

# Minute of Meeting

General Purposes Committee  
Tuesday 4 February 2025  
Item No 4.1

## General Purposes Committee



Date	Time	Venue
Tuesday 19 November 2024	10.00 am	Council Chambers/Hybrid

### Present:

Councillor Virgo (Chair)	Councillor Bowen
Councillor Drummond (Virtual)	Councillor Imrie
Councillor McCall (Virtual)	Councillor McEwan
Councillor McKenzie	Councillor Milligan
Councillor Parry	Councillor Pottinger (Virtual)
Councillor Russell	Councillor Scott (Virtual)
Councillor Smail	Councillor Winchester

### In attendance:

Kevin Anderson, Executive Director, Place
Derek Oliver, Chief Officer Place
Alan Turpie, Legal and Governance Manager/Monitoring Officer
Edel Ryan, Senior Manager, Protective Services
PC Iain Anderson, Police Scotland
Hannah Forbes, Democratic Services Officer
Maria Perez, Democratic Services Officer

## 1. Welcome and Apologies

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The Chair welcomed everyone to the meeting of the General Purposes (GP) Committee.

Apologies were received from Councillor Alexander, Councillor Cassidy, Councillor Curran, and Councillor McManus.

## 2. Order of Business

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Order of Business as per the agenda.

## 3. Declarations of interest

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Councillor Milligan confirmed that they would ask to be recused for the discussion of item 6.1 on the agenda.

## 4. Minute of Previous Meeting

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The Minute and the Private Addendum to the Minute of the Meeting of 10 June 2024 was submitted and approved as the correct record.

The Minute of the Meeting was moved by Councillor McKenzie and seconded by Councillor Winchester.

The Private Addendum to the Meeting was moved by Councillor Parry and seconded by Councillor Winchester.

## 5. Public Reports

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No.	Application Type	
5.1	Licensing of Taxis and Private Hire Vehicles – Amendment to Condition relating to Window Tinting.	Report by Derek Oliver, Chief Officer Place
Outline of report and summary of discussion		

The Senior Manager Protective Services presented the report for decision on behalf of the Chief Officer Place.

The Senior Manager Protective Services highlighted an error on page 1 of the report. Where the third paragraph of the recommendation states “*the minimum level of light transmission in the glass contained in all other windows with the exception of the tailgate window, [...] must be a minimum of 70%*” should read a minimum of 65% instead.

The new recommended conditions relating to window tinting for Midlothian taxis and private hire vehicles, and submitted to the Elected Members for decision, are the following:

*“The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the British or European Standard in force at the time of approval.”*

*“The minimum level of light transmission in the glass contained in the front windscreen (75%) and the doors for the front passenger and driver (70%), when measured against the light meter at the Taxi Examination Centre, must comply with the standard specified in Section 32(10) of the Road Vehicles (Construction and Use) Regulations 1986.”*

*“The minimum level of light transmission in the glass contained in all other windows, excluding the rear tailgate window, when measured against the light meter at the Taxi Examination Centre, must be a minimum of 65%.”*

*“The minimum level of light transmission in the glass contained in the rear tailgate window, when measured against the light meter at the Taxi Examination Centre, must be a minimum of 30% and should not be reduced from the factory fit option by the addition of any film, temporary tint material, or replacement glass.”*

The Senior Manager Protective Services stated that a review of all conditions for taxis and protective hire vehicles will be presented to Elected Members in due course. The proposed change in conditions is for window tinting and responds to concerns expressed by the trade. Taxi and private hire operators have voiced their frustration with Midlothian’s current conditions about window tinting, listed in paragraph 3.2. of the report.

The factory standard for light transmission in the windows rear of the driver (behind the B pillar) is less than 70% and while most windows can be replaced at a cost, it is not possible to replace the tailgate window. Operators had also noted that Midlothian Council has a stricter standard than other neighbouring Local Authorities. The standards of East Lothian Council and Edinburgh City Council are noted in section 3.8 of the report for comparison.

Scottish Government guidance is sparse on the matter as the most relevant publication from May 2023 does not address window tinting. However, UK Government guidance updated in November 2023 states there is no statutory level of tinting for the windows behind the B pillar. Acknowledging the change from factory standard windows requires significant cost and inconvenience to operators, English

Local Authorities were advised to not request drivers change the windows back of the B pillar.

The advice from Police Scotland is that the back window should always allow view of the inside of the vehicle, and that a lesser level of tint in windows may be preferable to women, children and vulnerable adults when travelling alone. While Police Scotland's preference would be to see through the windows they understand the issues about the availability of non-tinted windows in the market.

There is no additional risk for Midlothian Council should Elected Members decide to change the current minimum level of tinting in the rear tailgate window as it would have a minimum impact in crime detection and result in less cost to operators.

The Chair thanked the Senior Manager Protective Services for the report and opened it up for discussion.

Elected Members noted if car manufacturers feel factory standard levels of tinting are safe, it would be reasonable to change Midlothian Council's current conditions. This change would help taxi and private hire drivers operate in the current financial climate.

Elected Members asked if the upcoming conditions review would look at the scenario described in section 3.6.2.4 where executive hire vehicles with privacy windows apply for plate exceptions and whether Midlothian Council needs to consider this for future proofing. The Legal and Governance Manager/Monitoring Officer stated that other Scottish Local Authorities operate a waiver system, and this could be considered to provide a future proof position. This is a separate matter to the decision presented to the Elected Members today.

Elected Members asked if a vehicle licenced in another Local Authority with different window tinting conditions would be breaking the law by crossing into Midlothian. The Legal and Governance Manager/Monitoring Officer stated if the driver was not breaking the law by picking up a fare in a different Local Authority than the area they are licenced to operate in, they would not break the law by crossing into Midlothian with a vehicle with different tinting standards.

Councillor Curran moved the recommendations in the report with the amendment noted by the Senior Manager Protective Services to correct the typo in the report. Councillor McCall seconded the motion.

#### Decision

Elected Members agreed to move the new window tinting conditions for taxis and private hire vehicles proposed in the report, with the amendment that the minimum level of light transmission in the glass contained in all other windows behind the B pillar, excluding the rear tailgate window, when measured against the light meter at the Taxi Examination Centre, must be 65%.

## **Exclusion of Members of the Public**

**In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 3 and 6 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-**

- 6.1 Application for Renewal of a Taxi Driver's Licence

## **7. Date of Next Meeting**

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The date of the next meeting is Tuesday, 4 February 2025.

The meeting terminated at 11:08 am.