

Representations made by Neil Betteridge

Received by email. Mr Betteridge has advised that Council that the views expressed in this appendix are his own.

Dear Sir/Madam

I write to you in my capacity as Chair of The Harlow Private Hire Drivers Association to register my objections against the council's proposed plans to ban tinted rear windows in Private Hire vehicles.

CURRENT REPORTS, RESEARCH AND GUIDES

When Mr Taylor first told the association of this proposal he said that it was in the interest of public safety.

I have found a report that was commissioned by Slough Council in October 2016 into this matter that makes very interesting reading. The report was presented to a Licensing Committee meeting of Slough Council on the 20th October 2016 and the committee quashed their 4 year long tinted window rule at the very same meeting. I have copied a link to the report at the bottom of this section for you to read.

The main conclusions of the report is that there has not been a single recorded crime in the UK that has been contributed to by the presence of tinted windows. This includes 4.4 million crimes recorded over 5 years by the Metropolitan Police.

The report also shows that there is no connection between attacks on the public by drivers and vice versa with window tinting as a factor and suggests that both of these kinds of attacks occur when the vehicle has been driven to a remote area where there are no public.

It is also important to note that in there have in recent years been 3 high level reports regarding public safety in Private Hire vehicles.

1. The Law Commission Report on Taxi's and Private Hire which involved high court judges, barristers, local authority licensing offices and many police forces.
2. The 2015 Deregulation Act which was debated in both houses of parliament and
3. The Jay Report which was conducted by a very experienced QC.

NONE of the above reports found any concern for public safety due to tinted windows in PH vehicles.

The Department of Transport, Taxi and Private Hire Licensing Best Practice Guide (2010), Section 30 reads.....

"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."

The report commissioned by Slough Council can be found by copying the link below. I have also attached this as a PDF file

<http://www.slough.gov.uk/moderngov/documents/s44149/Licensing%20Cttee%2020.10.16%20Revised%20Policy%20for%20tinted%20windows-%20App%20G%20tinted%20glass%20-%20its%20clear%20-survey.pdf>

OUR TEST RESULTS

On the 16th November 2016 I met David Taylor at Mr Uniques to test the light levels of vehicle glass on random PH vehicles. Mr Taylor said that the council's intended acceptable level is 70% light allowance for all glass that is to the rear of the driver (This is the same level that is minimum legal requirement for windscreen and drivers window glass)

We brought 7 of the most popular PH vehicle models and found the following...

3 Ford Galaxy's were tested and had readings of 10%, 25% and 35%. A Ford Mondeo (75%). A Skoda (50%). A Toyota (30%) and a Ford Focus (35%)

So the Ford Mondeo was the only vehicle that would pass a compliance test if this proposal is implemented out of the 7 vehicles tested. If these results reflect the PH vehicles in Harlow then approximately 85% of the PH fleet would have to have their rear glass changed. This equates to around 180 vehicles.

COSTS AND AVAILABLE VEHICLE RESTRICTIONS

I contacted an auto glass re-placer for a quote on my own vehicle to get an idea of the personal costs to drivers involved and was quoted approximately £800 to replace my glass. The company estimate this could rise to around £1,400 for a people carrier and they explained to me that compliant glass may not even be available for all vehicles simply because there is no demand for it. It is reasonable to estimate that these figures will be around 25% higher if a vehicle is restricted to using a main dealer because of availability problems.

People Carriers (MPV's) and estate cars seem to be exclusively made with tinted rear glass.

I have had it suggested that this condition if approved would be phased in over 2 or 3 years to minimise the need for replacement but it simply doesn't work like this.

Firstly I can deliver real examples of drivers who have financed vehicles over 5 years who would have to replace glass at a massive cost but more importantly there simply isn't a range of vehicles available to drivers that meet the licensing regulations and are suitable to be used as a PH vehicle without changing the glass. It's not a matter of just buying a compliant vehicle.

This means that when a driver buys a new vehicle he must add a cost of £800-£2,000 to the cost price before he can licence it. He would also be looking at a massively reduced resale price when he comes to replace the vehicle due to the tinted glass being removed.

IN CONCLUSION

The Association understands the need to protect the public and we as a trade do our utmost best to achieve this, but I believe that I have demonstrated that there are no recorded cases of window tinting contributing to negative public safety, this is simply a issue of panicking over an issue that is not real.

I would urge the committee to research themselves into councils that have introduced this condition and then subsequently withdrawn it.

