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## AGENDA

**Pwyllgor** PWYLLGOR DIOGELU'R CYHOEDD

**Dyddiad ac amser y cyfarfod** DYDD MAWRTH, 29 IONAWR 2019, 10.30 AM

**Lleoliad** YSTAFELL BWYLLGORA 1 - NEUADD Y SIR

**Aelodaeth** Cynghorydd Mackie (Cadeirydd)  
Cynghorwyr Dilwar Ali, Davies, Derbyshire, Goddard, Jacobsen, Lancaster, Robson, Taylor a/ac Wood

### 1 Ymddiheuriadau am Absenoldeb

Derbyn ymddiheuriadau am absenoldeb.

### 2 Datganiadau o Fuddiant

Dylid gwneud hyn ar ddechrau'r eitem agenda dan sylw, yn unol â'r Cod Ymddygiad Aelodau.

### 3 Cofnodion (*Tudalennau 3 - 16*)

Cymeradwyo cofnodion y cyfarfodydd a gynhaliwyd ar 6 Tachwedd 2018, 4 Rhagfyr 2018 ac 8 Ionawr 2019 fel cofnod cywir.

### 4 Hysbysebu Llawn Ffrwdio Cerbyd Hacni (*Tudalennau 17 - 26*)

### 5 Materion Brys (os o gwbl)

**Davina Fiore**

**Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol**

Dyddiad: Dydd Mercher, 23 Ionawr 2019

Cyswllt: Graham Porter, 02920 873401, [g.porter@caerdydd.gov.uk](mailto:g.porter@caerdydd.gov.uk)

Mae'r dudalen hon yn wag yn fwriadol



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## AGENDA

<b>Committee</b>	PUBLIC PROTECTION SUB COMMITTEE
<b>Date and Time of Meeting</b>	TUESDAY, 6 NOVEMBER 2018, 11.30 AM
<b>Venue</b>	COMMITTEE ROOM 1 - COUNTY HALL
<b>Membership</b>	Councillor Mackie (Chair) Councillors Derbyshire and Lancaster

### 1 Exclusion of the Public

Item 2 is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

### 2 Hackney Carriage/Private Hire Matters *(Pages 1 - 50)*

**Davina Fiore**  
**Director Governance & Legal Services**  
 Date: Wednesday, 31 October 2018  
 Contact: Graham Porter,  
 02920 873401, g.porter@cardiff.gov.uk

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By virtue of paragraph(s) 12 of Part(s) 4 and 5 of Schedule 12A of the Local Government Act 1972.

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## PUBLIC PROTECTION SUB COMMITTEE

6 NOVEMBER 2018

Present: Councillor Mackie(Chairperson)  
Councillors Derbyshire and Lancaster

### 5 : EXCLUSION OF THE PUBLIC

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RESOLVED: That the public be excluded for item 2.

### 6 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

- (1) Application 1  
10 days suspension of licence for refusing a fare and requesting an excessive upfront payment.
- (2) Application 2  
10 days suspension of licence for refusing a fare.
- (3) Application 3  
Complaint withdrawn.
- (4) Application 4  
No further action.
- (5) Application 5  
Written Warning for failing to notify the Licensing Authority of a conviction.
- (6) Application 6  
Application for a Hackney Carriage/Private Hire Drivers Licence granted.
- (7) Application 7  
Application for a Hackney Carriage/Private Hire Drivers Licence refused.

(8) Application 8

Application for a Hackney Carriage/Private Hire Drivers  
Licence granted.

The meeting terminated at 5.07 pm



## PUBLIC PROTECTION SUB COMMITTEE

4 DECEMBER 2018

Present: Councillor Mackie(Chairperson)  
Councillors Robson and Wood

### 7 : EXCLUSION OF THE PUBLIC

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RESOLVED: That the public be excluded for item 2.

### 8 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

#### (1) Disciplinary Hearing 1

The driver requested an adjournment as he said he had not received the other witness statements. Officers had provided the statements to the driver and his representative and they were allowed time to consider these, an adjournment of the meeting was not granted.

The witness explained that she had wanted to take her mother in the taxi in her electric wheelchair, the driver had refused the fare as he said that the wheelchair would break his ramp, the lady said she would report him as he was refusing a fare. The lady claimed the driver became aggressive towards her.

A further witness was another driver in the rank, he stated that the lady approached him asking to take her and her mother in the wheelchair, he asked why she hadn't taken the first taxi and she explained the situation to him. He then approached the first driver to say he shouldn't refuse a fare and he would get into trouble, the first driver became aggressive so the second driver took the fare.

