



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	TUESDAY, 3 JULY 2018, 10.30 AM
Venue	COMMITTEE ROOM 1 - COUNTY HALL
Membership	Councillor Mackie (Chair) Councillors Murphy, Dilwar Ali, Davies, Goddard, Jacobsen, Lancaster, Robson, Taylor, Williams and Wood

1 **Apologies for Absence**

To receive apologies for absence.

2 **Declarations of Interest**

To be made at the commencement of the agenda item in question, in accordance with the Members' Code of Conduct.

3 **Minutes** (*Pages 3 - 6*)

To approve as a correct record the minutes of previous meetings of the Public Protection Committee on 5th June 2018 and the Public Protection Sub Committee on 5th June 2018.

4 **Application for the use of Tuk Tuk's as Private Hire Vehicles.** (*Pages 7 - 54*)

5 **Consideration of the use of Darkened Glass in respect of Licensed Vehicles** (*Pages 55 - 66*)

Davina Fiore

Director Governance & Legal Services

Date: Wednesday, 27 June 2018

Contact: Graham Porter,

029 2087 3401, g.porter@cardiff.gov.uk

By receiving this Agenda Pack electronically you have saved the Authority approx. £1.75 in printing costs

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

This page is intentionally left blank

PUBLIC PROTECTION COMMITTEE

5 JUNE 2018

Present: Councillor Murphy (Deputy Chairperson, in the Chair)
Councillors Dilwar Ali, Goddard, Lancaster, Robson, Taylor,
Williams and Wood

25 : CHAIRPERSON

The Committee noted that Council on 24 May 2018 appointed County Councillor Mackie as Chairperson of the Committee.

26 : APPOINTMENT OF COMMITTEE

The Committee noted that Council on 24 May 2018 appointed the following Members to the Committee:

Councillors Dilwar Ali, Davies, Goddard, Jacobsen, Lancaster, Mackie, Murphy (Deputy Chair), Robson, Taylor, Williams and Wood.

27 : TERMS OF REFERENCE

The Committee's Terms of Reference were noted.

28 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Davies and Mackie.

29 : DECLARATIONS OF INTEREST

No declarations of interest were received.

30 : MINUTES

The minutes of the meetings held on 6 March, 10 April and 1 May 2018 were approved by the Committee as a correct record and were signed by the Chairperson.

31 : HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCE FEES AND CHARGES

The Committee received a report seeking approval for the new Hackney Carriage & Private Hire Vehicle Licences. The Committee authorised the current fees and charges on the following dates:

- Hackney Carriage & Private Hire Vehicle Licence – 12 April 2016
- Hackney Carriage & Private Hire Vehicle Licence – 8 September 2015
- Private Hire Operator Licences – 18 August 2015

The report contained a summary of the existing and proposed fees, showing any differences in cost. Members were informed that any surpluses or deficits since the

fees were last set had been taken into account. Officers also highlighted changes to additional charges for driver knowledge tests, which have increased due to an increase in overheads.

The proposed fees were calculated using a toolkit developed by the Wales Licensing Expert Panel, which is used by all Welsh local authorities. The method used to calculate the fees and details of the figures were provided in Appendix B.

Members of the Committee had no comments, and approved the proposed recommendations.

RESOLVED – That:

(1) That the Committee approve the proposed licence fees outlined in the report with an implementation date of 9 July 2018.

(2) That the Committee authorise the Head of Shared Regulatory Services to carry out the necessary public notice procedure.

(3) If objections are received within 28 days of the publication of the notice of the proposed changes to the fees, the matter come back before the next appropriate Committee meeting so that any objections can be considered, modifications be considered, and a new date for the introduction of the variations can be set.

32 : PRESTIGE VEHICLE APPLICATIONS

RESOLVED – That:

(1) The Hyundai I30 not be approved as a prestige vehicle.

(2) The driver for the Vauxhall Zafire application did not attend.

(3) The Lexus IS (2013-) be approved as a prestige vehicle with a 10-year age restriction.

PUBLIC PROTECTION SUB COMMITTEE

5 JUNE 2018

Present: Councillor Murphy (Deputy Chairperson, in the Chair)
Councillors Goddard and Lancaster

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

- (1) Application 1
Licence suspended for 21 days plus a requirement to complete the BTEC qualification for refusal of a fare.
- (2) Application 2
Licence suspended for 5 days for unacceptable behaviour towards a Licensing Enforcement Officer.
- (3) Application 3
Written warning issued for attempting to overcharge passengers and not using the meter for a journey ending within the city's boundaries.
- (4) Application 4
Driver did not attend.
- (5) Application 5
No further action.
- (6) Application 6
Application refused as the Sub Committee felt the applicant was not a fit and proper person to hold a licence.
- (7) Application 7
Application refused as the Sub Committee felt the applicant was not a fit and proper person to hold a licence.

The meeting terminated at 1.00 pm

This page is intentionally left blank

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 3 July 2018

Report of the Head of Regulatory Services

APPLICATION FOR THE USE OF TUK TUKS AS PRIVATE HIRE VEHICLES

1. Background

- 1.1 An application has been received from Mr Dale Edmunds to approve the use of Tuk tuks as private hire vehicles for sightseeing tours in Cardiff. At present, Tuk tuks are unable to be licensed as they do not meet the Council's Private Hire Vehicle Licence Conditions.

2. Details of the Application

- 2.1 Tuk tuks are three-wheeled motorised versions of traditional rickshaws. They are usually powered by a motorcycle engine, have handle bars rather than a steering wheel and are commonly used as a method of transport in countries such as India, Thailand and Pakistan.
- 2.2 Mr Edmunds plans to operate three different guided tours of sightseeing attractions within Cardiff. The tours would be of three different durations;
1. Full day tours (6 hours), departing from Cardiff Castle to Cardiff Bay and to include, St Fagan's, Insole Court, Llandaff Cathedral, Cardiff City Centre (including the National Museum of Wales) and Cardiff Bay.
 2. Half day tours (3 hours) would be similar route to the full day tour but excluding St Fagans
 3. One hour tours of Cardiff Bay and City Centre

Mr Edmunds has also had been contacted by an events management company who would like to offer service to corporate clients.

It is anticipated that the tours would take place from February to October. The full business proposals are detailed in Appendix A

- 2.3 Mr Edmunds proposes to purchase three E-Tuk GT Limo Tuk tuks; photos of the type intended to be used are detailed in Appendix B. The Tuk tuks are manufactured in The Netherlands and have EC Type approval (the Certificate is detailed in Appendix C). The DVLA date of first registration will not establish the manufacture date of an imported vehicle so to ensure the vehicles meet the Council's age restrictions, additional documentation evidencing the manufacture date will be required.

2.4 The Tuk tuks Mr Edmunds intends to operate are electric so have zero emissions, and can travel 100km from one charge, with a top speed of around 30mph.

3. **Private Hire Licensing Regime**

3.1 Under Section 80 of the Local Government (Miscellaneous Provisions) Act 1976, 'private hire vehicle' is defined as
'...a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for the hire with the services of a driver for the purpose of carrying passengers...'
Consequently, Tuk tuks could be considered for use as private hire vehicles.

3.2 Private hire vehicles must be pre-booked through a private hire operator and must be driven by a licensed private hire driver. All three licenses must be issued by the same local authority.

3.3 All private hire vehicles licensed in Cardiff must comply with the Councils' Taxi Licensing Policy and Conditions (See Appendix D). The Policy aims to ensure that licensed vehicles are safe, suitable and comfortable for use by the fare paying public.

3.4 The compact design of Tuk tuks makes them unable to comply with the council's current Licensing Policy and Conditions on the following points:

- *'All vehicles must be fitted with a right hand drive and four doors'* –the steering wheel is in the centre of the vehicle and there are no doors as the sides of the vehicle are open.
- *'Cause the roof or covering to be kept watertight'*; -tarpaulin rain covers are provided, but not likely to be described as 'watertight'
- *'Provide any necessary windows and a means of opening and closing with not less than one window on each side;'* -other than the front windscreen, there are no windows as the sides of the vehicle are open
- ***Knee Space***
'The measurement between the rear of the front seats and the squab of the back seat must be not less than 30 inches. Where the front seats are capable of adjustment, the measurement is to be made in the mid position'. - The distance between the back of the drivers seat and middle seat is 15 inches (38 cm), and the distance between the rear seat and middle seat is 20 inches (49cm)
- ***Rear seat (door to door panel)***

'The distance between the internal panels of the two rear doors, measured in a straight line lengthways at its widest part must be not less than 54 inches.' - The width of the rear seats in the tuk tuk is 49 inches (123.5cm), however this is for two passengers as opposed to three in a standard vehicle.

- ***Door Hinges***

'To be in good order, all working, and doors to be seated correctly when closed.'
- There are no doors on the tuk tuk.

- ***Side Windows & Winders***

'To be in good order and all working correctly.' – There are no side windows in the tuk tuk

- ***Fire Extinguisher, Spare Wheel, Brace and Jack***

'a) A fire extinguisher in good condition should be carried in an easily accessible position on the vehicle; and

b) Unless the vehicle is fitted by the manufacturers approved run flat tyres or has an emergency tyre repair kit a spare wheel of full or compact design in good condition must be carried together with the appropriate tools to change a wheel.

c) If the vehicle has to be used with a space saver spare wheel fitted to complete a hiring, it may not be used for any further hirings until the wheel has been replaced.

d) Where a tyre has been repaired using an emergency tyre repair kit to complete a hiring, the vehicle shall not be driven at a speed or distance that exceeds the manufacturer of the repair kit's instructions. The vehicle may not be used for any further hirings until the tyre is repaired or replaced and a replacement repair kit is purchased.'

– there is no space available to carry a fire extinguisher. The spare tyre will be kept at the office, but the vehicles do come with a foam spray puncture kit

- ***Boot or Luggage Compartment***

'To be clean and free for the accommodation of passengers luggage'. – there is no luggage space available.

- *'The interior plate shall be fixed on the inside of the vehicle in such position as to be easily observed by the passengers.'* – As there are no windows in the tuk tuks, there is nowhere the interior plates can be affixed

3.5 Tuk tuks have been licensed for private hire use in Manchester, Blackpool, Brighton, Derby, Chester and Ipswich. However, an application to Bath and North East Somerset Council was refused in October 2016 as Members did not find the vehicles suitable in type, size and design for use as a private hire vehicle and there were concerns about safety. Newport Council refused an application in 2001 due to similar concerns.

