



SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 26th July, 2018

Subject: Review of Private Hire Operator and Vehicle Policy
Private Hire Vehicle Policy
Part 4: Private Hire Vehicle Specification

Author of Report: Clive Stephenson

Summary: To review part of the current Private Hire Operator and Vehicle Policy
Vehicle Specification: Windows in licensed Private Hire Vehicles

Background Papers: Not applicable

Category of Report: OPEN

Review of Private Hire Operator and Vehicle Policy:
Private Hire Vehicle Policy, Vehicle Specification - Section 4 - Windows

1.0 Purpose of the report

1.1 To review the current Private Hire Vehicle Specification in regards to windows.

2.0 Background

2.1 The current Private Hire Operator and Vehicle policy has been effective since November 2016.

2.2 'Tinted Windows' on vehicles has been a matter which has been widely debated with our licensed trade associations, independent drivers, the Police and other Licensing Authorities.

2.3 In this regard the Licensing Committee at the time of approving the policy requested that we review this section of the policy, obtain detailed information and present it back with its findings.

3.0 Current Window Specification.

3.1 Our current policy on 'Windows' (section 4 of the Private Hire Vehicle Policy) is detailed as follows:

All glazing must comply with Road Vehicles (Construction and Use) Regulations 1986, Section 32 in regards to the level of tints.

Light transmission must meet the following criteria:

Front windscreen - minimum 75% light transmission

Front side door glass - minimum 70% light ingress transmission

Remaining glass - minimum 70% light ingress transmission

In cases of non-saloon type vehicles the rear side windows and rear windscreen, which in the opinion of the tester does not impact on the seating area of passengers, can have a higher density tint, but this must allow at least 20% light transmission.

Tinted films applied to any window are not permitted.

3.2 Sheffield City Council's primary purpose of prohibiting heavily tinted glass in vehicles is to protect the safety of both the driver and of lone passengers by enabling both to be seen by those passing by. The current light ingress levels still allow passengers to be seen from outside of the vehicle at close range.

3.3 As vehicles are being updated by manufacturer's, 'windows tints' that are outside the scope of our policy (darker) are fast becoming 'as standard' on vehicles. The cost of replacement glass, if available, is expensive.

4.0 Consultation

- 4.1 The Licensing Service has undertaken a comprehensive consultation with interested parties.
- 4.2 A survey with all our Private Hire Operators was commissioned and the results are attached at Appendix 'A'.
- 4.3 The Licensing Service also benchmarked against other Local Authorities and the results of this are attached at Appendix 'B'.
- 4.4 The Licensing Service also asked for comments and recommendations from trades and other stakeholders, these are attached at Appendix 'C'.

5.0 Points for consideration

- 5.1 The Licensing Service has undertaken a detailed consultation and information gathering exercise into 'tinted windows' – results are attached.
- 5.2 The Licensing Service has considered the results of the consultation. The points for consideration from that consultation are below.
- 5.2.1 Privacy glass is now commonplace in many vehicles, most of which is now being fitted to the rear glassed area in vehicles as standard, meaning that many vehicles no longer meet the current specification.
- 5.2.2 Applicants (licensees) are finding it increasingly difficult to find vehicles that meet our specification and are having to spend vast amounts of money converting the glass.
- 5.2.3 The example below would cover the vast majority, but not all of the current manufacturers' standard glass fittings:
- Front windscreen - minimum 75% light transmission
 - Front side door glass - minimum 70% light ingress transmission
 - Remaining glass - minimum 65% light ingress transmission
- 5.2.4 Through benchmarking, it is evident that other Councils have a specification that rule out the use of secondary (self-applied) tinting of windows.
- 5.2.5 Members may wish to consider the use of CCTV in its licensed vehicles where licensees wish to have heavier tinted factory fitted glass windows to those stated above. Costs would be burdened on the licensee; cost effectiveness of such a decision would lay on the applicant/licensee.
- 5.2.6 Members are to note that any changes made to this part of the policy must promote:
- the protection of the public;
 - safeguarding children and the vulnerable;
 - prevention of crime and disorder; and
 - prevention of public nuisance;

6.0 Options

- 6.1 Take no action, leaving the current policy in place.
- 6.2 Amend the Policy taking into consideration representations and the details in section 5 of this report.
- 6.3 Amend the Policy to another specification.
- 6.4 That Members defer the report for further consideration and information.