A condition of licensing has to have a valid and necessary reason behind it and should not impose unnecessary costs on drivers. I believe that this proposal fails on both counts and I urge the committee to reject this proposal.

Regards

Neil Betteridge

Tinted glass – it's clear!

Whilst that's obviously not true, maybe the issues relating to tinted glass in taxis and private hire vehicles are clear, contrary to popular belief.

This document summarises the responses received from the 43 police forces and constabularies that collectively serve the whole of England and Wales, in relation to a request for information relating to the commission of crimes in taxis and private hire vehicles in which tinted glass contributed or was thought to have contributed to the commission of an offence.

1.0 Background

- 1.1 For many years, a proportion of the councils across England and Wales have refused to licence vehicles as taxis or private hire vehicles if they were fitted with tinted glass.
- 1.2 As far as I am aware, no research has ever been undertaken to establish the numbers of councils permitting (or prohibiting) the use of vehicles with tinted glass as taxis and private hire vehicles. From my own experience, I would suggest the split is about equal between those that permit, and those that prohibit tinted glass. Irrespective of the numbers, there is certainly a lack of consistency across England and Wales.
- 1.3 Every reason that has ever been given for prohibiting the use of vehicles with tinted glass assumes that it is not only possible, but easy to see into the rear passenger compartment of a motor car at night. Even without the benefit of forensic investigation, every one of us with reasonable sight can easily establish whether that is true by simply trying to see into vehicles at night. If there is no lighting, it is impossible to see into a vehicle at night, even if it has clear glass, because it is dark! If there is lighting, whether that be overhead street lighting, light from illuminated shop windows, or vehicle headlights they all create shadows and / or reflections that make it virtually impossible to see into a vehicle and, if it is possible to see anything at all, it is usually impossible to even establish how many passengers there are, because of the presence of head restraints.
- 1.4 Whilst there is evidence of drivers being attacked and robbed by passengers or others who pose as potential passengers; and there are rare instances when licensed drivers have sexually assaulted passengers, no-one seems to have ever investigated whether such occurrences were contributed to in any way by the presence of tinted glass.
- 1.5 Anecdotally, it seemed that licensed drivers who had sexually assaulted passengers had taken them to dark, quiet, remote locations where they were

unlikely to be seen. Likewise, robberies of drivers seem more frequently to be committed in reasonably dark and quiet locations, where there are again unlikely to be witnesses.

- 1.6 Whilst across England and Wales outside of London there is inconsistency, across the whole of London there is consistency, because taxi and private hire licensing is undertaken by Transport for London for the whole of Greater London.
- 1.7 The most up-to-date taxi legislation in the whole of the country is that which applies to private hire licensing in London. The combined effect of the Private Hire Vehicles (London) Act 1998 and The Private Hire Vehicles (London PHV Licences) Regulations 2004 is to permit a vehicle to be licensed as a private hire vehicle as long as it complies with the Road Vehicles (Construction and Use) Regulations 1986 (as amended). The construction and use regulations only specify the minimum levels of light that must pass through the windscreen and windows to either side of the driver. There is no prohibition on the use of glass with any degree of tint for windows rear of the driver.
- 1.8 In view of the prevalence of licensed private hire vehicles with tinted or privacy glass in London and the inconsistent licensing of similar vehicles across the rest of England and Wales, a survey was undertaken of the 43 police forces and constabularies that serve England and Wales in an attempt to establish whether tinted glass contributed to the commission of offences in taxis and private hire vehicles.

2.0 The survey

- 2.1 In July 2010, an identical request was made of all 43 police forces and constabularies for them to advise:

"Whether the police force / constabulary holds any data or information that indicates that the presence of anti-glare / tinted glass in any taxi (hackney carriage or private hire vehicle) contributed to the commission of a criminal offence."

- 2.2 If such information was held, the request then went on to ask for supplemental information, namely:

"If the answer to the above is 'yes', please provide a summary of each incident in which anti-glare / tinted glass contributed to the commission of an offence, including such matters as to whether the suspect / offender was the driver or passenger, the nature of the offence(s) allegedly / actually committed, and state why the presence of anti-glare / tinted glass was considered to be a contributory factor."

2.3 Subsequent discussions with police forces and constabularies resulted in the request being modified and / or a new supplemental request being made of those forces / constabularies that had information to provide, to specify the period of time covered by the search, and to also provide details of the total number of crimes recorded in such period of time.

3.0 Survey responses

3.1 36 (86.05%) of the 43 police forces and constabularies respond to the request for information under the Freedom of Information Act 2000.