- 3.6 All licensed vehicles must undergo testing at a MOT station within Cardiff. As Tuk tuk are three-wheeled electric vehicles they will need to be tested by a Specialist garage. Mr Edmunds has advised that he is intending on using Pearson's Garage in Penarth, Vale of Glamorgan, as they have confirmed that they are authorised and qualified to carry out the testing.
- 3.7 Age restrictions
The current Policy states that vehicles presented for licensing must be under 25 months old and will not be relicensed if they are over 6 years old, apart from Prestige vehicles which can be presented for first time licensing under 10 years old and will not be relicensed if over 10 years old.
- 3.8 The policy on age restrictions cannot be absolute so an Exceptional Condition Policy is in place to assess the suitability of vehicles over the maximum licensable age. It would not be possible to apply the Exceptional Condition Policy to Tuk tuks.
- 3.9 The applicant has confirmed that he is intending to purchase brand new vehicles.
- 3.10 If the Committee were minded to approve this application, a special set of conditions would need to apply in place of the standard conditions to ensure that the Tuk tuks are structurally and mechanically safe. A draft set of conditions in relation to Tuk tuks is detailed in Appendix E.

4. Passenger Safety

- 4.1 One of the main aims of the Taxi Licensing Policy is to ensure that licensed vehicles are safe for use by the public, the driver and do not pose any risk to other road users.
- 4.2 Most licensed vehicles have a range of safety features as standard such as seat belts, driver and passenger airbags, crumple zones, anti-lock braking systems (ABS), and traction control. As technology improves, newer cars are being manufactured with more advanced safety features such as autonomous emergency braking, pedestrian detection, adaptive cruise control, visibility aids, speed limiting devices, attention monitoring systems, tyre pressure monitoring systems, These features aim to minimise the likelihood of collisions and aim to reduce injuries to the driver and passengers in the event of an accident.
- 4.3 Tuk tuks have far fewer safety features than standard cars. They can be fitted with seat belts and strengthened overhead and side-impact protection, but they offer very little protection to the driver/passenger(s) in the event of a collision. They also do not have windows, and the open compartment design poses a greater risk of objects entering the Tuk tuk and potentially causing injury, or passengers being thrown from the vehicle or injuring limbs etc during a collision.

5. Passenger Comfort

- 5.1 Standard licensed vehicles have numerous features in the interests of passenger comfort such as conventional suspension, heating/air conditioning systems, comfortable seats, and are of a closed watertight design to eliminate the effects of adverse weather and reduce noise.
- 5.2 Tuk tuks have an open compartment design, meaning that passengers are subject to any adverse weather, although tarpaulin rain covers are available. There are no heating or air conditioning systems.
- 5.3 Due to the open compartment design, passengers and drivers would also be exposed to any traffic pollution, although this would be comparable to the exposure experienced by cyclists in traffic.
- 5.4 The seat width available to each passenger in the Tuk tuk is 24 inches (62 cm), the current vehicles licence conditions states that the seat width should be at least 18 inches, so the Tuk tuks are compliant in this respect.
- 5.5 The Tuk Tuks are also compliant with the minimum dimensions stated in the vehicle licence conditions in respect of roof height, and passenger rear seat width.

6. Vehicle Accessibility

- 6.1 Tuk tuks may not be suitable for all people with disabilities, especially passengers in wheelchairs. It is not possible to wheel a passenger in a wheelchair into a Tuk tuk and there is no luggage compartment to store one. Tuk Tuks therefore do not comply with the requirements of the Equality Act 2010 in relation to disabled access.
- 6.2 Consultation with Cardiff Access Group was undertaken.

7. Consultation

- 7.1 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.

8. Achievability

This report contains no equality personnel or property implications.

9. Legal Implications

- 9.1 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council has a discretion to grant a private hire vehicle licence provided that a Council shall not grant such a licence unless they are satisfied that the vehicle is insured and is:
- (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable
- 9.2 Pursuant to section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by the refusal to grant a vehicle licence under this section, or by any conditions specified in such a licence , may appeal to a magistrates' court
- 9.3 The Council currently has a strict policy regarding the type and specification of vehicles, which may be licensed as Private Hire Vehicles.
- 9.4 The specification is designed to ensure the safety of fare paying passengers as well as other road users. It also aims to ensure that vehicles are comfortable and suitable for use as a Private Hire Vehicle.
- 9.5 The Council would need to consider if it is appropriate to deviate from the specification to allow Tuk tuks to operate as licensed private hire vehicles.

10. Financial Implications.

- 10.1 There are no financial implications arising from this report.

11. Recommendation

- 11.1 That the Committee consider the report and determine whether Tuk tuks are suitable to be licensed as private hire vehicles.
- 11.2 If the Committee are minded to approve the licensing of Tuk Tuks; to approve the Tuk tuk specific private hire vehicle licence conditions detailed in Appendix E

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

3 May 2018

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

Background Papers: None

APPENDIX A



Business Proposal

Back ground

After Touring many European cities and travelling extensively by Tuk Tuk it has become apparent that Cardiff is one of Europe's only capital cities not operating guided Tuk Tuk tours.

Cardiff has many interesting and historical attractions which are difficult to visit even by public transport. Although an open top bus service operates between the City Centre and Cardiff Bay this fails to visit many of the local attractions and by operating guided Tuk Tuk tours, we believe that the visitors visiting Cardiff will have more opportunity and choice on how they visit the attractions.

Guided Tours

We will initially operate 3 different guided tours this would consist of:

- 1) Full Day Tours- (6 hours) including St Fagan Natural Museum of History, Insole Court, Llandaff Cathedral, Cardiff City Centre, Cardiff Bay and National Museum of Wales Cardiff .
- 2) Half Day Tour- (3 Hours) including Llandaff Cathedral, National Museum Wales Cardiff, Cardiff bay barrage and principality stadium.
- 3) 1 Hour Tour – To include Cardiff City Centre and Cardiff Bay Tour.

Operating Times

It is anticipated that we would operate from middle of February until the end of October. These operating times may change dependant of demand.



Licensing

As a guided tour company we would be unable to offer a taxi service and would only apply for private hire licence. We would ideally operate from outside Cardiff Castle and Cardiff bay.

Vehicles

It is our intention to purchase 3 vehicles, our E-Tuk vehicles are the most up to date Tuk Tuk available. Manufactured in the Netherlands these vehicles carry a full European conformity certificate and are mot'd and ready to use.

With no emissions and virtually silent these vehicles are the most environmentally friendly vehicles on the road.

With a 100km travel distance and top speed of 50kph the E-Tuk offers a safe and economical way to travel the landmarks of the city.

Personnel

It is anticipated that we will employ 1 full time administrator and 6 drivers (2 per vehicle to start) Then as the company builds we will employ 3 drivers part time per vehicle with a max of 6 vehicles. The total work force anticipated in 2 years time would be approximately 20 people. All our drivers will be CRB checked and will undergo specialist Tuk Tuk driving Training courses. They will also be fully qualified first aiders. All personnel will not only be licensed but also carry company identification and be uniformed whilst on duty.

Conclusions

We believe that if licensed, both tourists and locals will have a safe, fun and informative tour of our National Capital City.



With rain covers

Limo GT



Vendo/Carro GT



THE NETHERLANDS
(N E D E R L A N D)

EC TYPE-APPROVAL CERTIFICATE

Communication concerning:

- ~~type approval~~⁽¹⁾
- extension of type-approval⁽¹⁾
- ~~refusal of type approval~~⁽¹⁾
- ~~withdrawal of type approval~~⁽¹⁾

of a type of vehicle with regard to Directive 2002/24/EC.

EC type-approval number : e4*2002/24*2479*01

Reason for extension : See documentation

Approval mark : e4*2002/24*2479

0. General :
- 0.1. Make(s) (trade name of the manufacturer) : Tuk Tuk Factory, Tuk Tuk Company, Tuk Tuk, Ecotuk, Eco-Tuk, Tuk-E, E-tuk, Tuxi, TTF, TTC, tripp, Sam-Lor, Thai Tuk, Electric Tuk Tuk, Electuk
- 0.2. Type : XNSTT
- 0.2.1. Commercial name(s) : n.a.
- 0.3. Means of identification of type, if marked on the vehicle : n.a.
- 0.3.1. Location of that marking : n.a.
- 0.4. Category⁽²⁾ : L5e
- 0.5. Name and address of the vehicle manufacturer : Tuk Tuk Factory B.V.
Verrijn Stuartweg 22 P
1112 AX Diemen
The Netherlands



Type-approval number: e4*2002/24*2479*01

0.5.1. Name(s) and address(es) of assembly plant(s) : Tuk Tuk Factory B.V.
Verrijn Stuartweg 22 P
1112 AX Diemen
The Netherlands

The undersigned hereby certifies the accuracy of the manufacturer's description in the attached information document of the vehicle type described above, for which one or several representative samples, selected by the competent approval authorities, has (have) been submitted as prototype(s) of the vehicle type and that the attached test results are applicable to the vehicle type.

The vehicle type meets/~~does not meet~~⁽¹⁾ the technical requirements of all relevant separate Directives (as last amended) listed in the table of Annex I to Directive 2002/24/EC.

The approval is granted/~~refused/withdrawn~~⁽¹⁾.

Place : Zoetermeer

Signature :



Date : 15 November 2010

- Attachments: – Information document, Part 1, 2002/24/EC [XNSTT1_ [01], dated 05 November 2010.
- Test results (Annex VII).
 - Name(s) and specimen(s) of the signature of the persons authorised to sign the certificates of conformity and a statement of their position in the company.
 - A model certificate of conformity.
 - Test report RDW-2002/24-0682

⁽¹⁾ Delete where not applicable.

⁽²⁾ According to the classification introduced in Article 1.

ANNEX VII

TEST RESULTS

(Article 5(1), first subparagraph)

In each case, the information must make clear to which variant and version it is applicable. One version may not have more than one result.