Steven Lonnia
Chief Licensing Officer / Head of Licensing Service

26th July 2018

APPENDIX A

Operators Responses

AI

Additional comments:
 STICK TO THE RULES i.e DONT ALLOW 1/4 LIGHT WINDOWS TO BE TOO DARK, DONT ALLOW CARS THAT STATE THEY ONLY DO EXECUTIVE WORK TO HAVE WINDOWS TOO DARK. ALSO BAN CONTRAVISION ON HACKNEY AND PRIVATE HIRE.

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	✓	
Additional comments:			

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	✓	
Additional comments:			

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	75%
	Front side door glass - minimum light ingress transmission	70%	70%
	Remaining glass - minimum light ingress transmission	70%	70%

5	Any further comments QUESTION FOUR, WINDSCREEN 75% AND SIDE FRONT DOOR GLASS 70%, THIS IS THE LEGAL MINIMUM.
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A2

		Yes	No
1	Are you happy with the current window specification		No
	<p>Additional comments: Most new cars now come with tinted privacy glass as standard, I had to pay out a further £800 to change it on a Mazda 6 Estate, I would imagine the Exec type vehicles would cost considerably more. Other licencing authorities allow the glass to be 'as fitted' and they don't seem to have any issues with it.</p>		

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?		No
	<p>Additional comments: If drivers have gone through the CRB checks then it's as safe as it can be, if a passenger is in danger from the other passengers then the driver can deal with it as he sees fit.</p>		

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	yes	
	<p>Additional comments: It could be optional so the driver can risk assess it himself, if licencing is concerned for either the passengers or drivers safety they should be considering mandatory internal cctv.</p>		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	<i>Front windscreen - minimum light transmission</i>	75%	As factory fitted
	<i>Front side door glass - minimum light ingress transmission</i>	70%	As factory fitted
	<i>Remaining glass - minimum light ingress transmission</i>	70%	As factory fitted

5	Any further comments
<p>Page 49</p>	

AB

1	Are you happy with the current window specification	Yes	No
	Additional comments: PERHAPS SOME LENIENCY TOWARDS VEHICLES WHICH ONLY OPERATE AIRPORT SERVICES. I.E. NO TOWN/CITY WORK		

2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	Yes	No
	Additional comments:		

3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	Yes	No
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	
	Front side door glass - minimum light ingress transmission	70%	
	Remaining glass - minimum light ingress transmission	70%	

5	Any further comments VERY DIFFICULT DUE TO MANUFACTURERS NOT PUTTING CLEAR GLASS IN REAR WINDOWS. COULD SHEFFIELD COUNCIL SHARE COSTS WITH DRIVERS WHEN THEY HAVE TO BE CHANGE REAR GLASS?
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AL4

		Yes	No
1	Are you happy with the current window specification	✓	
	Additional comments:		

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	✓	
	Additional comments:		

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	✓	
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
		<i>Front windscreen - minimum light transmission</i>	75%
	<i>Front side door glass - minimum light ingress transmission</i>	70%	
	<i>Remaining glass - minimum light ingress transmission</i>	70%	

5	Any further comments
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AS

1	Are you happy with the current window specification	Yes	No
	Additional comments:		

2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	Yes	No
	Additional comments:		

3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	Yes	No
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	
	Front side door glass - minimum light ingress transmission	70%	
	Remaining glass - minimum light ingress transmission	70%	

5	<p>Any further comments</p> <p>MY VEHICLE IS EXEMPT WITH TINTED WINDOWS & WHICH I HAD TO FACE COURT. WOULD YOU NEED EVERY DRIVER IN FRONT OF COURT IF YOU ALLOWED TINTED WINDOWS, ALSO COST ME TIME OFF WORK, WILL I GET REIMBURSED MY LOSS OF EARNINGS IF THIS GOES THROUGH.</p> <p><i>[Signature]</i></p>
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		Yes	No
1	Are you happy with the current window specification		<input checked="" type="checkbox"/>
Additional comments:			