3.2 Of the 36 responses that were received, 17 (47.22%) were unable to or failed to provide the requested information. 16 of them advised that the force / constabulary did not hold (or hold in a searchable format) the requested information and one provided incomplete and unusable information.

3.3 19 (52.78%) of the 36 forces and constabularies that responded to the request for information provided complete responses.

3.4 No police force or constabulary identified a single recorded crime in which anti-glare / tinted glass was considered to have been a contributory factor in the commission of any offence or alleged offence in a taxi (hackney carriage or private hire vehicle).

3.5 Not all police forces and constabularies provided the requested information relating to the total number of recorded crimes for their force /constabulary area, because they were not necessarily obliged to do so, if the requested data was contained in the British Crime Survey that is collated and published annually by the Home Office.

3.6 Appendix A consists of a table summarising all the responses received to the initial request for information relating to anti-glare / tinted glass and supplemented by information provided in response to the further request for information relating to levels of recorded crime or by data extracted from the British Crime Surveys, unless analytical assumptions have been made.

3.7 For the purposes of clarity, the following appears at the foot of the table as a 'note':

"Unless indicated by "Est.", the figures quoted are for the total number of crimes recorded in the period specified, either as advised by the police force as part of its response to a request under the Freedom of Information Act or as published in the British Crime Survey or Surveys for the year or years in question. The data was extracted from the British Crime Surveys for the years from 2001/02 to 2009/10 from the Home Office website at: <http://rds.homeoffice.gov.uk/rds/bcs-publications.html> on 24 August 2010. "Est." indicates that the total recorded crimes has been

estimated, having regard to the British Crime Surveys. For years prior to 2001/02, the level of recorded crime has been presumed to have been the same as recorded in 2001/02, despite the fact that nationally recorded crime has generally fallen year-on-year from its peak in 1992. For incomplete periods, such as that for Durham Constabulary from 1 December 2005 to 31 March 2006, a pro rata figure, based on the number of months, has been used in conjunction with the total number of crimes recorded in 2005/06. For periods since 1 April 2010, a pro rata figure, based on the number of months, has been used in conjunction with the total number of recorded crimes for the previous year, namely 2009/10. As Hertfordshire Constabulary has neither provided the dates for the period they searched nor the total number of recorded crimes, a “?” indicates the details are unknown as at the date of compilation of the above table.”

4.0 Conclusion

- 4.1 With the provision of useable information from almost half (44.19%) of the police forces and constabularies (including the Metropolitan Police) covering England and Wales for periods going back to 1 April 1993 (in the case of Surrey Constabulary), there is no identifiable information held by any police force or constabulary anywhere in England and Wales to suggest that anti-glare / tinted glass has ever contributed to the commission of an offence or an alleged offence by anyone in a taxi (hackney carriage or private hire vehicle).

5.0 Observations

- 5.1 It is acknowledged that in the Department for Transport “Taxi and Private Hire Licensing: Best Practice Guidance”, published in March 2010, the Department for Transport encouraged councils not to prohibit tinted glass, because of the costs to the trade of replacing such glass.
- 5.2 However, councils are never going to place the costs to the trade of replacing perfectly good anti-glare / tinted glass above, what has long been perceived by them to be, a “public safety” issue.
- 5.3 A council will only ever be likely to be persuaded to relax its policy on glass when confronted with clear and overwhelming evidence that its long held belief of a potential risk to public safety is not, as a matter of fact, a risk. The current survey shows that, out of more than 17.5 million recorded crimes, there was no offence or alleged offence committed that was believed to have been contributed to by the presence of anti-glare / tinted glass in a taxi (hackney carriage or private hire vehicle).
- 5.4 Whilst statistical information is not available about the number of private hire vehicles licensed by Transport for London that are fitted with anti-glare / tinted

glass, anecdotally it does appear that a significant proportion of the "roughly 49,000 licensed private hire vehicles" (Transport for London website on 3 January 2011: <http://www.tfl.gov.uk/corporate/modesoftransport/1632.aspx>) are vehicles fitted with such glass. Despite London having the largest private hire fleet of private hire vehicles with anti-glare / tinted glass in England and Wales, in the five years between 1 April 2005 and 31 March 2010 during which the Metropolitan Police recorded over 4.4 million crimes, none were considered to have been contributed to by the presence of anti-glare / tinted glass in a taxi (hackney carriage or private hire vehicle).