1. Results of the sound level tests.

Number of the base Directive and latest amending Directive applicable to the approval. In the case of a Directive with two or more implementation stages, indicate also the implementation stage:

- n.a.

Variant/version	--	--	--
Moving dB(A)	--	--	--
Stationary dB(A)	--	--	--
at (min ⁻¹)	--	--	--

2. Results of the exhaust emission tests.

Number of the base Directive and latest amending Directive applicable to the approval. In the case of a Directive with two or more implementation stages, indicate also the implementation stage:

- n.a.

Variant/version	--	--	--
-----------------	----	----	----

2.1. Type I:

CO (g/km)	--	--	--
HC (g/km) ⁽¹⁾	--	--	--
NO _x (g/km) ⁽¹⁾	--	--	--
HC + NO _x (g/km) ⁽²⁾	--	--	--

2.2. Type II:

CO (g/min) ⁽²⁾	--	--	--
HC (g/min) ⁽²⁾	--	--	--
CO (% vol) at normal idle speed ⁽¹⁾	--	--	--
Specify the idle speed ⁽¹⁾⁽³⁾	--	--	--
CO (% vol) at high idle speed ⁽¹⁾	--	--	--
Specify the idle speed ⁽¹⁾⁽³⁾	--	--	--
Engine oil temperature ⁽¹⁾⁽⁴⁾	--	--	--

3. Compression ignition engine:

Variant/version	--	--	--
Corrected value of absorption coefficient (m ⁻¹)	--	--	--

⁽¹⁾ Only for motorcycles and motor tricycles and for quadricycles as defined in Article 1, paragraph 3(b).

⁽²⁾ Only for mopeds and for light quadricycles as defined in Article 1, paragraph 3(a).

⁽³⁾ Mention the measurement tolerance.

⁽⁴⁾ Applicable for four-stroke engines only.



This page is intentionally left blank



CARDIFF COUNTY COUNCIL

**STATEMENT OF LICENSING POLICY RELATING
TO HACKNEY CARRIAGE AND PRIVATE
HIRE VEHICLES, OPERATORS AND DRIVERS**

June 2008

CONTENTS

<u>Licence Type</u>	<u>Page</u>
Introduction	3
General Vehicle Standards.	4
Vehicle Testing	4
Licence Plates	4
Fire Extinguisher and Spare Wheels	5
Windscreens and Windows	5
Liquid Petroleum Gas	5
Camera Recording Equipment & GPS Management/Dispatch	6
Hackney Carriage Vehicle Licences	7
Types of Hackney Carriage Vehicles	7
Applications for New Hackney Carriage Licences	8
Accessibility	8
Display of Signs and Advertisements	9
Private Hire Vehicle Licences	11
Display of signs and Adverts	12
Private Hire Operators Licences	14
Hackney Carriage / Private Hire Driver Licences	15
Acceptance of Driving Licences from other EU Member States	16
Driving and Street Knowledge Tests	16
Medical Standards.	17
Guidelines Relating to the Relevance of Convictions	19
Penalty Points System	24

INTRODUCTION

The Council considers all applications and determines them on their individual merits. However in the interests of consistency, openness and fairness the Public Protection Committee has over the years adopted a number of general policies and principles to guide it in its consideration of applications. The details of the policies and principles applicable to hackney carriage and private hire operators, drivers and vehicles are laid out in this document. The main principle adopted by the licensing authority in respect of hackney carriage and private hire licensing is that the safety of the public is paramount. The authority will expect all those involved in the business of hire and reward to be fit and proper persons who will ensure that vehicles they use are well maintained and able to be used in safety and comfort by fare paying passengers.

Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

In setting out its policy, the licensing authority seeks to promote the following objectives:

- (i) Protecting the health and safety of the public.
- (ii) Protection of the environment.
- (iii) Provision of an efficient and effective public transport service equally available to all sections of the community.
- (iv) Provision and maintenance of a professional and respected hackney carriage and private hire trade.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives.

As hackney carriage and private hire licensing matters are constantly evolving, the Public Protection Committee is frequently required to amend or update its policy and these changes may not be immediately reflected in this policy document. Although the authority will deal with each matter on its merits it will have regard to its policies in determining applications.

The licensing authority is determined to be as open as possible in its decision making and provide the trade with a voice in the decisions which affect them and as a matter of Policy the Committee have agreed that draft reports should be shared with the hackney carriage and private hire trade prior to consideration to provide an opportunity for comment.

1. GENERAL VEHICLE STANDARDS.

- 1.1 In the interests of public protection only vehicles approved by the authority may be used as either hackney carriage or private hire vehicles. All vehicles must be presented for inspection when and where required, and must comply with all current statutory requirements for road vehicles and meet the conditions and requirements imposed by the licensing authority.
- 1.2 All vehicles must be fitted with a right hand drive and four doors. No fittings, except those approved by the Council shall be attached to the inside or outside of the vehicle
- 1.3 The licensing authority maintains a list of suitable vehicle types. To ensure that vehicles are safe and comfortable Purpose Built Type Vehicles must be approved following inspection by the Public Protection Committee prior to use in Cardiff as of a type suitable for use as a hackney carriage. Classification of vehicles as Prestige is a matter for the Committee. Applications are considered on their merits taking into account accessibility, external appearance, internal passenger space, passenger comfort, quality of interior and luggage space.

1.4 Vehicle Testing

All vehicles must be tested in accordance with the standards required by the Authority. All vehicles will require a MOT Inspection Certificate as well as a Declaration of Fitness to test additional items not included in the MOT. Both must be from a VOSA approved MOT testing station within the City of Cardiff.

A MOT certificate and Declaration of Fitness will be required to support any application for a licence.

- (a) Vehicles under the age of 4 years from date of first registration will be tested annually and on passing the test will be issued with a 12 month licence.
- (b) Vehicles over the age of 4 years from date of first registration will require a test every 6 months and on passing the test will be issued with a 6 month licence.
- (c) Vehicles which the Council recognises as purpose-built vehicles will be subject to annual licensing and testing up to a maximum age limit of 10 years.

All vehicles must meet the colour requirement. If the vehicle has been re-sprayed this must be done professionally including the boot, door edges and frames.

On failure a further test appointment should be made immediately in which case the authority will guarantee to book a re-test within 7 days.

A valid test certificate will only be accepted if it is produced in support of an application within 28 days of its issue and the vehicle must not have covered more than 2000 miles since the certificate was issued.

1.5 Licence Plates

- (i) Vehicle plates must be fitted on the outside rear of the vehicle in a clear and conspicuous manner either directly above or directly below or directly to the left or right hand side of the vehicle registration number plate.

- (ii) The plate must be securely fixed directly onto the vehicle by either nuts and bolts, self tapping screws or rivets, or indirectly by means of a bracket that is similarly fixed to the vehicle.
- (iii) The interior plate shall be fixed on the inside of the vehicle in such a position as to be easily observed by the passengers.
- (iv) External plates shall be returned to the Council on the expiry of a Licence. A returnable deposit will be charged and a charge will be made for any replacement plates.

1.6 Fire Extinguisher and Spare Wheels

- a) A fire extinguisher in good condition should be carried in an easily accessible position on the vehicle.
- b) Unless the vehicle is fitted by the manufacturers approved run flat tyres or has an emergency tyre repair kit, a spare wheel of full or compact design in good condition must be carried together with the appropriate tools to change a wheel.
- c) If the vehicle has to be used with a space saver spare wheel fitted to complete a hiring, it may not be used for any further hiring's until the wheel has been replaced.
- d) Where a tyre has been repaired using an emergency tyre repair kit to complete a hiring, the vehicle shall not be driven at a speed or distance that exceeds the manufacturer of the repair kit's instructions. The vehicle may not be used for any further hirings until the tyre is repaired or replaced and a replacement repair kit is purchased.

1.7 Windscreens And Windows

Windscreens and Windows must be in a good clean condition and free from damage. The windscreen must allow at least 75% of light to pass through with all other windows allowing 70% of light to pass through Vehicles will not have further darkened glass without the written permission of the Council

1.8 Liquid Petroleum Gas

The Committee has approved the conversion of licensed vehicles to dual fuel vehicles, subject to a requirement that such conversions be undertaken by companies who provide a certificate confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice. The conversion of a licensed vehicle must not compromise the existing access arrangements for the carrying of a spare wheel, and there should remain sufficient space for adequate luggage or a folded wheelchair to be carried.

1.9 Camera Recording Equipment and GPS Management & Dispatch Systems

1.9.1 Interior CCTV equipment of a type previously approved by the Authority may be fitted in accordance with the manufacturer's instructions, subject to:

- a) a sign indicated that recording equipment is in use being clearly displayed within the vehicle, and;
- b) all images downloaded from the camera being made available to the Police and Authorised Officers, upon request.

1.9.2 A GPS taxi management & dispatch system consisting of a mobile vehicle data head and a central dispatch system, of a type approved by the City of Cardiff Council, may be fitted in accordance with the manufacturer's instructions. The GPS system is not a taximeter.

In Hackney carriage vehicles it can be used alongside the vehicle's approved taximeter but must not replace it.

1.9.3 Forward facing CCTV cameras with the purpose of recording accidents and protecting against motor insurance fraud can be fitted in the vehicle providing the following criteria are met:

- a)The camera is forward facing only and cannot be adjusted to view the interior of the vehicle;
- b)The system is not capable of audio recordings;
- c)The data is encrypted and kept in a lockable unit;
- d)The system is installed and maintained in accordance with the manufacturer's instructions.

2. HACKNEY CARRIAGE VEHICLE LICENCES

*[Legislation – Local Government (Miscellaneous Provisions) Act, 1976 Part III
Town Police Clauses Act, 1847
Transport Act, 1985]*

2.1 In the interests of public safety an applicant for a hackney carriage vehicle licence is required to:

- Complete an application form
- Provide the DVLA V5 registration document or Bill of Sale if the V5 is not available and this is the first time of licensing.
- Provide a Certificate of mechanical inspection for the vehicle
- Provide a current MOT Certificate
- Provide a current certificate of insurance for public hire
- Provide a valid Meter Test Certificate
- Pay the appropriate fee.