The driver then gave his version of events and stated that he was approached to take a fare, he got out of the cab and when he saw the wheelchair, he thought it was one that was driven on the road, it was one he hadn't seen before and he was unsure if he could safely take it in his cab, he stated that safety of the passenger was paramount, he also stated that he had been driving from 20 years and never been before the Sub - Committee previously.

The Sub Committee carefully considered all of the information provided and noted that the driver had not completed the BTech, and that his Disability

Awareness Training had been undertaken over 15 years ago, they considered it was his duty to keep up to date with his training on wheelchairs and safety and that he had refused a fare.

Decision: 14 days suspension of licence and driver instructed to attend the BTech course within 3 months.

(2) Disciplinary Hearing 2  
Application postponed.

(3) Disciplinary Hearing 3

Sub-committee heard the statement from the driver with his recount of events, as provided in the paperwork.

Sub-Committee questioned the driver as to why he hadn't been concerned about the passenger's behaviour earlier on in the situation, and that he could have informed the police or the taxi office. The driver stated that when he told the passenger to stop the behaviour it had stopped until he was driving on the Link Road where he then had nowhere to stop.

Sub-Committee were concerned that the driver didn't slow down or stop on the link road and the driver stated that he did slow down and that the wanted to get the passenger home safely.

The driver's representative explained the situation following the arrest to the Sub-Committee and also stated that the driver fully cooperated with the police, answered all questions and was released without charge following the bail period. He added that the driver had not had any previous complaints. He had informed the taxi office when he returned home and had explained the events to his wife.

Sub-Committee discussed all the information received and considered that the driver had failed to heed the warning signs at the beginning of the journey and there had been a serious error of judgement.

Decision: Revocation of licence due to driving without due care and attention and allowing sexual activity to take place in a licensed vehicle whilst driving.

(4) Disciplinary Hearing 4  
Adjourned for 1 month – driver did not attend.

(5) Application 1

Sub Committee considered all the evidence before them. The applicant explained that all endorsements were now spent and that in relation to the information on the DBS check, these were all when he was very young, he was now married and settled and lives a very different life now.

Decision: Application for the Grant of a Hackney Carriage/Private Hire

Driver's Licence approved.

The meeting terminated at 1.10 pm

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## PUBLIC PROTECTION SUB COMMITTEE

8 JANUARY 2019

Present: Councillor Mackie(Chairperson)  
Councillors Jacobsen and Robson

### 9 : EXCLUSION OF THE PUBLIC

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RESOLVED - That the public be excluded.

### 10 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

#### (1) Disciplinary Hearing 1

The Committee received representations from two complainants and a hackney carriage/private hire driver. The complainants alleged that the driver had refused a fare and had indicated that the journey was too short. The driver was also alleged to have driven off with the passenger door of the vehicle still open.

The complainants stated that they had approach a taxi on the rank outside the House of Fraser store. CR opened the door and asked if the driver was free and he nodded, but when the destination was provided the driver laughed, and said 'that is too short'. CR said that she then advised the driver that he was not permitted to refuse the fare. He then drove away with the passenger door open. AR took a photo of the vehicle driving away. The photograph was included in the report. Members were advised that there were only two female passengers in the group and they were not intoxicated.

The driver's representative stated that both passengers were intoxicated and abusive so the driver pulled away and he felt that they may soil his vehicle. The driver left the area and joined another rank. The driver stated that when the complainants became abusive he advised them the he would not take the fare as they should not speak to him like that.

CR stated that no abusive language was used. The driver pulled away with the door still open only when the destination was provided. The next taxi in the rank, who had witnessed the incident, took them to their destination without any problem.

During summing up CR stated that it was not fair that the driver refused to take them. It was not safe for two females to walk home at that time of night and they were entitled to expect to be protected. The driver's representative stated that an issue has been identified by the taxi trade and drivers are wondering where their judgement lies when they consider passengers to be intoxicated. The driver has a right to refuse a fare in certain circumstances and he has exercised that right in this instance.

The Sub Committee considered the witnesses to be credible and on the balance of probabilities the fare was refused without justification.

RESOLVED – That the hackney carriage/private hire drivers licence be suspended for 10 days for refusal of a fare without justification.

(2) Disciplinary Hearing 2

The Sub Committee received representations from two Gwent Police Officers regarding a number of allegations made against a hackney carriage/private hire driver. The officers provided details of the allegations made and the subsequent investigations into these matters. Members were advised that no prosecutions were brought as a result of those investigations.

The officers considered that all the alleged offences, which have all occurred in the Caerphilly area, were sexual in nature and demonstrated a pattern of behaviour that were a cause for concern. The incidents that were investigated were all linked to the individual's duties as a hackney carriage/private hire driver.