- 5.5 For the sake of completeness, it should be stated that vehicle manufacturers are more frequently installing anti-glare / tinted glass as standard to their standard production models for a variety of reasons: environmental, driver and passenger (and animal) comfort, and for added security.

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Appendix A

A summary of all the responses received to a request for information relating to anti-glare / tinted glass.

Please also refer to the 'note' at the foot of the table for further analytical information.

Police Force / Constabulary	From	To	Recorded Crimes	Glass an Issue
Avon and Somerset Constabulary	01.04.2007	30.06.2010	441,902	0
Bedfordshire Police	01.07.2008	30.06.2010	86,924	0
Cambridgeshire Constabulary	No information available			
Cheshire Constabulary	No response received by date of collation			
City of London Police	No information available			
Cleveland Constabulary	01.09.2005	27.07.2010	294,432	0
Cumbria Police	01.01.2000	30.06.2010	366,789	0
Derbyshire Constabulary	01.01.2007	30.06.2010	Est. circa 263,059	0
Devon and Cornwall Constabulary	01.01.2005	31.07.2010	Est. circa 617,838	0
Dorset Police	No information available			
Durham Constabulary	01.12.2005	31.07.2010	Est. circa 217,690	0
Dyfed-Powys Police	01.01.2006	30.06.2010	114,819	0
Essex Police	No information available			
Gloucestershire Constabulary	01.04.2001	30.06.2010	Est. circa 460,780	0
Greater Manchester Police	01.01.2006	30.06.2010	Est. circa 1,279,976	0
Gwent Police	1997	2010	700,000 to 800,000	0

Police Force / Constabulary	From	To	Recorded Crimes	Glass an Issue
Hampshire Constabulary	Information not available			
Hertfordshire Constabulary	?	?	?	0
Humberside Police	No response received by date of collation			
Kent Police	Information not available			
Lancashire Constabulary	Information not available			
Leicestershire Constabulary	01.01.1997	31.07.2010	More than 1,800,000	0
Lincolnshire Police	Information not available			
Merseyside Police	No response received by date of collation			
Metropolitan Police	01.04.2005	31.03.2010	4,440,933	0
Norfolk Constabulary	01.04.1995	31.08.2010	Est. circa 915,868	0
North Wales Police	Information not available			
North Yorkshire Police	Information not available			
Northamptonshire Police	Information not available			
Northumbria Police	01.01.2005	30.06.2010	621,331	0
Nottinghamshire Police	Information not available			
South Wales Police	01.01.2010	31.07.2010	83,893	0
South Yorkshire Police	No response received by date of collation			
Staffordshire Police	Information not available			
Suffolk Constabulary	August 1998	29.07.2010	circa 600,000	0
Surrey Police	01.04.1993	31.07.2010	Est. circa 1,113,489	0
Sussex Police	Information not available			
Thames Valley Police	Information not available			

Police Force / Constabulary	From	To	Recorded Crimes	Glass an Issue
Warwickshire Police	No response received by date of collation			
West Mercia Police	No response received by date of collation			
West Midlands Police	01.04.2000	30.06.2010	Est. circa 3,034,938	0
West Yorkshire Police	01.04.2009	31.03.2010	71,291	0
Wiltshire Constabulary	Information not available			
Total recorded crimes			Est. circa 17,525,952	
Total crimes in taxis contributed to by type of glass				0

Note:

Unless indicated by "Est.", the figures quoted are for the total number of crimes recorded in the period specified, either as advised by the police force as part of its response to a request under the Freedom of Information Act or as published in the British Crime Survey or Surveys for the year or years in question. The data was extracted from the British Crime Surveys for the years from 2001/02 to 2009/10 from the Home Office website at: <http://rds.homeoffice.gov.uk/rds/bcs-publications.html> on 24 August 2010. "Est." indicates that the total recorded crimes has been estimated, having regard to the British Crime Surveys. For years prior to 2001/02, the level of recorded crime has been presumed to have been the same as recorded in 2001/02, despite the fact that nationally recorded crime has generally fallen year-on-year from its peak in 1992. For incomplete periods, such as that for Durham Constabulary from 1 December 2005 to 31 March 2006, a pro rata figure, based on the number of months, has been used in conjunction with the total number of crimes recorded in 2005/06. For periods since 1 April 2010, a pro rata figure, based on the number of months, has been used in conjunction with the total number of recorded crimes for the previous year, namely 2009/10. As Hertfordshire Constabulary has neither provided the dates for the period they searched nor the total number of recorded crimes, a "?" indicates the details are unknown as at the date of compilation of the above table.