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?		<input checked="" type="checkbox"/>
Additional comments:			

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?		<input checked="" type="checkbox"/>
Additional comments:			

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	ok.
	Front side door glass - minimum light ingress transmission	70%	ok
	Remaining glass - minimum light ingress transmission	70%	20%

5	<p>Any further comments</p> <p>Minibuses would benefit with tinted windows for passenger comfort. I've run a Mercedes Vito for 5 yrs now and even with air/cond it can be like an oven in the back. Tints make it cooler.</p>
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A7

1	Are you happy with the current window specification	Yes	No
	Additional comments:		

2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	Yes	No
	Additional comments:		

3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	Yes	No
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	100%
	Front side door glass - minimum light ingress transmission	70%	100%
	Remaining glass - minimum light ingress transmission	70%	100%

5	Any further comments
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A8

1	Are you happy with the current window specification	Yes	No
	Additional comments:		

2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	Yes	No
	Additional comments:		

3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	Yes	No
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	<i>Front windscreen - minimum light transmission</i>	75%	
	<i>Front side door glass - minimum light ingress transmission</i>	70%	
	<i>Remaining glass - minimum light ingress transmission</i>	70%	

5	<p>Any further comments</p> <p><i>The vehicle should be as OEM Standard for that model.</i></p>
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1	Are you happy with the current window specification	Yes	No
	Additional comments:		

2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	Yes	No
	Additional comments:		

3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	Yes	No
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	75
	Front side door glass - minimum light ingress transmission	70%	20
	Remaining glass - minimum light ingress transmission	70%	20

5	<p>Any further comments</p> <p>I am an Exec driver running a one man operation and from experience can confirm that I have lost work in the past due to the vehicle not having rear tints. at purchase this was an extra cost to remove. SSC is behind in this matter compared to other owners.</p>
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A10

Additional comments:
 STICK TO THE RULES i.e DONT ALLOW 1/4 LIGHT WINDOWS TO BE TOO DARK, DONT ALLOW CARS THAT STATE THEY ONLY DO EXECUTIVE WORK TO HAVE WINDOWS TOO DARK. ALSO BAN CONTRAVISION ON HACKNEY AND PRIVATE HIRE.

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	✓	
Additional comments:			

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	✓	
Additional comments:			

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	75%
	Front side door glass - minimum light ingress transmission	70%	70%
	Remaining glass - minimum light ingress transmission	70%	70%

5 Any further comments
 QUESTION FOUR, WINDSCREEN 75% AND SIDE FRONT DOOR GLASS 70%, THIS IS THE LEGAL MINIMUM.

APPENDIX B

Benchmarking Results

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AUTHORITY	TINTED WINDOWS POLICY			% of Light allowed			
	Y	N		FRONT	SIDE/PASS	REAR	
Manchester	Y			75		70 >70	
North East Lincs		N					If in have to comply with RT Legislation
Bolton		Y		75	70	70	
Bury	Y			75	70		25 Exemption allowed in exec vehicles but must be applied for
Pendle		N					
Oxford	Y			70			Rear can have security glass but vehicle must have CCTV
Harrogate		N					Allow factory fitted
Chorley		N					Factory fitted comply with RT legislation
Carlisle	Y			75	75	75	
Worthing	Y						Officer discretion
Adur	Y						Not allowed unless permission is granted on application
South Lakeland		N					May come under modifications then its manufacturers tint - no secondary tint
Wirral	Y			75	75		75 just introduced before rear passenger windows could be tinted more
Barnsley	Y						MOT Standard, RT Act legislation
Liverpool	Y						Factory fitted, no film or secondary tinting
Preston	Y						reward of driver - Factory fitted, no film or secondary tinting
Rotherham	Y						MOT Standard, RT Act legislation
Chesterfield		N					
Telford & Wrekin	Y						Currently Manufacturer standard but under review, suggested 75%

APPENDIX C

Stakeholders responses

Tinted windows – Private Hire Vehicles

The current policy on tinted windows is outdated and costly for Sheffield licensed Private Hire Vehicles.

