

A meeting of the General Purposes Board will be held on Wednesday 14 June 2023 at 3pm.

Members may attend the meeting in person at Greenock Municipal Buildings or via remote online access. Webex joining details will be sent to Members and Officers prior to the meeting. Members are requested to notify Fiona Denver by 12 noon on Monday 12 June 2023 how they intend to access the meeting.

In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation.

IAIN STRACHAN
Head of Legal, Democratic, Digital & Customer Services

BUSINESS

1.	Apologies, Substitutions and Declarations of Interest	Page
2.	Tinted Windows Report by Head of Service – Roads & Transportation	p
The documentation relative to the following items has been treated as exempt information in terms of the Local Government (Scotland) Act 1973 as amended, the nature of the exempt information being that set out in paragraph 6 of Part I of Schedule 7(A) of the Act.		
3.	Request for Suspension of Taxi Driver's Licence Report by Head of Legal, Democratic, Digital & Customer Services requesting the Board to consider the suspension of a Taxi Driver's Licence	p

Enquiries to – **Fiona Denver** – Tel 01475 712109

Report To:	General Purposes Board	Date:	14 June 2023
Report By:	Head of Service – Roads & Transportation	Report No:	LS/059/23
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 consult with members of the General Purposes Board and to seek the views of the Board on the responses received to the consultation regarding the proposed relaxation of the standards set out in Section K 1 of the Council's Licensed Vehicle Inspection Manual relating to the level of light through a tinted windscreen and other windows in licensed public and private hire vehicles.

1.3 The Council's licensed vehicle inspection manual at section K1 sets out the current prescribed specification for tinted windows. At present the Council's Licensing Vehicle Inspection Manual 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. "

2.0 RECOMMENDATIONS

2.1 The Board is asked to:

- (1) note the terms of this report;
- (2) determine if the standards set out in Section K1 of the Council's Licensed Vehicle Inspection Manual should be relaxed and if so, approve the proposals set out in section 4.1 of this report, or consider what the appropriate arrangements should be.

Head of Service – Roads & Transportation

3.0 BACKGROUND AND CONTEXT

- 3.1 At its meeting on 21 September 2022 members of the General Purposes Board considered a report by the Head of Service – Roads & Transportation, requesting members note the terms of the request from a representative of the Taxi Trade seeking an amendment to the Council's Licensed Vehicle Inspection Manual which was approved and adopted by the General Purposes Board on 11 September 2013. The proposed amendment was in relation to the specification required in Section K 1 of the Licensed Vehicle Inspection Manual, as set out in **Appendix 1** to this report, regarding the level of light required through tinted windscreens and other windows in licensed taxi and private hire vehicles.
- 3.2 The General Purposes Board determined that the then Head of Legal & Democratic Services be authorised to consult with Police Scotland, the Taxi Trade and the public, if appropriate, to determine the level of support in relation to relaxing the standard set out in Section K 1 of the Council's Licensed Vehicle Inspection Manual and determine what alternative standard should apply. Officers were also instructed to provide a further report to the Board at the culmination of the said consultation.
- 3.3 As part of this consultation, officers from the Council's licensing section consulted with Police Scotland, Community Councils within Inverclyde, taxi/private hire operators. In addition, a public notice was published in the Greenock Telegraph newspaper on 23 December 2022. As part of the consultation the Council sought views on the proposed relaxation of the standard set out in section K 1 and requested that any consultees who were in favour of the proposed relaxation indicate what alternative standard should apply and the reason for that view. Responses were requested no later than 31 January 2023.
- 3.4 A total of five responses were received from taxi/private hire vehicle operators within the timescale stipulated in the consultation. All five respondents were supportive of a relaxation of the standard set out in section K 1 of the Council's Licensed Vehicle Inspection Manual with regard to the level of light required through tinted windscreen and other windows in licensed public and private hire vehicles. None of the respondents put forward any specific proposals regarding what would be an appropriate alternative standard.
- 3.5 One respondent commented that it was difficult to purchase a vehicle which met the Council's current requirements in relation light through tinted windscreens and raised the issue of the cost of replacing the window in order to pass a test. One other respondent was in favour of the proposed relaxation but only in relation to rear/side windows and not in relation to the front windscreen. Two respondents expressed the view that any vehicle with factory tinted windows which met the Ministry of Transport standards should be permitted.
- 3.6 It is understood that previously 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 prior to the approval of the manual in 2013 by the General Purposes 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 as taking place in the rear of a vehicle. It should be noted that no response has been received from Police Scotland in relation to the most recent consultation.
- 3.7 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

the result of the number of cars that are either installed with “privacy glass” as a standard feature or have been specified with “privacy glass” as an additional cost option.

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

3.9 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 section 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 if it 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 cost and inconvenience associated with changing glass that conforms with the requirements of vehicle construction regulations.

3.10 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 specification 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 class. West Lothian Council 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 Council do not impose any restrictions on the level of tint between the B-pillar of the vehicle, that is the pillar between the front passenger/driver compartment and the rear passenger compartment. A copy drawing of a vehicle showing the position of the B pillar is set out in Appendix 2 to this report.

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 in K1 within the Council’s Licensed Vehicle Inspection Manual in order to delete the existing standard and replace it with an alternative standard. If the Board is in support of a relaxation of the standard it is proposed that 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 in 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 view of the Council's Roads' Service with responsibility for the inspection of vehicles is that the level of tint on the windows behind the B-pillar has no effect on the road worthiness of the vehicle.

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

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.

5.5 Strategic

None.

6.0 CONSULTATION

6.1 The Head of Legal, Democratic, Digital & Customer Services has undertaken a consultation with Police Scotland, the Taxi Trade and members of the public. Five substantive responses to this

consultation were received within the timescale and the views expressed are provided in greater detail within this report.

7.0 BACKGROUND PAPERS

7.1 None.

K1 WINDSCREEN AND INTERIOR MIRROR

APPENDIX 1

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