggest that these are detrimental to public safety. Balancing these factors, the department considers that licensing authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above. This should maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.

The department recognises that a minimum light transmission of 30% for windows rear of the B-pillar might impact on executive hire vehicles, where passengers demand a higher degree of privacy. Some licensing authorities already grant executive hire vehicles plate exemptions, and they could determine that an exemption from the 30% minimum light transmission level for these vehicles is appropriate. Authorities should be assured that those vehicles are not used for 'normal fares'.

Authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting and should be assured that any after-market window tinting does not negatively affect the safety features of the glass it is applied to."

John Moss, Solicitor, 373010

5.3 Equalities implications

There are no direct equality implications arising from this report. However we need to ensure that any communication with licence holders and the taxi trade is fair, accessible and proportionate.

Sukhi Biring, Equalities Officer, 454 4175

5.4 Climate Emergency implications

There are no direct climate or sustainability implications arising from this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None.

6. Background information and other papers:

None

7. Summary of appendices:

None

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”? If so, why?

No