2.2 Types of Hackney Carriage Vehicles.

Vehicles will only be licensed if they are of a type suitable for use as a hackney carriage. As a general guide the types of vehicle approved by the authority are:

Saloon and MPV Hackney Carriages – a list of approved vehicles is maintained at the Licensing Office. Such vehicles may only be used to replace existing licensed saloon type vehicles i.e. those with a licence plate number 1 to 400. The vehicles must be coloured black with a white bonnet. In the case of applications for minibus type vehicles, in calculating passenger capacity, only one seat in the front row should be utilised for the conveyance of members of the public, so as to ensure the safety and comfort of both the public and the driver.

Prestige Hackney Carriages – these are saloon or MPV type vehicles which are considered to be of a higher specification following inspection by Public Protection Committee Members. The fact that they are considered to be prestige type vehicles will be indicated on the list of approved vehicle types maintained at the Licensing Office. They must be black with a white bonnet.

Purpose Built Hackney Carriages – these are vehicles which have been specifically manufactured or adapted as hackney carriage vehicles which are able to carry a passenger in a wheelchair. Such vehicle types must be used to replace existing vehicles from licence plate number 401 onwards. They must be black with a white bonnet. Purpose built vehicles include those such as London Cabs which additionally meet the Metropolitan Police Conditions of Fitness, these may be all black and do not need to have a white bonnet but must be fitted with an approved Central Door Locking System. Only purpose built hackney carriage type vehicles which are under 3 years of age will be accepted for the grant of a new hackney carriage vehicle licence.

Consideration for approval as purpose built will only be given to vehicles possessing either EC Whole Vehicle type approval, or UK Low Volume type approval for use as passenger carrying motor cars.

The different requirements for each of the vehicle types is detailed in the following table:

Specification	Type of Hackney Carriage		
	Saloon Car	Prestige Vehicle	Purpose Built
Maximum age at first application	25 months	Under 10 years	Under 10 years
Maximum permitted age	6 years	10 years	10 years
Age at which it may be annually tested	Under 4 years	Under 4 years	N/A
Headroom Required	Over 32 inches	Over 32 inches	N/A
Rear Leg room Required	Over 30 inches	Over 30 inches	N/A
Rear Seat Depth Required	Over 18 inches	Over 18 inches	N/A
Rear Seat Width Required	Over 54 inches	Over 54 inches	N/A

2.3 Applications for new Hackney Carriage Licences

The licensing authority has not set any restrictions on the number of hackney carriages it will licence in accordance with the best practice advice provided by the Department of Transport (DfT), which recognises that the imposition of quantity restrictions often results in a premium on vehicle licences which prevents operators entering into the taxi market. The DfT state “This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.” In respect of applicants for the grant of a new hackney carriage vehicle licence the grant of a licence will be subject to the following conditions:-

- (i) the vehicle must be less than three years old and of a type approved by the Authority as a purpose built hackney carriage; and
- (ii) the vehicle must not be used by a driver that is currently not licensed by Cardiff County Council.

Once granted a licence the vehicle can only be replaced with a purpose built type vehicle.

2.4 Accessibility

The Government continue to work on proposals which are aimed to substantially improve taxi provision for people with disabilities. The government’s proposals to implement the taxi provisions of the Disability Discrimination Act 1995 involve splitting implementation into two phases.

The authority is aware that it is ultimately the Department for Transport's intention to make taxi accessibility regulations under the Disability Discrimination Act 1995. The regulations will be to meet a broad range of disabled people's needs and will target those areas where accessible taxis are likely to make the biggest impact in meeting disabled people's needs and where additional cost will not have a major detrimental effect. These are to be the "first phase" licensing authorities and Cardiff is included. The authority approves the DfT's guidance in relation to the use of hackney carriages, in particular the importance that "a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible." The authority will encourage the use of wheelchair accessible vehicles while maintaining a mixed fleet of vehicles.

2.5 Display of signs and advertisements

In the interests of maintaining standards which the public would expect of a licensed hackney carriage no signs or advertisements, except those approved by the Council shall be attached to the inside or outside of a vehicle. The following conditions apply.

A. Hackney Carriage Saloon Cars

- (a) Exterior advertising is permitted on the outside front door panel, provided it does not exceed the dimensions of the panel, and is restricted to one advertisement only with no other form of advertising displayed on the exterior of the vehicle.
- (b) Rear windscreen advertising in the form of transparent "innervision" type signs not exceeding 8 inches in depth are permitted provided no other form of advertising is displayed on the vehicle.
- (c) External advertising in the form of hubcap display is approved subject to the advertisement being approved by the authority, in writing, prior to its use and that the hub cap display and any other advertisement on the vehicle being for the same single product or service.
- (d) External advertising in the form of illuminated roof sign permanently affixed to the vehicle is approved subject to the advertisement being approved by the authority, in writing, prior to its use.

B. Hackney Carriage Purpose Built Vehicles

- (a) Exterior advertising is permitted on the outside front door panels provided it does not exceed the dimensions of the door panel and is restricted to one advertisement only, with no other form of advertising displayed on the exterior of the vehicle.
- (b) Exterior advertising is permitted on the double doors of purpose built Hackney Carriage Vehicles provided only one advert covers both doors, does not exceed the dimensions of the two door panels with no other form of advertising displayed on the exterior of the vehicle.
- (c) Rear windscreen advertising in the form of transparent "innervision" type signs not exceeding 8 inches in depth are permitted provided no other form of advertising is displayed on the vehicle.

- (d) Interior advertising is permitted on the underside of the drop seats and must not exceed 14" x 14" in size.
- (e) Interior advertising on the interior bulkhead panel is permitted and must not exceed 39" x 4".
- (f) 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.
- (g) External advertising livery for one product is permitted on the whole sides of the vehicle in superside or megaside format subject to the advertisement being approved by the authority, in writing, prior to its use.
- (h) External advertising in the form of hubcap display is approved subject to the advertisement being approved by the authority, in writing, prior to its use and that the hub cap display and any other advertisement on the vehicle being for the same single product or service.
- (i) A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle, provided that the screen shall not be within the vision of the driver of the vehicle, one slide must indicate that the advertisements will be switched off at the request of a passenger, and subject to each individual advertisement being approved by the Authority, in writing prior to its use. This condition applies to the purpose built vehicles which meet the Metropolitan Police Conditions of Fitness.
- (j) External advertising in the form of illuminated triangular roof signs permanently affixed to the vehicle by means of bolts through the roof is approved subject to the advertisement being approved by the authority, in writing, prior to its use.

All advertisements must conform with the standards of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, alcohol or matters of a sexual nature.

An external sign may be placed on the bonnet of a Hackney Carriage which displays the words 'Out of Town Journeys Charged on the Meter' in black lettering on a gold background.

- 2.6 The licensing authority has established Hackney Carriage Byelaws and standard licence conditions which must be complied with.

3. PRIVATE HIRE VEHICLE LICENCES

*[Legislation – Local Government (Miscellaneous Provisions) Act, 1976 Part III
Town Police Clauses Act, 1847, Transport Act, 1985]*

3.1 The applicant for a private hire vehicle licence is required to:

- Complete application form
- Provide DVLA registration document or Bill of Sale
- Provide a Certificate of mechanical inspection for the vehicle
- Provide a current certificate of insurance for hire and reward use
- Provide a current MOT Certificate
- Provide a meter test certificate (if taximeter fitted)

3.2 In the interest of passenger safety and comfort only vehicles which have been approved by the licensing authority will be licensed. The licensing authority maintains a list of vehicles, including those classified as prestige vehicles, which have been approved as suitable for use as private hire vehicles.

3.3 The licensing authority has established standard licence conditions which a licence holder must comply with.

3.4 In the interests of protecting the public the Committee has adopted the following policies:

- (a) Vehicles presented for first time licensing must be under 25 months old, and will not be re-licensed if they are over 6 years old.
- (b) Any vehicle classified by the licensing authority as a Prestige vehicle, when presented for first time licensing must not be more than 10 years old, and will not be re-licensed if more than 10 years old.
- (c) Vehicles under the age of 4 years from date of first registration require an annual test and on passing the test are issued with a 12 month licence.
- (d) Vehicles over the age of 4 years from the date of first registration require a test every 6 months and on passing the test will be issued with a 6 month licence.
- (e) Vehicles will not have darkened glass without the written permission of the Council
- (f) To clarify the position in the case of applications for minibus type vehicles, in calculating passenger capacity, only one seat in the front row should be utilised for the conveyance of members of the public, so as to ensure the safety and comfort of both the public and the driver.
- (g) No fittings or signs, except those approved by the Council may be attached to the inside or outside of the vehicle.
- (h) Where the registered name of the company includes the word “cab” or “taxi” then the word “private hire” must also be displayed in letters not less than 2 inches in height.

3.5 Vehicles may be of any colour other than that adopted for hackney carriages, so they may **NOT** be black with a white bonnet, but they must be of a uniform colour as described in the vehicle V5 registration document.

- 3.6 To avoid confusion about the nature of a private hire vehicle, vehicles type approved as purpose built hackney carriages which do not meet the Metropolitan Conditions of Fitness are approved for licensing as private hire vehicles subject to the condition that they should be any single colour other than black.
- 3.7 In respect of ambulance type vehicles the licensing authority has agreed for a period of five years ending in January 2013, to remove the age limit requirement for any specially adapted private hire vehicle used only to provide school transport on a contract with Cardiff Council.
- 3.8 Display of signs and advertisements

In the interests of ensuring the standards expected by the public no signs or advertisements, except those approved by the Council shall be attached to the inside or outside of the vehicle. The following conditions apply:-

- (a) Exterior advertising is permitted on the outside rear door panel provided it does not exceed the dimensions of the panel and is restricted to one advertisement only with no other form of advertising displayed on the exterior of the vehicle.
- (b) Visor and rear screen signs are permitted subject to the following:-
- (i) they must not exceed 4½ inches in depth;
 - (ii) the lettering must not exceed 3½ inches in height;
 - (iii) in addition to the name of the company, the telephone may be displayed; and
 - (iv) neither the front or the rear screen sign to be illuminated.
- (c) Where the registered name of the company includes the words “Cab” or “Taxi” in any sign the words “Private Hire” must also be displayed in letters not less than 2 inches in height. Where the registered name is more than 2 inches in height, the words “Private Hire” must be of an equal size to the registered name.
- (d) All advertisements must conform with the standards of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, alcohol or matters of a sexual nature.
- (e) A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle provided that the screen shall not be within the vision of the driver of the vehicle, one slide must indicate that the advertisements will be switched off at the request of a passenger, and subject to each individual advertisement being approved by the Authority, in writing, prior to its use.
- 3.9 The display of identification plates and badges is important in terms of protecting the public and the taxi trade. However, it is recognised that there are limited occasions, such as the operation of chauffeured, executive and limousine vehicles, where identification of the vehicle may have a negative effect both in terms of customer

safety and commercial considerations. The licensing authority may grant, or revoke, an exemption from the display of the external plate, and the use of darkened glass, in respect of vehicles operated solely as chauffeured, executive and limousine vehicles. Each application will be judged on its own merits.

