

- (f) TAXI OPERATOR'S - REQUEST FOR VARIATION TO ALLOW TINTED WINDOWS ON A TAXI (AN108-2012)

No	Name	Address
1	Ronald Adams	17 Cowan Place

Reference is made to the minute of meeting of this Committee of 7th June 2012 wherein it was agreed to defer consideration of an application by taxi operator Ronald Adams, a Taxi Licence Holder for over 15 years, for a variation to allow tinted windows on his taxi to allow further information to be submitted.

By way of background prior to April 2005 there were no Guidelines or Policy on tinted windows in taxis, primarily because vehicles with tinted or blacked out windows were relatively uncommon. In 2003 the number of such vehicles was increasing and the matter was discussed at the Taxi Liaison Group on 29 March 2004. At that meeting public safety concerns were expressed by Tayside Police about being unable to see inside a vehicle and it was agreed that it be recommended to the Licensing Committee that a Tint Meter should be used to ensure the legal requirements were being met as a visual test was unsatisfactory being too subjective and also subject to variation depending on a number of factors such as ambient light sources and the colour of the interior of the vehicle. Vehicles with lighter upholstery will seem lighter than those with darker upholstery. The Decision was approved by the Licensing Committee on 6th May 2004 and the Policy came into effect on 1st April 2005.

The Guidance Notes on Taxi Testing outline the Policy in Note 12 which states:

12 Windscreen and Window Tints

- 12.1 Tinted windscreens and windows are allowed but must comply with minimum legal requirements:-

Windscreen	75% (test by meter)
Front Passenger & Drivers Windows	70% (test by meter)

- 12.2 The Licensing Committee requires all other windows to provide a clear view into the vehicle and any if there are any issues arising from this, the 70% light transmission rule will apply (visual/tested by meter). This requirement will apply to all new and replacement vehicles coming into service from 1 April 2005, (visual/tested by meter).

- 12.3 The minimum tint requirement for all other windows will not apply to Special Event vehicles which are exempt or to operators who have been granted a licence variation for such by the Licensing Committee. Operators must ensure they present documentation confirming the variation to the Testing Station at time of test (visual).

The Guidance notes are on the taxi page of the Council's website and are issued to every Licence Holder with their Licence. The taxi testing station provides a facility offering operators a "pre-test" assessment of their vehicle covering such items as seating, luggage space, spare wheel and tinted windows. The purpose of this is to try to prevent operators buying an unsuitable vehicle that will not meet these requirements.

This particular vehicle was tested on 14 June using the calibrated Tint Meter and the tint levels were as follows:

Windscreen	77%	(Legal minimum is 75%)
Front passenger window	77%	(Legal minimum is 70%)

The rear passenger window was measured at 34%. In terms of the Policy the limit is 70%. In a private car there is no legal limit. The tint was applied during manufacturing so cannot be changed.

As visual tests are subjective a return to using them as part of the test is not recommended. Similarly agreeing a % lower than the legal requirement of 70% is also not recommended as for instance a 40% level in one vehicle may not appear to be the same level of tint in another due to differences in the interior.

It is therefore recommended that the test remain unchanged and that the operator of any vehicle failing the test apply for a variation and as part of that application submit photographs showing a

passenger in the rear of their vehicle or alternatively submit the vehicle for a visual inspection by members of the Committee. The Committee could, if satisfied that there were no issues regarding public safety, grant a variation for that particular vehicle only.

The original letter for request of variation is attached (**Appendix 7**).