

REPORT TO: Licensing Sub-Committee

MEETING DATE: 14 June 2018

BY: Depute Chief Executive – Partnerships and Community Services

SUBJECT: Rear window tint for Taxi and Private Hire Cars

1 PURPOSE

- 1.1 To outline the current requirement for the testing criteria limiting the tint of glass fitted to rear windows of Taxis and Private Hire Cars (PHCs) within East Lothian.

2 RECOMMENDATIONS

Transport Services recommend that the current conditions regarding the limited tint for rear windows be maintained. The responsibility to allow passengers to travel in safety and be fully visible at all times has been part of the testing regime since 2009. The current testing criteria is less restrictive than those of Edinburgh, Mid and West Lothian. All vehicles within the current authorised vehicle list for Taxi's and PHCs are available with the recommended light transmission as described within East Lothian Council's Taxi testing guidance.

3 BACKGROUND

- 3.1 Ref: Taxi PHC Guidance - For vehicles used on or after 01 April 1985 the light transmitted through the windscreen must be at least 75%. The front side windows must allow at least 70% of light to be transmitted through them. All rear windows must allow at least 40% of light to be transmitted through them.
- 3.2 The windscreen and side windows % is a legal requirement for any road vehicle used on the public highway and is not within the control of ELC to change, these are conditions of Construction and Use legislation. The rear window criteria has been set at 40% to ensure that there is a suitable level of visibility in the vehicle. This allows the passengers and driver to be clearly visible and allow inspection by either council enforcement officers or Police officers to confirm that the occupants of the vehicle are safe at all times.

- 3.3 Several years ago there was an assault on a female passenger in an East Lothian licensed taxi and from this incident the decision to limit the rear window tint on taxis and private hires has been set at the current level. There have been no recorded incidents that Transport Services have been notified of since the change has been enforced. All the vehicles within the authorised vehicle list are available with the prescribed limit of tint/visible light transmitting glass.
- 3.4 Neighbouring local authorities to East Lothian such as Midlothian, West Lothian and Edinburgh have a lower tolerance to tinted windows which is set at 25% tint or 75% visible light transmitted.

4 POLICY IMPLICATIONS

- 4.1 There are no current policy implications as the current policy has been in force since 2009. Any decision to change the criteria would require alterations of the current testing guidelines and would impact all taxi and private hire provision.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial – No financial implications to East Lothian Council
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 East Lothian Taxi PHC Guidance
- 7.2 Edinburgh Taxi PHC Guidance
- 7.3 West Lothian Taxi PHC Guidance
- 7.4 Midlothian Taxi PHC Guidance

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CONDITIONS OF FITNESS OF

TAXIS

AND

PRIVATE HIRE CARS

IN EAST LoTHIAN

GUIDANCE

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WINDOWS AND VISIBILITY

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

An interior mirror must be fitted in the driver's compartment. External mirrors must be fitted to the near side and off side of the vehicle. The vehicle must have windows at the sides and rear and be of such transparency as to enable the driver and passengers to be seen from outside the vehicle.

For vehicles used on or after 01 April 1985 the light transmitted through the windscreen must be at least 75%. The front side windows must allow at least 70% of light to be transmitted through them. All rear windows must allow at least 40% of light to be transmitted through them.

No advertising sign or sticker should be positioned on glazed areas, unless it displays a legal requirement. E.g. No smoking.

Inspection	Failure	Note
Check windows	Missing Insecure Not made of safety glass Excessively scored or marked Tinted so as to obscure visibility Obscured by signs/stickers	
Check window opening	Does not open Insecure Open beyond design limits	Applies only to windows designed to open



LICENSING CONDITIONS

FOR

**TAXIS and PRIVATE HIRE CARS,
TAXI AND PRIVATE HIRE CAR DRIVERS**

Approved by:

The Regulatory Committee on 21 November 2016 to
take effect from 1 December 2016

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Schedule B Conditions of Fitness for Private Hire Cars

Windows

- 270. Windows must be provided at the sides and rear.
- 271. Passenger door windows must be capable of being opened easily by passengers except where the Licensed Vehicle has air conditioning fitted and in operation.

Glass

- 272. The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the European Standard in force at the time of approval and be capable of affording an unrestricted view of the vehicle interior. An unrestricted view may permit a tint of up to 25% (+/-2%).

WEST LOTHIAN COUNCIL

**CIVIC GOVERNMENT (SCOTLAND) ACT
1982**

**LICENSING CONDITIONS FOR
TAXIS, PRIVATE HIRE CARS, TAXI DRIVERS
AND
PRIVATE HIRE CAR DRIVERS**

Approved by the Council on 4 October 2011 to take effect immediately for all new licences and from 1 January 2012 for all existing licences

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Windows

29. Windows must be provided at the sides and rear of the Licensed Vehicle. At least one rear passenger window must be capable of being opened easily by passengers except where the vehicle has air conditioning fitted and in operation.

Glass

30. 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.

Midlothian Council

Glass

20.1 The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the British Standard in force at the time of approval and be of a material that will enable clear sight of the passengers inside.

The maximum permitted level of tint in the glass contained in the front windscreen and the doors for the front passenger and driver, when measured against the light meter at the Taxi Examination Centre is 25% in terms of the Construction and Use Regulations; and the level in respect of all other window glass is 35%+ or -2%.