

DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England (November 2023)

Items in the DfT Guidance which the General Licensing Committee May Wish to Review as a Matter of Urgency

Paragraph 8.8 of the DfT Guidance states:

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.

Current ELDC Situation:

The guidance suggests that licensed vehicles should allow a minimum light transmission of 30% or above through the rear windows.

This Authority currently requires taxis to allow a minimum of 40% light through the rear windows.

RECOMMENDATION TO THE GENERAL LICENSING COMMITTEE:

In order to mirror the current DfT best practice the Council's licensing policy be amended to require taxis to allow a minimum light transmission of 30% or above through the rear windows.

Paragraph 8.14 of the DfT Guidance states:

Carrying Children:

The safest way for a child to travel by car is in an appropriate car seat. It is however unreasonable and impractical for a taxi or private hire vehicle to carry a range of seats to meet the possible needs of all passengers. If the correct child car seat has not been provided, the law allows children to travel in taxis and private hire vehicles, but only if they travel on a rear seat; children under three can travel in a rear seat without a seat belt, and children who are three or older must wear an adult seat belt.

Children aged 3 and over should always count towards the licensed capacity of the vehicle because if an appropriate car seat is not available, they must wear an adult seat belt. Children under the age of 3 do not need to wear an adult seatbelt when an appropriate car seat is not available, so they do not need to count towards the licensed capacity. Licensing authorities should provide advice to licensees on its policy on the carriage of children under three years to provide certainty in terms of overloading and refusal of carriage in such situations.

Further information on the carriage of children safely in taxis and private hire vehicles has been published by the Royal Society on the Prevention of Accidents (RoSPA) with the support of the Department for Transport. Drivers and operators should be made aware of this guidance to ensure compliance with the law and to protect passengers.

Current ELDC Situation: This Authority's policy states:

A vehicle licence and plate are issued for a maximum number of passengers (regardless of age or size) and one child (regardless of age) will count as one passenger.

RECOMMENDATION TO THE GENERAL LICENSING COMMITTEE:

In order to provide continued advice to licence holders on its policy on the carriage of children under 3 years - that this Authority reconfirm the following stance:

A vehicle licence and plate are issued for a maximum number of passengers (regardless of age or size) and it is this Council's policy that one child (regardless of age) will count as one passenger.

Paragraph 8.18 of the DfT Guidance states:

Emergency Equipment:

The Highway Code advises that should a vehicle catch fire, the occupants should get out of the vehicle quickly and to a safe place and not to attempt to extinguish a fire in the engine compartment, as opening the bonnet will make the fire flare. The National Fire Chief Council (NFCC) recommends that licensing authorities that require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers.

The NFCC's advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.

Current ELDC Situation: This Council's hackney carriage by-laws require all taxis to carry a fire extinguisher in the vehicle.

This Council's current licensing conditions require all private hire vehicles to carry a fire extinguisher in the vehicle.

The Council's Penalty Point Scheme includes penalty points for not carrying a fire extinguisher in the vehicle.

RECOMMENDATION TO THE GENERAL LICENSING COMMITTEE:

It is recommended that:

1. The Licensing Policy be amended to indicate that licensed vehicles are no longer required to carry a fire extinguisher.
2. The Policy to indicate that the Council will not enforce the by-law which requires taxis to carry a fire extinguisher.
3. The standard private hire vehicle licence conditions be amended to remove the requirement for a fire extinguisher.
4. The Penalty Point Scheme be amended to remove the issue of penalty points for not carrying a fire extinguisher in a licensed vehicle.