4. PRIVATE HIRE OPERATORS LICENCES

[Local Government (Miscellaneous Provisions) Act 1976]

- 4.1 The Committee considers licences in respect of operating premises within the City and County of Cardiff and issues licences for a maximum of 12 months duration. A licence will not be issued in respect of premises outside the City of Cardiff to ensure that proper regulation and enforcement measures may be taken by the authority. Licences will only be issued to those persons who are considered to be fit and proper persons to provide a private hire vehicle booking service.
- 4.2 An Operator may only make use of drivers and vehicles licensed by Cardiff licensing authority. An Operator should ensure that all drivers and vehicles to which booking are allocated comply with all licence requirements laid down by the Local Authority.
- 4.3 A licence may not be transferred to any other person.
- 4.4 The licensing authority has approved standard conditions of licence have been approved which the licence holder must comply with.
- 4.5 The licensee shall provide and keep a suitable register in which he shall enter before the start of each journey, the following particulars for each contract of hire:-
 - (a) The time of hire.
 - (b) The pick-up point.
 - (c) The place of destination.
 - (d) The name of the hirer.
 - (e) The licence number and registration number of the vehicle used.
 - (f) The details of the driver.
- 4.6 Records shall be kept for a minimum of six months, be in a chronological order and must be produced on request to an authorised officer of the Council or a police constable for inspection.
- 4.7 The licensee shall provide details of the premises from which the private hire business will be carried on and must satisfy the Council that the premises comply with the relevant statutory requirements. In particular the licensee shall obtain any necessary planning permission for the premises used in connection with the business of operating private hire vehicles, and shall not engage in or allow or permit such operation until the necessary planning permission has been obtained.
- 4.8 The licensee shall provide and keep a suitable register in which he shall enter for each vehicle under his ownership details of make of vehicles, registration number, date of purchase, alterations in design or construction, date of sale/destruction, name and address of new purchaser and shall produce the same for inspection on request by an authorised officer of the Council or by a police constable.

5. HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCES

*[Legislation – Local Government (Miscellaneous Provisions) Act, 1976 Part III
Town Police Clauses Act, 1847
Transport Act, 1985]*

- 5.1 The licensing authority requires both hackney carriage and private hire drivers to meet the same standard and issues a licence which permits the holder to drive both hackney carriage and private hire vehicles. Applicants will be expected to be a minimum of 21 years of age and a licence will be issued for a maximum of one year. Relevant byelaws and conditions made by the Council in respect of the carriage of passengers for hire and reward must be complied with.
- 5.2 An applicant for the grant of a licence is required to:
- a) complete an application form;
 - b) provide evidence of having passed a DSA driving test;
 - c) provide evidence of having successfully undertaken the Level 2 BTEC national course “Introduction to the Role of the Professional Taxi and Private Hire Driver.”
 - d) provide evidence of eligibility to work in the UK.
 - e) provide evidence of medical fitness;
 - f) provide a current DVLA driving licence;
 - g) provide a print-out from the DVLA on their driving history;
 - h) produce current passport sized identity photographs;
 - i) provide proof of identity;
 - j) authorise a check on their criminal conviction history;
 - k) pay the grant application fee;
 - l) pass a street knowledge test; and
 - m) undertake a Disability Awareness training course within 3 months of being issued a licence.

An applicant for renewal of a licence is required to:-

- a) be the current holder of a licence;
- b) complete an application form;
- c) produce their existing photographic identity badges;
- d) provide a current DVLA driving licence or DVLA print-out; and
- e) pay the renewal application fee.

An applicant who has held a licence in the previous 12 months:-

- a) complete an application form;
- b) produce their previous photographic identity badges;
- c) produce current passport sized identity photographs;
- d) provide a current DVLA driving licence;
- e) provide a DVLA print-out;
- f) authorise a check on their criminal conviction history;
- g) pay a renewal application fee; and
- h) provide evidence of satisfactorily completing a Disability Awareness Training Course.

An applicant for a triennial renewal has to meet all the requirements of a renewal applicant and in addition they must:-

- a) provide a DVLA print-out; and
- b) authorise a check on their criminal conviction history.

5.3 Acceptance of Driving Licences from other EU Member States

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department for Transport takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State. In addition, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act.

All licensed drivers must therefore have held a full (not provisional) DVLA, Northern Ireland or European Economic Area (EEA) State driving licence for a minimum of twelve months. The EEA states are:

Austria	Belgium	Bulgaria
Cyprus	Czech Republic	Denmark
Estonia	Finland	France
Germany	Greece	Hungary
Iceland	Ireland	Italy
Latvia	Liechtenstein	Lithuania
Luxembourg	Malta	Netherlands
Norway	Poland	Portugal
Romania	Slovakia	Slovenia
Spain	Sweden	United Kingdom

5.4 Driving and Street Knowledge Tests

Hackney Carriage and Private Hire Vehicle Drivers have a special responsibility for the safe transportation of fare paying passengers. The licensing authority requires first time applicants or applicants who have not held a licence for the previous twelve months to pass a Driving Standards Agency taxi driving test and a street knowledge test. Drivers need to have a good working knowledge of the area for which they are licensed, especially in a complex urban area such as the City of Cardiff. The Council has determined that in order to determine that applicants are 'fit and proper' they must have an effective knowledge of the local topography and are required to undertake:

- (i) a written knowledge test covering prominent locations and conditions which attach to the licence; and
- (ii) an oral test consisting of questions on 15 different routes to test an applicants knowledge of the geographical area.

5.5 Medical Standards.

Current best practice advice on the medical fitness of drivers is contained in the booklet “Medical Aspects of Fitness to Drive” published by the Medical Commission on Accident Prevention in 1995 as a guide to Medical Practitioners. The licensing authority accepts the recommendation that the ‘Group 2’ medical standards applied by the DVLA in relation to bus and lorry driver’s, should also be applied by local authorities to taxi drivers. These standards are higher than for private motorists as professional vocational drivers spend substantially longer at the wheel so the risk of sudden illness occurring when at the wheel is greater.

In light of the Secretary of State’s Honorary Medical Advisory Panel on Diabetes Mellitus and Driving recommendations the authority will apply the C1 standards to hackney carriage and private hire drivers with insulin treated diabetes. Applicants for the grant of a driver’s licence or those licensed drivers who are or become insulin dependant diabetics, where they have good diabetic control and who have no significant complications, will be treated as "exceptional cases" and have their application for a licence considered on the individual merits.

- 5.6 The authority requires all applicants to disclose full details of their criminal history. An enhanced disclosure check will be required through the Criminal Records Bureau. All spent or unspent convictions disclosed are considered by the Committee. In considering these matters the Committee has adopted the following policy guidance.

5.7 Guidelines Relating to the Relevance of Convictions

It is the responsibility of the licensing authority to ensure that those who are granted licences as Hackney Carriage / Private Hire Vehicle Drivers are fit and proper persons to carry out that role. An applicants criminal background will therefore be checked as a part of the application determination procedure using the Criminal Records Bureau (CRB) Disclosure service. The authority complies fully with the CRB Code of Practice.

It is the general policy of the licensing authority to treat all applicants for hackney carriage and private hire driver’s licences fairly and not discriminate unfairly against any applicant on the basis of an irrelevant conviction or other information revealed during the application process. The Licensing Authority is committed to the fair treatment of all applicants in accordance with its Equal Opportunities policy.

In support of this general position the licensing authority had adopted the following policy to provide guidance to applicants for hackney carriage and private hire drivers licences.

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Licensing Authority when determining whether or not an

applicant or an existing licence holder is a fit and proper person to hold a hackney carriage / private hire driver's licence.

- 1.2 The aim of the policy is to protect the safety of the public. It has regard to the nature of the Council's locality and, in particular, the type of journey that may be undertaken by a vulnerable passenger.

2. General

- 2.1 In the policy set out below, the Licensing Authority is Cardiff Council. References to the Committee are to the Public Protection Committee of Cardiff Council, or such other Committee as may be appointed from time to time to discharge the Council's functions relating to the licensing of hackney carriage and private hire vehicle drivers.

- 2.2 Under the provisions of Sections 51 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage / private hire driver's licence is a fit and proper person to hold such a licence. When processing a licence application the Licensing Authority will make a check on an applicant's criminal record. A criminal record does not necessarily mean that a licence will not be issued. However, any convictions, warnings, cautions or charges awaiting trial, will be considered on the basis of:

- How relevant the offences are to the licence being applied for
- How serious the offences were, and
- How recent they were

- 2.3 Section 61 of the Act allows the Licensing Authority to suspend, revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle if convicted of an offence involving dishonesty, indecency, violence, failure to comply with the provisions of the Town Police Clauses Act 1847, or any other reasonable cause.

- 2.4 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Council to take into account all convictions recorded against an applicant, or the holder of a private hire or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

- 2.5 It is a condition of the grant of a hackney carriage / private hire driver's licence that the holder reports any convictions, pending charges or simple or conditional cautions issued by the police, to the Licensing Authority without delay.