The Sub Committee received representations from the driver and his representative. Each incident was addressed in turn. The driver denied any wrongdoing.

The driver's representative stated that they were under the impression that the complainants for each incident were going to be present at the hearing. The Council's Legal Representative provided clarification. The driver and his representative were advised that the Sub Committee's role was to look at all matters relating to its duty to protect the public. If there is any doubt as to an individual's suitability then the civil test – the balance of probabilities – is to be applied. The Sub Committee will assess whether any person is fit and proper to hold a licence based on the information before it.

Both parties were invited to sum up. The Police Officers stated that the allegations have been discussed at length and although no further action was brought by the CPS, members were invited to form an objective, balanced view. The alleged incidents before the Sub Committee took place over a number of years and the complainants were independent of each other. A pattern of behaviour of similar actions and behaviour by the driver has been identified and ultimately this was the main concern for Gwent Police.

The driver's representative stated that after a difficult period in Caerphilly the driver has moved to Cardiff for a fresh start. The complaints were all investigated and had resulted in no further action. All matters were denied.

The Sub Committee considered the incidents and pattern of behaviour. Members agreed that the incidents and pattern of behaviour were grave cause for concern and the driver was not a fit and proper person to hold a licence.

RESOLVED – the Hackney Carriage/Private Hire Drivers Licence be revoked.

(3) Disciplinary Hearing 3

Members were advised that a complaint has been received regarding the refusal of a fare. The complainant was unable to attend the hearing and Members considered the written statement provided.

The driver's representative addressed the Sub Committee. Members were advised that the fare was refused because the complainant was intoxicated, abusive and had no money. There were no independent witnesses and there were no complaints made against the driver previously.

RESOLVED – That no further action be taken.

(4) Disciplinary Hearing 4

The Sub Committee received a report and were asked to consider whether a driver was a fit and proper person to hold a hackney carriage/private hire drivers licence. Members were advised that the driver in question has repeatedly and consistently failed to produce proof that valid motor vehicle insurance was in place for his vehicles, despite reminders from the Licensing Team.

The driver addressed the Sub Committee and advised Members that he did have insurance policies in place. He had asked his insurance company to email proof of insurance through to the Licensing Team. However, there was some confusion regarding the correct email address. A number of other factors were said to have affected the driver's ability to provide proof of insurance not being provided, including a holiday between June 2007 and June 2008; the birth of a daughter and the passing of a disabled son.

Responding to questions from the Sub Committee, the driver confirmed that he was aware of his responsibilities and the need to comply with these requirements. Members were also advised that the driver was a proprietor for a number of vehicles.

RESOLVED – That the driver's Hackney Carriage/Private Hire Drivers Licence be suspended for 10 days.

(5) Application 1

The Sub Committee received an application for the grant of a Hackney Carriage/Private Hire Drivers Licence. The applicant declared a number of convictions and as part of the application process an enhanced DBS check was carried out. A copy of the DBS Certificate was circulated.

Members were advised that the applicant went through a troubled period during his early years which resulted several convictions for a variety of offences. Members were given details of the applicants personal circumstances at that time.

Members were asked to note that the most recent offence was 2011. The applicant was now married and has two children. He also graduated from university with a degree in English. One of his children has special needs due to a health condition. The applicant has been her primary carer. Working as a taxi driver would offer the applicant a degree of flexibility in terms of those caring responsibilities.

Members considered the application. Members agreed that whilst there applicant's past criminal record was a cause for concern, he had sufficiently demonstrated that he was no longer at risk of offending further.

RESOLVED – That the application for the grant of a Hackney Carriage/Private Hire Drivers Licence be approved.

The meeting terminated at 1.45 pm



**CARDIFF COUNCIL  
CYNGOR CAERDYDD**

**Agenda No.**

**PUBLIC PROTECTION COMMITTEE: 29 January 2019**

**Report of the Head of Shared Regulatory Services**

**HACKNEY CARRIAGE FULL LIVERY ADVERTISING**

**1. Background**

- 1.1 An application has been received from Mr Karl Maresch of Ubiquitous Ltd for full livery advertising on wheelchair accessible hackney carriage vehicles (MPV style vehicles referred to in the Council's Policy as 'purpose-built'), such as the Peugeot Partner and Euro Cab etc.
- 1.2 Currently the authority only permits full livery advertising on hackney carriage vehicles that meet the London Metropolitan Conditions of Fitness e.g. London style taxis such as TX1s, FX4s etc.