We do not believe that safety of the public is compromised by allowing factory fitted glass which is tinted darker than what is currently allowed. We believe that current policy is unfair on Sheffield Licensed Private Hire Vehicles, burdening licensed holders with unnecessary cost.

We wish to bring to your attention that many 'out of town' licensed PHV and Taxis transport children and vulnerable adults on behalf of Sheffield City Council (school transport contract) with heavily tinted windows, we have highlighted this indifference previously.

We request that the current policy is replaced with a policy that allows 'factory fitted glass' which may be of darker glass.

ALPHA welcome the opportunity to respond to the consultation for the change in policy to the level of window tints in the rear windows of the passenger compartment.

Section 8.4 – Window Tints	
Method of Inspection	Reason for Rejection
Check all windows with approved measuring device for light ingress through windows.	
Front windscreen must allow 75% light ingress.	Front window less than 75% light ingress.
All side and rear windows must allow 70% light ingress.	Any side or rear window less than 70% light ingress.
Note: In case of non-saloon cars the rear windows and rear screen, which in the opinion of the tester does not impact on seating area of the passenger, can have a higher density tint but must not allow less than 20% light ingress.	A non-saloon vehicle that has rear or rear screen that are not in the passenger seating area, and does not allow at least 20% light ingress.

Light transmission must meet the following criteria:

- Front windscreen - minimum 75% light transmission
- Front side door glass - minimum 70% light ingress transmission
- Remaining glass - minimum 70% light ingress transmission

The reasons given for the % of light ingress for the rear passenger windows or ‘remaining glass’ has been given that this is for both the driver and public safety.

The driver of the licensed PHV has been deemed as a fit and proper person and therefore is not a danger to the public within the vehicle regardless of the level of light allowed through the rear windows. Furthermore no evidence is available to say that the level of tint in the rear passenger glass has ever contributed to public safety.

To suggest that the level of tint in a Private Hire Vehicle would allow a driver to carry more than the vehicle was licensed for is a presumption, contradicting the fitness and propriety of the driver, this is on par to saying that every Private Hire Driver could or would Ply for Hire so the SCC have removed the option to license Private Hire Vehicles, policy deals with individual drivers should they be found to have breached such conditions and not pre-empting a possible breach by conditions. Indeed, policy already exists should a driver not adhere to seating capacity as shown below;

Seats and Passengers	
a.)	The proprietor shall not cause or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified on the licence.
b.)	Once a vehicle has passed a Compliance test the seating layout must not be changed, except in circumstances where the temporary accommodation of wheelchair is to be required.
c.)	Where it is possible to change the seating layout, the proprietor must ensure that no more seats than are stated on the licence are fitted.
d.)	All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.

C3

The emails that ALPHA sent to over 390 License Authorities came back with the figures detailed below with regards to the window tint of glass for the REAR passenger windows;

	Replies /	% of replies
A level of tint specified in conditions	7 /	13.2
Level of tint acceptable from manufacturers fitting	42 /	79.25
Other specification specified	4 /	7.54

The 7 that replied and had a level of tint specified in conditions were of a level very similar to that of the SCC.

The 42 that replied allowed vehicle rear passenger window tints to be of the standard fitted by the manufacturer, which of course is certified by both the European Community Whole Vehicle Type Approval (ECWVTA) & the British National Type Approval (BNTA).

The 4 that have other specification stated that 'from a distance of 20 meters the rear occupants must be in clear view as one of the specifications used, which we feel would not be suitable due to the outcome being argumentative when decided upon by the tester and what the proprietor saw or felt to be different, therefore preventing conflict at time of testing.

The cost of replacing the rear passenger windows to match the current light egress is within a range of £600 to £2000 dependant on vehicle and manufacturer, again, this is in contravention of the The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010 (under review) as referred to at page 3 of the original consultation, which states that;

Tinted windows 30.