3. Delegation Arrangements

- 3.1 The grant or renewal of an application for a hackney carriage / private hire driver's licence will normally be delegated to an authorised officer of the Licensing Authority.
- 3.2 Where an applicant for a new licence has been convicted of a relevant offence (for example one involving dishonesty, anti-social behaviour, violence, a serious driving offence or a breach of a licence condition) within a period of five years prior to the date of application, the application will be referred to the Public Protection Committee for determination. A relevant offence resulting in a simple or conditional caution or a fixed penalty notice may not be referred to the Committee. However, applicants who have been convicted of, or cautioned simply or conditionally by the police for dishonesty, indecency or violence, or have a history of repeat offending prior to that period will be referred to the Committee.
- 3.3 A driver holding a valid hackney carriage / private hire driver's licence issued by Cardiff Council, who is convicted of an offence of dishonesty, indecency, violence, failure to comply with the statutory provisions, or any other reasonable cause falling during the period of the licence, shall be requested to appear before the Committee. "Reasonable cause" will include offences under licensing legislation and may include a breach of byelaws, or private hire driver conditions, or vehicle licence conditions. The Committee may then exercise its powers to suspend, revoke or refuse to renew the licence.
- 3.4 In the case of a renewal application, where the Public Protection Committee has already considered a conviction on a previous occasion and decided to grant a licence, the conviction will not be brought to the attention of the Committee again without reasonable cause.
- 3.5 The Operational Manager (Licensing and Strategic Services) may decide not to refer an application to the Public Protection Committee if an applicant has been convicted of, or cautioned for, a relatively minor criminal offence and has demonstrated a period of rehabilitation in excess of 3 years prior to the date of application.
- 3.6 Where the holder of a hackney carriage / private hire drivers' licence is charged with an offence which may lead to the licence being revoked, officers of the council have been delegated authority to suspend the licence. In such case the matter will be referred to the earliest available meeting of the Public Protection Committee in order to determine whether or not the licence should continue to be suspended. The discretion to reinstate a suspended licence lies with the Committee.

4. Convictions, Breaches of Condition and Alleged Offences

- 4.1 The information set out below is not exhaustive, nor is it in any order of priority. It is intended as a guide to applicants on how the Committee may

determine the degree of weight to give to a conviction, prior to reaching a conclusion about the case before them. As a general principle:

- i) each case will be determined on its own merit, and;
- ii) the overriding consideration will be the protection of the public, and;
- iii) where there is evidence causing significant doubt about the fitness or appropriateness of an applicant or licence holder, the Public Protection Committee will exercise the precautionary principle and refuse the application, or revoke the licence.

Minor Driving Offences

- 4.2 A conviction for a minor driving offence, for example one incurring no more than 3 penalty points, will not usually result in refusal or revocation and will not be referred to the Committee. A driver may be referred to the Committee where there is a pattern of repeat offending over a longer period of time.

Major Driving Offences

- 4.3 A conviction for a major driving offence, for example one incurring between 4 and 11 penalty points, will normally result in a written warning as to future driving conduct. Drivers will be advised on the required standards. In the case where an applicant or licence holder has more than one conviction for this type of offence within a period of five years ending with the date of conviction of the second offence, the matter will be referred to the Public Protection Committee. The Committee will have regard to any previous convictions and may determine to refuse an application or revoke a current licence. In the case of an offence involving vehicle insurance an applicant will be required to demonstrate the ability to obtain insurance covering hire and reward

Breach of Licence Condition

- 4.4 The holder of a hackney carriage driver's / private hire driver's licence found by an authorised officer of the Licensing Authority, or a police officer, to be in breach of licensing legislation or licence conditions will be warned in writing as to future conduct, provided that the breach did not put the safety of passengers or the public at risk.
- 4.5 The Public Protection Committee may revoke a hackney carriage / private hire driver's licence where the holder has been convicted of a serious breach of licence law.

Disqualification from Driving (excluding Drink/Drive Offences)

- 4.6 In paragraphs 4.7 to 4.10 below, the Licensing Authority will treat a period of a disqualification as being that which a driver would have been eligible to serve, and will disregard the decision of a court to waive or reduce a disqualification period either on the grounds of exceptional hardship under

S.35 of the Road Traffic Offenders Act 1988 or for "special reasons" under S.34 of the Road Traffic Offenders Act 1988.

- 4.7 Where a recent conviction has resulted in a short period disqualification (less than 56 days), an application is unlikely to be granted unless a period of at least 6 months has elapsed from the end of the disqualification period. This 6-month period may be reduced, at the discretion of the Committee where an applicant has successfully completed further recognised driver training and testing since the disqualification ended.
- 4.8 If sufficient penalty points have accrued within a three year period under the "totting up" system to cause or merit disqualification for a period not exceeding 12 months, an application for a private hire or hackney carriage driver's licence is unlikely to be granted within a term of 12 months following the end of a disqualification period. This 12-month period may be reduced at the discretion of the Committee where an applicant has successfully completed further recognised driver training and testing since the disqualification period ended.
- 4.9 The Licensing Authority is unlikely to grant an application for a private hire or hackney carriage driver's licence for a period of three years following the ending of a disqualification exceeding 12 months. The three-year period may be reduced to no less than 12 months at the discretion of the Public Protection Committee where an applicant has successfully completed further recognised driver training and testing since the disqualification ended.
- 4.10 The Licensing Authority will not normally entertain an application for a private hire or hackney carriage driver's licence from a person who has been disqualified from driving for a period of 5 years or more.

Driving Under the Influence of Alcohol or Drugs

- 4.11 Disqualification from driving following a conviction for driving, or being in charge of a vehicle, whilst under the influence of drugs or alcohol, will be considered more serious than a disqualification under paragraphs 4.7 and 4.8 above. A single conviction is unlikely to result in an application being refused, provided that at least three years have elapsed since the ending of the disqualification. A conviction for 'refusing or failing to provide a specimen when asked' may be treated in the same way.
- 4.12 At least five years should elapse following the end of a disqualification period before an application from an applicant with more than one conviction for such an offence is likely to be granted. A special medical examination may be required before an application is considered. Where an applicant is found to be in need of medical treatment, a period of five years shall elapse, after successful treatment, before a further application is likely to be granted.

Drug Related Offences

- 4.13 An applicant with a conviction for possession of an illegal substance is likely to be required to show a period of at least five years free of conviction before an application is granted. If the applicant has received treatment for addiction, then the period shall be five years following successful detoxification treatment.
- 4.14 The Licensing Authority is unlikely to grant an application from a person convicted of any offence involving the supply of illegal substances to others unless a period of at least 10 years free from criminal conviction has elapsed.

Drunkenness (Not in a Motor Vehicle)

- 4.15 An isolated conviction for drunkenness is unlikely to result in an application being refused or a licence being revoked, provided it is not associated with other criminal conduct.
- 4.16 More than one conviction for drunkenness may indicate a medical problem necessitating a medical report. If an applicant is assessed as being alcohol dependant, a period of three years following successful treatment shall elapse before a further licence application is considered. A current licence holder may have his or her licence suspended pending the outcome of the medical report. A medical report confirming alcohol dependency will result in revocation of a licence.

Indecency and Other Sexual Offences

- 4.17 The Licensing Authority will not normally grant an application from a person convicted of, or cautioned simply or conditionally for, any offence involving sexual misconduct including indecent exposure, indecent assault, soliciting or any other serious sexual offences until a substantial period (at least three to five years) free of such offences has elapsed. Regard will be given also to any other relevant information disclosed at the Chief Police Officer's discretion.

Violence

- 4.18 The Licensing Authority is unlikely to grant an application from a person convicted of an offence involving the use of violence resulting in actual bodily harm, grievous bodily harm, wounding, or assault, unless at least five years free of such convictions can be demonstrated. A licence holder convicted of such an offence may have his or her licence revoked.
- 4.19 The Licensing Authority is unlikely to grant an application from a person convicted of an offence involving the use of violence or threatening behaviour towards a police officer.
- 4.20 The Committee will normally revoke a private hire or hackney carriage driver's licence where the holder has been convicted of an offence involving obstruction to, or making a false statement to, or the use of violence or threatening behaviour towards, a police officer or an authorised officer of the Licensing Authority carrying out his or her duty.

Dishonesty

- 4.21 The Licensing Authority is unlikely to grant an application from a person convicted of an offence involving dishonesty unless at least three years free of such convictions can be demonstrated. The Committee may still refuse the application unless the applicant can provide references from at least two trusted sources such as an employer, or probation officer, in support of the application.

Repeat Offending

- 4.22 The Licensing Authority is unlikely to grant an application from a person with a record of persistent offending, where the record shows a lack of regard for the well being of others or for property, unless a period of at least ten years has elapsed since the most recent conviction. The Committee may still refuse the application unless the applicant can provide character references from at least two trusted sources such as an employer, or probation officer, in support of the application.

5. Probationary Licences

- 5.1 The Committee may grant a ‘probationary’ licence for a period of less than 12 months provided there is reasonable justification to do so.

6. Overseas Residents

- 6.1 If an applicant has spent six continuous months or more overseas the Licensing Authority will expect to see evidence of a criminal record check from the country or countries covering that period.

7. Licences Issued By Other Authorities

- 7.1 Where an application for a hackney carriage / private hire driver’s licence has been referred to the Public Protection Committee for determination with regard to this policy, and the applicant already holds such a licence granted by another local authority, the guidance in this policy shall take precedence over any decision of another authority.

8. Appeals

- 8.1 There is no direct appeal against the imposition of penalty points under the Council’s non-statutory scheme. However any person aggrieved by a decision of the Committee to revoke, suspend or refuse to grant a driver’s licence or by any conditions attached to the grant of a licence, may appeal to the Magistrates’ Court within 21 days of notification of the decision. The penalty imposed would normally be suspended until the appeal was determined or abandoned however in exceptional circumstances the licensing authority may determine that a penalty should have effect until the appeal is determined.