**2. Application.**

- 2.1 Condition 5.2 (f) of Cardiff Council's Hackney Carriage Vehicle Licence Conditions states:  
*'Full external advertising livery for one product is permitted on the whole of the vehicle subject to the advertisement being approved by the authority, in writing, prior to its use. This condition applies only to purpose built vehicles which meet the Metropolitan Police Conditions of Fitness'.*
- 2.2 Vehicles that meet the Metropolitan Police Conditions of Fitness include: London Taxis International FX4, London Taxis International TX1/2, London Taxis International TX4, Reliant Metrocab, and Mercedes Bens Vito Taxi.
- 2.3 In his application Mr Maresch has observed that there are now only a low number of vehicles licensed by Cardiff Council that the meet the Metropolitan Police Conditions of Fitness, and these are the only vehicles could display full wrap advertising.
- 2.4 At the time of writing this report, Cardiff Council currently licences seven TX4 vehicles and two TX2 vehicles, and these are the only licensed vehicles that meet the Metropolitan Police Conditions of Fitness.
- 2.5 To support his application, Mr Maresch states:

*'Ubiquitous has been the UK's leading taxi advertising company for more than 10 years. We have the greatest national footprint of any taxi company, operating in more than 20 key cities outside of London.*

*A percentage of these City Councils will have specific requirements which need to be included in any Campaign design which is applying for approval in that region. Southampton as an example require that 60 percent of the livery is White in colour, Cambridge require that the Council crest is placed on both front doors and Norwich do not allow advertising on the boot. Leeds City Council require the Bumper area to remain White. All these requirements are easily included into the design and are incorporated onto any Taxi Type. If there are any requirements that Cardiff County Council require these can be introduced into any design for any Hackney Carriage Models. The majority of regional councils have a mixed fleet of HCV and will allow advertising on these vehicles when their requirements are included into the Campaign design.*

*As part of their clean air policy Nottingham City Council took a decision back 2017 to remove all Euro 5 type Taxis from the City by 2020. On the back of that policy change Nottingham City Council also relaxed their requirement on taxi advertising. The idea behind the change in policy on advertising is to give the driver additional revenue to help in purchasing new cleaner Euro 6 Taxis or the LEVC Electric taxi.'*

- 2.6 Mr Maresch has provided the artwork showing samples of the type of advertisements provided. (see Appendix A).
- 2.7 Mr Maresch has confirmed that payment to the vehicle proprietor depends on the length of the advertising campaign, but most are for a minimum of either 6 or 12 months. He has stated that the average income for the vehicle proprietor for a 12 month advertising campaign is between £1000- £1,500.
- 2.8 Once full livery has been removed from the vehicle, Ubiquitous will respray the vehicle and repair any damage caused by the livery (excluding rust spots and dents).
- 2.7 As outlined in Mr Maresch's application in paragraph 2.5 above, different local authorities require slight differences to full livery specifications. It should be noted that although not included in their standard full livery design, full livery advertising can in some cases cover the rear windows. In such cases, the material used is partially transparent and is made from a material called Contra Vision (See Appendix B for photos). At its meeting of 6 November 2018 the Committee resolved to maintain the vehicle licence condition restricting darkened glass in the interests of protecting public safety. If the Committee were minded to grant the application for full livery advertising on all wheelchair accessible hackney carriages the Committee may want to consider specifying that the full livery advertising should not be permitted on the rear windows.

### **3. Considerations**

- 3.1 In order to assist the public in identifying licensed vehicles, hackney carriages in Cardiff are required to be coloured black with a white bonnet, apart from vehicles that meet the Metropolitan Police Conditions of Fitness which can be all black without the white bonnet (other than subject to advertising as permitted by the Conditions)
- 3.2 When determining an application for full livery advertising in 2001, the Public Protection Committee gave consideration to the fact that vehicles that meet the Metropolitan Police Conditions of Fitness have a distinctive shape and are easily recognisable to the public as taxis. Therefore the colour of vehicles that meet the Metropolitan Police Conditions of Fitness is less of a significant factor in terms of identifying the vehicle as a licensed hackney carriage compared with standard saloons and other wheelchair accessible vehicles.
- 3.3 Wheelchair accessible vehicles that do not meet Metropolitan Police Conditions of Fitness such as Peugeot Partner and Eurocab etc are not as instantly recognisable as taxis from their shape, and these vehicles are commonly used as domestic vehicles. Due to a request from the licensed trade in 2001, the Committee resolved to further distinguish between appearance of hackney carriage and private hire vehicles of this type by approving a condition that required all licensed hackney carriages that do not meet the Metropolitan Police Conditions of Fitness to be black with a white bonnet.
- 3.4 In the last few years there has been a large increase in the number of vehicles licensed by other local authorities legitimately working in Cardiff. In Wales, the hackney carriage black with a white bonnet colour scheme is unique to Cardiff so vehicles are easily recognisable as Cardiff hackney carriages. Consideration should be given to whether allowing full livery would make Cardiff hackney carriage vehicles less recognisable to the public.
- 3.5 As full livery advertisements have been permitted in Cardiff since 2001, the public will be familiar with licensed vehicles that are completely covered by advertising slogans. It could be said that allowing this type of advertising on all wheelchair accessible vehicles would not have an impact of the identification of these vehicles. However commercial advertising of this kind on vehicles is not purely restricted to the taxi trade.
- 3.6 The Committee may also wish to consider the overall impact on the appearance of the licensed fleet. There are presently 9 licensed vehicles that meet the Metropolitan Police Conditions of Fitness which are the only ones permitted to display this form of advertising present, whereas there are around 500 wheelchair accessible hackney carriages in total.
- 3.7 A comparison of full livery restrictions in some other local authorities is detailed in the table below:

<b>Local Authority</b>	<b>Full Livery Advertising Restrictions</b>
Swansea	No full livery allowed. Advertising allowed on the bottom of the rear doors.
Vale of Glamorgan	No full livery.Rear wing advertising only.
Birmingham	Full livery permitted except in the case of Mercedes Eurocab, Peugeot Euro & Taxi or Fiat Eurocab vehicles.
Manchester	Full livery permitted on hackney carriages
Oxford	Full livery permitted on purpose built vehicles only.
Bridgend	No full livery.
Sheffield	Full livery allowed on any hackney carriage vehicle
Southampton	Full livery permitted but white body colour must predominate (no less than 65% of total area excluding windows and bumpers)
Newcastle	Full livery permitted on wheelchair accessible vehicles, but not saloon vehicles
Leeds	Full livery permitted on wheelchair accessible vehicles, but not saloon vehicles or private hire vehicles
Newport	No full livery
Bristol	Full livery permitted on hackney carriages
Guildford	No full livery
Cambridge	No full livery. Front doors only
Stoke on Trent	Full livery permitted on purpose built hackneys

- 3.8 If the Committee were minded to grant this application it is recommended that as with all other types of vehicle advertising, the applicant must submit details of the advert to the Licensing Section for approval prior to its use.
- 3.9 There is an intention to undertake a complete review of the Taxi Licensing Policy, including standardising and improving the appearance of licensed vehicles. The Committee may wish to take this into consideration when determining this application.

#### **4. Previous Applications**

- 4.1 The Committee have considered this matter twice previously in the last 5 years. An application made by Huge Media Advertising Ltd for full livery on wheelchair accessible vehicles was considered by Committee on 4 February 2014 and was refused.
- 4.2 At its meeting of 3 March 2015 the Committee resolved to refuse a similar application for full livery made by Ubiquitous Ltd. The Committee were concerned that all over livery would affect the appearance of the vehicle to such an extent as to put public safety at risk.

## **5. Consultation**

- 5.1 The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions.

## **6. Legal Implications**

- 6.1 Under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may impose such conditions upon hackney carriage licences as it may consider reasonably necessary.
- 6.2 In particular the Council may require any hackney carriage licensed by it to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- 6.3 It should also be noted that under Section 48 of the same Act a private hire vehicle cannot be of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage. It is considered that if the application for full livery advertising for hackney carriage vehicles is granted it would not then be possible to grant any future similar application for private hire vehicles.

## **7. Financial Implications.**

- 7.1 This report does not result directly in any additional financial implications.

## **8. Recommendation**

- 8.1 It is recommended that the Committee determine the application made by Ubiquitous Ltd to allow full livery advertisements on all wheelchair accessible hackney carriage vehicles.
- 8.2 If the Committee resolve to approve the application, it is recommended that Condition 5.2 (f) of the Hackney Carriage Vehicle Licence Conditions is amended as follows:  
*‘Full external advertising livery for one product is permitted subject to the advertisement being approved by the authority, in writing, prior to its use. The livery is limited to the body shell of the vehicle and must not extend onto the rear windows/windscreen.’ This condition applies only to wheelchair accessible hackney carriage vehicles.*

**Dave Holland**  
**HEAD OF SHARED REGULATORY SERVICES**

**10 December 2018**

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None

## APPENDIX A

Mae'r dudalen hon yn wag yn fwriadol



**Appendix A**

Full Livery Examples provided by Ubiquitous Ltd

**Southampton example**



**Cambridge example (with crest)**



**Leeds Example (White Bumper)**



Rear Windscreen advertising example (Contra Vision)