The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

Again, I highlight that it states;

'Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.'

This therefore confirms that the reason that such a high percentage of Local Authorities allow factory fitted windows as standard have already accepted and welcomed the suggestion of the guidelines from the DfT, we trust that the SCC will also welcome and embrace the suggestion of this document.

Clf

It is therefore ALPHA's request that this consultation removes the restrictions on light ingress/egress on the rear passenger windows and replaces the condition with 'FACTORY FITTED GLASS' for Private Hire Vehicles licensed by Sheffield City Council. Furthermore, an ADDITION to the policy that states that 'NO THIRD PARTY APPLICATION OF TINTS SHALL BE APPLIED'.

CS

Stephenson Clive (CEX)

From: Hague Julie
Sent: 10 April 2017 17:55
To: Stephenson Clive (CEX)
Cc: (GCSX) Hallas Gillian
Subject: RE: Drivers Badges Consultation

Hi Clive

I'm sorry it's taken a while to respond but here are my thoughts which I hope are constructive.

1. **Badges/Proposal to remove the requirement for Photo ID:** Photo ID is a safeguarding measure which helps to check that the person who is driving the vehicle is legally licensed to do so and therefore has been suitably vetted and trained to deliver a service to children and vulnerable passengers. If this measure is removed, there is potential for unqualified/unlicensed individuals to operate illegally and put children and the vulnerable at risk as ID checks will be impeded. The availability of the Photo ID to a passenger means the driver is more accountable and the passenger has safe and easy access to the driver's details, should the passenger require these for the purpose of reporting incidents or making complaints/raising concerns. I would suggest that it is good practice for photo ID to be displayed to promote and expedite the efficiency of regulatory checks and to reassure passengers that they are with a driver who is qualified and trained.
2. **Tinted windows:** It is possible that tinted windows make activity or passengers within a vehicle more challenging to discern however I am not aware of any evidence of this and to date, I have never received a complaint about tinted windows in taxis/phv or other transport vehicles. If there is a specification for what constitutes a maximum/optimum for safety tint, this should be a minimum requirement to ensure sufficient transparency. I would suggest that it is good practice for vehicles to have transparent windows and transparency may reassure some passengers if for example, they are young and unaccompanied, or have mental health or learning disabilities and their condition or vulnerability requires them to be able to get a clear sense of their surroundings.

I hope this is helpful, I have copied this in to my colleague Gillian Hallas in case she wishes to add anything from a vulnerable adults perspective.

Kind regards

Julie

Julie Hague

Licensing Project Manager, Sheffield Safeguarding Children Board

Floor 3, Howden House, Union Street, Sheffield S1 2SH

[Redacted]

[Redacted]

[Redacted]

06

Hi Mick

As you know tinted windows in Licensed vehicles causes ourselves and your staff some problems over the last few years,
We currently have the 75% 70% rule in the policy. At the hearing for the policy the Cllrs stated that this part of the policy should be looked at and reviewed within the 1st year,

This is what we are currently undertaking – we have sent out letters to operators and trades asking for their input and we are asking you the same for some in put into the debate, I have below a copy of what was sent to operators and the questions asked, if you wish to discuss this with your team and get back to me with a response I will need that by the end of July please.,

Thanks

		Yes	No
1	Are you happy with the current window specification	✓	

C7

Additional comments:
 STICK TO THE RULES ie DONT ALLOW 1/4 LIGHT WINDOWS TO BE TOO DARK, DONT ALLOW CARS THAT STATE THEY ONLY DO EXECUTIVE WORK TO HAVE WINDOWS TOO DARK. ALSO BAN CONTRAVISION ON HARKNEY AND PRIVATE HIRE.

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	✓	
Additional comments:			

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	✓	
Additional comments:			

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	75%
	Front side door glass - minimum light ingress transmission	70%	70%
	Remaining glass - minimum light ingress transmission	70%	70%

5	Any further comments QUESTION FOUR, WINDSCREEN 75% AND SIDE FRONT DOOR GLASS 70%, THIS IS THE LEGAL MINIMUM.
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