5.8 Penalty Point System

The Licensing Committee agreed to introduce a Penalty Point system to be utilised in the event of misconduct by licensed Hackney Carriage/Private Hire Drivers. As a consequence the Licensing Committee defined guidelines for the administration of the system and resolved that:

- (1) the categories of offences, together with the range of penalty points listed below be adopted as guidelines, and each matter be considered on its merits and depend upon the circumstances surrounding each case:

(a)	<u>Assault</u>	<u>Points Range</u>
	(i) Involving fellow drivers	1-4
	(ii) Involving members of the public	4-8
(b)	<u>Harassment</u>	
	(i) Involving fellow drivers	1-4
	(ii) Involving members of the public	4-8
(c)	<u>Deception</u>	
	(i) Involving fellow drivers	1-4
	(ii) Involving members of the public	4-8
	(iii) Not wearing a badge	2
(d)	<u>Abuse</u>	
	(i) Involving fellow drivers	1-4
	(ii) Involving members of the public	4-8
(e)	<u>Obstruction</u>	
	(i) Involving fellow drivers	1-4
	(ii) Involving members of the public	4-8
(f)	<u>Persistent receipt of Stop Notices</u>	
	(i) 3 or more in 3 months	1-4
	(ii) Defective vehicles with the following:-	4-8
	(a) Bald tyres	
	(b) Lights	
	(c) Dangerous parts and accessories	
(g)	<u>Persistent Contravention of Conditions</u>	
	(i) 3 or more in one month	4-8

- (2) the accumulation of ten or more points in any three years will normally result in the revocation of the licence.
- 5.9 As a matter of policy in exceptional circumstances the licensing authority may consider it is in the public interest to suspend or revoke a licence with immediate effect.

This page is intentionally left blank

SPECIAL CONDITIONS FOR PRIVATE HIRE LICENSED TUK TUKS



Throughout this document, any reference to 'vehicle' refers to Tuk tuk.

Part 1: Tuk Tuk Private Hire Operator Licence Conditions

In addition to Cardiff Council's standard Private Hire Operator Conditions, the following conditions apply to Tuk tuk operators:

1. a)The proprietor must submit a Business Plan (which must include all pick up and drop off points) and a Passenger Risk Assessment statement to the council's Licensing Section.

b)Written approval of routes/tours detailed in the Business Plan must be received from the Council's Licensing Section prior to operation of the business.

c)The proprietor must only operate within the scope of the approved business plan. Any changes to the business model will require written approval from the Council's Licensing Section.
2. All passengers must receive a safety briefing from an experienced and fully trained licenced driver or staff member immediately before the commencement of any journey in a Tuk tuk.

Part 2: Tuk Tuk Private Hire Vehicle Licence Conditions

Please note these conditions replace the standard Private Hire Vehicle Licence conditions

1. Tuk tucks are only permitted to be booked for sightseeing routes approved by Cardiff Council, and approved private tours. They are not permitted to be used for general private hire use.
2. All vehicles must be presented for inspection when and where required, and must comply with all current statutory requirements for road vehicles, with the non statutory requirements imposed by the Council and any other legislation that affects the construction and use of Tuk Tuk style vehicles.
3. All vehicles must have either Individual Vehicle Approval or European Community Whole Vehicle Type Approval.
4. The vehicles must be of the type specified in the Council approved Business Plan, without modification to the manufacturer's specification.
5. No more than four passengers to be carried in the vehicle at any one time.
6. Children under 16 years of age are not permitted to travel in the vehicle unless accompanied by an appropriate adult.
7. Licence Plates:
 - a)Vehicle licence plates must be fixed on the outside rear of the vehicle in a clear and conspicuous manner either directly above or directly below or directly to the left or right hand side of the vehicle registration number plate.
 - b)The plate must be securely fixed directly onto the vehicle by either nuts and bolts, self tapping screws or rivets, or indirectly by means of a bracket that is similarly fixed to the vehicle.
 - c)The plate shall be returned to the Council on the expiry of a licence.

9. The driver's badge shall be fixed to the inside of the front windscreen of the vehicle in such a position as to be clearly visible from the front near side of the vehicle by passengers outside the vehicle.
9. No fittings, except those approved by the Council shall be attached to the inside or outside of the vehicle.
10. Signs or advertisements that have received prior approval by Cardiff Licensing Section are only permitted to be displayed on the rear of the vehicle.
11. The proprietor of a Tuk tuk shall:-
 - (i) Cause the roof or covering to be kept watertight;
 - (ii) Cause the seats to be properly cushioned and covered by a water resistant material that is maintained in a sound and clean condition, which may be easily cleaned and dried;
 - (iii) Cause the floor to be provided with a suitable water resistant covering, kept in a sound and clean condition;
 - (iv) Cause the fittings and furniture generally to be kept in a clean condition well maintained and in every way fit for private hire;
12. The vehicles must be fitted with retractable rain coverings that cover both sides and rear of the vehicle and are secured to ensure the vehicle remains watertight. The covers must be transparent to allow the drivers and passengers unrestricted views out of the vehicle.
13. Three point seat belts are to be fitted to all passenger seats. The seatbelts shall be readily accessible for use by all passengers and must be maintained in a safe condition at all times.
14. Vehicle Age
Vehicles presented for first time licensing must be under 25 months old and will not be relicensed if they are over 10 years old.
15. Testing of Vehicles
 - (a) Vehicles under the age of 4 years from date of first registration will require an annual test and on passing the test will be issued with a 12 month licence.
 - (b) Vehicles over the age of 4 years from the date of first registration will require a test every 6 months and on passing the test will be issued with a 6 month licence.
16. No vehicle may be substituted for that licensed except in accordance with the approved procedure. The Council shall be notified of any transfer of a licence within 14 days.
17. A copy of the current Insurance Certificate must be kept inside the vehicle at all times
18. Tuk tuks will not be of a colour scheme to that adopted for Hackney Carriages.
19. The Licensee/Proprietor of a licensed Private Hire Tuk tuk shall not rent, hire, lease or loan their vehicle to any person.
20. The Licensee/Proprietor of a licensed Private Hire Tuk tuk shall not employ any person to drive their vehicle who does not hold a current Hackney Carriage/Private Hire Drivers Licence issued by Cardiff County Council.
21. The non statutory requirements for Private Hire Tuk tuk referred to in paragraph (2) as requirements imposed by the Council as follows:-
 1. **Bodyshell**
Including panels, wings, bumpers, and interior floor area to be in good condition, free from rust, holes, broken metal or any other visible damage.
 2. **Paint Work**

Tuk tuks to be of a uniform colour as recorded on the registration document.

3. **Seat Coverings**

To be in good condition, clean and free from any tears, damage, grease or any other contamination.

4. **Floor Coverings**

To be in good condition, clean and free from any contamination.

5. **Interior Trim**

To be in good condition, clean and free from any tears, damage, grease or any other contamination.

6. **Windscreen & Windows**

To be in a good clean condition and free from damage. The windscreen must allow at least 75% of light to pass through

7. **Emergency Tyre Repair kit**

An emergency tyre repair kit must be kept on the vehicle at all times. Where a tyre has been repaired using an emergency tyre repair kit to complete a hiring, the vehicle shall not be driven at a speed or distance that exceeds the manufacturer of the repair kit's instructions. The vehicle may not be used for any further hirings until the tyre is repaired or replaced and a replacement repair kit is purchased.

8. **Interior & Exterior Fittings**

No fittings or signs to be attached inside or outside vehicle unless approved by the Council.

The above requirements are in addition to the minimum standards set by the Department of Transport's roadworthiness examination (MOT Test).

22. Nothing in these conditions shall detract from the Council's duty to consider each case on its merits and these conditions shall be construed and applied accordingly.

This page is intentionally left blank

PUBLIC PROTECTION COMMITTEE: 3 July 2018**Report of the Head of Shared Regulatory Services****CONSIDERATION OF THE USE OF DARKENED GLASS IN RESPECT OF
LICENSED VEHICLES****1. Background**

- 1.1 The following licence condition currently applies to both hackney carriage and private hire vehicles:

‘Windscreen & Windows

To be in a good clean condition and free from damage. The windscreen must allow at least 75% of light to pass through with all other windows allowing 70% of light to pass through.

- 1.2 The Committee are asked to consider whether the condition should continue to apply to licensed vehicles.

2. Details.

- 2.1 The Road Vehicles (Construction and Use) Regulations 1986, as amended, requires that motor vehicles first used on or after 1 April 1985, must have windscreens which allow at least 75% of light to pass through, and the front side windows to either side of the driver’s head which must allow at least 70% light transmission. If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet the legal requirements.
- 2.2 Cardiff Council’s Vehicle Licence Condition relates to ‘all other windows allowing 70% of light to pass through’, which would include the rear windscreen and rear side windows.
- 2.3 Visual assessment of the level of tint of a vehicle window is difficult and the tint must be measured by specialised equipment prior to licensing. Where vehicles are presented for licensing with darkened glass that does not meet the vehicle licence condition, the glass is required to be replaced with glass that complies with the condition before the vehicle is licensed, at the expense of the vehicle proprietor.
- 2.4 Licensing Officers have increasingly noticed that owners of new licensed vehicles are having to obtain replacement glass for windows that do not comply with the condition outlined in paragraph 1.1 above. It appears that many new vehicles,

especially MPV style vehicles are manufactured with darkened glass as standard in the rear windows, which is restricting the choice of newer vehicles that can be licensed, and could potentially limit the trade to buying older vehicles or vehicles with a lower specification.

- 2.5 The table in Appendix A details a number of vehicles that are currently licensed in Cardiff. The vehicle models are listed in increasing specification order. It is evident from the table that non-tinted glass is usually standard in the basic models, but not available in models with a higher specification. In the case of both Skoda models non- tinted glass is not available as standard.
- 2.6 Officers have been advised that the cost of replacing the rear windows and windscreen on a Volkswagen Sharan is £1117 for the glass only, plus there would be the cost of 4-5 hours labour, taking it up to approximately £1500 -£1800.
- 2.7 The matter of darkened glass was discussed at the last Taxi Driver Forum on 27th February 2018. At the meeting the drivers in attendance also requested that the condition is removed due to the excessive costs involved in obtaining replacement glass and difficulty in obtaining suitable vehicles. They also feel it is unfair having this restriction as it does not apply to vehicles licensed by most neighbouring authorities, and those vehicles frequently pick up and drop off in Cardiff.
- 2.8 In vehicles that are manufactured with tinted rear windows, the windows generally allow around 30%-35% light transmission. The windows don't appear 'blacked out' and it is still possible to view the interior of the vehicle, but it is more difficult in poor light. Window tint is usually darker in vehicles such as limousines. Appendix B shows visual examples of the percentage of light transmission

3. **Considerations**

Safety & Comfort

- 3.1 When considering previous applications for darkened glass in licensed vehicles, the Committee took a number of matters into consideration before they decided to refuse the applications. These related mainly to: -
 - a) the effects that the darkened glass will have on effective enforcement as officers may be unable to observe if vehicles are overcrowded or any other breach of licence conditions taking place within the vehicle.
 - b) local concern and circumstances, for example, assaults on females in taxis may give rise to concern.
 - c) the effects of the reduction in visibility for passenger comfort, it may be that vulnerable individuals may feel at risk when travelling alone in a darkened vehicle.
 - d) licensed vehicles are used extensively at night during the hours of darkness when the effect of reduced visibility would be more marked.

- e) the level to which light transmission is affected
- 3.2 With regards to the enforcement of vehicles, Licensing Enforcement Officers have said that they do not notice problems of overcrowding in licensed in Cardiff. It is not possible to say whether this is a result of the current restriction on darkened glass or not.
- 3.3 In relation to passenger safety and comfort there is again no evidence to suggest that problems would be increased if the current condition were to be removed, but conversely it is difficult to say whether the current condition has prevented any issues such as physical attacks on drivers/passengers as there can be no evidence to prove/disprove this.
- 3.4 There are also no indications that there are increased safety/comfort concerns in other local authority areas that allow darkened glass.
An Inspector from South Wales Police was consulted on whether the condition should be removed and he stated the following:
' I don't believe that we have any evidence based/analytical work done on offences or safety concerns around darkened glass. I think because of this and that it will be fitted during the manufacturing stage it would be difficult to raise any valid objections.'
- 3.5 With regards to passenger comfort, the statement that certain passengers may feel more vulnerable with darkened glass is speculative. Alternatively, it could be contended that some passengers may feel more comfortable in vehicles with darkened glass as it provides more privacy. There is no evidence available to support either of these considerations.
- 3.6 When considering driver and passenger safety it is worth bearing in mind whether any additional control measures would be necessary should the current condition be removed. Private hire vehicles have an added level of 'protection' as there is always a record of the booking retained with the private hire operator, so the driver/ passenger can be easily identified. In addition many private hire operators use GPS systems and are able to track the location of their vehicles.
There are no recorded bookings with hackney carriages, so the driver/passenger is harder to identify in the event of an incident/complaint. Measures such as CCTV systems may offer additional protection to drivers/passengers when visibility into the vehicle is reduced. For example Cambridge Council do not have any restrictions on the use of darkened glass, but have a mandatory condition that all licensed vehicles must have CCTV.
- 3.7 As with all vehicles, those manufactured with darkened glass would have undergone vigorous safety checks and must comply with all relevant legislation and type approval. There is no suggestion that the use of these vehicles at night or in poor light conditions would create any problems of light transmission and reduced visibility for the driver.

DfT Guidance

- 3.8 The Department for Transport (DfT) Taxi and Private Hire Licensing Best Practice Guidance states:
‘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.’
- 3.9 The current Council Policy and licence conditions currently go against the considerations mentioned in this guidance.

Comparison with other local authorities

- 3.10 Vehicle licence conditions differ across local authorities. The Table in Appendix C details various local authorities and whether or not they allow darkened glass in licensed vehicles. Local authorities with a similar condition to Cardiff that do not allow darkened glass include Manchester, Leeds, Coventry, Caerphilly and Swindon. Local authorities that do permit darkened glass include Newport, Rhondda Cynon Taff, Blackpool, and Liverpool

4. Consultation

- 4.1 As stated in paragraph 2.7 above, at the last Taxi Drivers forum, drivers discussed removing the darkened glass condition. Drivers were asked to complete a short survey sheet asking ‘Should Cardiff Council allow darkened glass in hackney carriage and private hire vehicles?’ Sixteen drivers completed the survey and the results were as follows:
- 62.5% of respondents believe that the council should allow darkened glass in both hackney carriage and private hire vehicles
 - 25% of respondents believe that only private hire should be allowed to have darkened glass
 - 12.5% of respondents believe that darkened glass should not be permitted in either hackney carriage or private hire vehicles
- 4.2 In addition, 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, and emailed to contacts in the trade. The Licensing Section did not receive any responses in respect of the report.

5. Achievability

This report contains no equality personnel or property implications.

6. Legal Implications

- 6.1 When considering any application for a Private Hire Vehicle Licence, the Council, in accordance with Section 48(a) (i) (iv) and (v) of the Local Government (Miscellaneous Provisions) Act 1976 shall not grant such a licence unless they are satisfied that the vehicle is suitable in type size and design for use as a private hire vehicle, safe and comfortable.
- 6.2 Under section 47 of the Act the Council may attach to the grant of a Hackney carriage licence such conditions as it may consider reasonably necessary. The range of conditions is wide and can therefore encompass safety comfort and design.
- 6.3 Other legal implications in respect of the manufacture of vehicles are found throughout the body of this report.

7. Financial Implications.

- 7.1 The licensing service is required to be self financing with all expenditure being met from fees and charges which are reviewed annually.

8. Recommendation

- 8.1 The Committee is asked to consider the report and determine the following:
- a) To maintain the existing licence condition stated in paragraph 1.1 in respect of hackney carriage and private hire vehicles;
 - Or;
 - b) To remove the existing condition for hackney carriage vehicles and private hire vehicles and replace with the following:

‘Windscreen & Windows

‘To be in a good clean condition and free from damage. All windows must comply with relevant legislation in respect of light transmission. Only original vehicle manufacture tints are permitted on the rear windows.’

Dave Holland
Head of Shared Regulatory Services

25 April 2018

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

Background Papers: None

Make	Model	Tint not standard	Tint as Standard
Skoda	Octavia		Hatch S
			Hatch SE
			Hatch SEL
	Superb		S
			SE
		SE L Executive	
Volkswagen			
Volkswagen	Sharan	S	
			SE
			SEL
	Passat	S	
		Blue Motion	SE
Vauxhall			
Vauxhall	Zafira Tourer	Design	
			Tech Line Nav
		Energy	
Toyota			
Toyota	Avenis	Active	
		Business Edition	
			Design
	Prius	Active	
			Business Edition
			Business Edition Plus
		Excel	
Audi			
Audi	A6	SE Executive	
		S Line	
			Black Edition
Ford			
Ford	Mondeo	Zetec Edition	
		Titanium Edition	
		ST-Line	
			ST-Line Edition
			Vignale
			Vignale HEV
Fiat			
Fiat	Doblo	Doblo Pop	
		Doblo Easy	
			Doblo Lounge
			Doblo Trekking
Citroen			
Citroen	C4	Edition	
			Platinum
	Berlingo	Feel	
		Flair	
Mercedes			
Mercedes	C-Class		SE

			SE Executive Edition
			Sport
			AMG Line



This page is intentionally left blank

Appendix C

Local Authority	Allow darkened glass?	Relevant Conditions
Newcastle	Yes, but restricted	Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light
Milton Keynes	No	In the interests of safety and reassurance of passengers, heavy tinted glass or mirrored glass that restricts all view into the passenger compartment is not generally accepted on licensed vehicles. All vehicles must be maintained with all side and rear windows allowing a minimum of 70% light to be transmitted through them and 75% through the windscreen (or in line with national Regulations whichever is the lesser standard). Limousines and plate exempt vehicles may be exempted from this requirement on application as are all vehicles licensed before adoption of this policy providing they are kept continually licensed and alterations to windows are not made
Liverpool	Yes	All glazing must comply with relevant Construction and Use provisions with regard to the level of tint. Tinted film applied to any window of the vehicle is prohibited
Southampton	Yes	No relevant condition
Cambridge	Yes	Mandatory CCTV condition applies
Leicester	Yes	No relevant condition
Derby	Yes	The windscreen must be of a laminated construction and not be tinted, unless it is a standard fitting by the manufacturer. All other windows and glass must be of an approved safety type
Manchester	No	Windows must permit maximum visibility into and out of the vehicle. i. light transmittance through a front window is not less than 75% ii. side door glass is not less than 70% iii. remaining glass (except rear window) is not less than 70%.
Bradford	No, but less stringent than Cardiff	The window glass fitted to all front / rear & side windows in the vehicle is not treated so that less than (75% front windscreen) (AS1) - (70% front side windows) (AS2) • & (65% rear side & rear windows) (AS3) of light is transmitted through it. Retro fit film / spray tints will not be permitted.
Birmingham	Yes	Only tinted and anti-glare windows fitted by the vehicles manufacturer are acceptable
Leeds	No	All glazing shall comply with Construction and Use Regulation 32 with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value

		of 75%. Tinted films applied to the vehicle windows are not permitted.
TfL	No	
Reading	No , but less stringent than Cardiff	Windows must meet the following standards: • Windscreens: must let in at least 75% of the light • Front, side windows: must let in at least 70% of the light • Rear, side windows: must let in at least 65% of the light • Rear screen windows: must let in at least 65% of the light
Hull	No	No relevant conditions
Coventry	No	Tinted windows. All windows must permit at least 75% light transmittance.
Swansea	Yes	Tinted windows shall conform with the legal requirements of the current Road Vehicle (Construction and Use) Regulations.
Vale of Glamorgan	Yes	No relevant conditions
Bridgend	Yes	No relevant conditions
Caerphilly	No	Rear and rear side windows must comply with level of tint as set out for the front side windows in the Construction and Use Regulations ie must allow at least 70% light transmission.
Salford	No	Vehicles fitted with manufacturer's tinted windows will only be accepted if the front windscreen allows 75% of light, all other windows must allow at least 70% of light to be 43 transmitted through them. Any vehicles with windows darker than the above specification and which do not allow the occupants to be clearly visible from the exterior will not be licensed. After market non-manufacturer's tinted window film will not be acceptable.
Bristol	Yes	No relevant conditions
Newport	Yes	The front windscreen and front windows must have a visible light transmission (VLT) of not less than 75%. Only vehicle manufacture tints are permitted on the rear vehicle windows.
Swindon	No	Licensed vehicles must allow at least 75% light transmission through the front windscreen and no less than 70% of light transmission through all other windows.
Bracknell	No	Light transmitted through the windscreen must be at least 75% (ii) All other windows (both front and rear) must allow at least 70% of light to be transmitted
Blackpool	Yes	Any window tint must comply with relevant UK legislation
Rhondda Cynon Taff	Yes	No relevant condition