



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

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

AGENDA

Committee	PWYLLGOR DIOGELU'R CYHOEDD
Date and Time of Meeting	DYDD MAWRTH, 7 AWST 2018, 10.30 AM
Venue	YSTAFELL BWYLLGORA 1 - NEUADD Y SIR
Membership	Councillor Mackie (Cadeirydd) Councillors Murphy, Dilwar Ali, Davies, Goddard, Jacobsen, Caerhirfryn, Robson, Taylor, Williams a/ac Wood

1 Ymddiheuriadau am Absenoldeb

Derbyn ymddiheuriadau am absenoldebau.

2 Datgan Buddiannau

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

3 Cofnodion (*Tudalennau 3 - 8*)

Cadarnhau bod cofnodion cyfarfod 3 Gorffennaf 2018 yn gywir.

4 Trwyddedu Cerbydau Llogi Preifat ar gyfer Digwyddiadau Arbennig (*Tudalennau 9 - 14*)

5 Systemau CCTV ar gyfer Cerbydau Trwyddedig (*Tudalennau 15 - 18*)

6 Eitemau Brys (os oes rhai)

Davina Fiore

Director Governance & Legal Services

Date: Dydd Mercher, 1 Awst 2018

Contact: Graham Porter,

02920 873401, g.porter@caerdydd.gov.uk

Mae'r dudalen hon yn wag yn fwriadol

PUBLIC PROTECTION COMMITTEE

3 JULY 2018

Present: Councillor Mackie(Chairperson)
Councillors Murphy, Dilwar Ali, Goddard, Lancaster, Robson,
Williams and Wood

1 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jacobsen, Taylor and Davies.

2 : DECLARATIONS OF INTEREST

None received.

3 : MINUTES

The minutes of the Public Protection Committee held on 5 June 2018 were agreed as a correct record and signed by the Chairperson.

The minutes of the Public Protection Sub-Committee held on 5 June 2018 were agreed as a correct record and signed by the Chairperson.

4 : APPLICATION FOR THE USE OF TUK TUK'S AS PRIVATE HIRE
VEHICLES.

Committee were advised that an application had been received 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. The Committee received a report and Members were asked to determine the application.

Members noted that the Tuk Tuk's would be used for pre-booked sightseeing tours and not for public hire. Members were provided with the technical details such as the vehicles being zero emission electric vehicles, no windows or doors and no wheelchair access.

Officers advised Members that if granted there were suggested conditions attached to Appendix 3 of the report.

The Chairperson welcomed Mr Dale Edmunds (The Applicant) and invited him to address the Committee, his presentation is summarised as follows;

Mr Edmunds stated that the vehicles were the latest standard model, 100% green and zero carbon and are road legal; they were produced in Amsterdam; they operate in 30 different countries including 200 operating in Lisbon. There were no

reports of any incidents or injuries to date, they were very stable with a maximum speed of 50kph. He added that he has researched the vehicles for over a year, he has received lots of interest from businesses including 2 major hotels in Cardiff. If Granted, Mr Edmunds stated he will employ 8 people to start with the hope to increase to 18 people; all drivers would be DBS checked, First Aid & Fire Safety trained.

The Chairperson invited questions and comments from Members as follows;

Members asked what crash protection the vehicles had and were advised that they had none. Members were advised that passengers sit high in the vehicles and were unlikely to have much impact if hit by car, there had been no reported injuries or accidents.

Members asked about the safety briefing that the drivers would deliver to passengers and were advised that drivers would be put through a specialist course that would be designed specifically for Tuk Tuks, advising passengers on safety measures such as keeping arms and legs in the vehicles as standard.

Members asked if the railing on the side of the vehicle could be higher to provide more protection and were advised that the vehicles would come as standard and there would not be the opportunity to higher the railing.

Members noted the report referred to 8 members of staff and asked how many Tuk Tuk's and drivers there would be. Members were advised that there would initially be 3 vehicles, 1 full time driver and 6 part time drivers.

Members asked how many tours would be taken each day and were advised that would depend on whether there were full or half day tours booked, on average there could be 4-6 tours per day over all 3 vehicles.

Members sought more information on disabled access and were advised that there would be a single step in each vehicle to assist people to get in but the vehicles could not carry wheelchairs.

Members asked what safety training had been done and were advised that the vehicles have EC Type approval. When asked if any further safety had been done for comparison of safety compared to a normal car, Mr Edmunds stated that he was unaware of any but that the vehicles are road legal and are used in other cities including London, Manchester, Chester and others. He added that this was a golden opportunity for Cardiff to provide a new green tourist offer.

Members asked if the vehicles were fitted with seatbelts and were advised they were. Members asked if they were weatherproof and were advised that they have rain covers.

Members asked, if granted, when the applicant would intend to start the business. Mr Edmunds advised that he will have missed the most part of this year, so he would hope to operate between February and October.

Members of the Committee discussed the application. The Committee formed the view that, whilst most Members were supportive of the application, there were a number of concerns around safety and crash protection.

RESOLVED:

- I. That Tuk Tuks are suitable to be licensed as private hire vehicles and approved the licensing of Tuk Tuks;
- II. To approve the Tuk Tuk specific private hire vehicle licence conditions detailed in Appendix E to the report.

5 : CONSIDERATION OF THE USE OF DARKENED GLASS IN RESPECT OF LICENSED VEHICLES

Members were advised that 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.'

The Committee were asked to consider whether the condition should continue to apply to licensed vehicles.

Licensing Officers stated that they have increasingly noticed that owners of new licensed vehicles are having to obtain replacement glass for windows (at a cost of between £1,000 and £2,000), that do not comply with the condition 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.

Licensing Officers advised that they had consulted with South Wales Police and there was no evidential basis to support the current condition; no other Welsh authorities have the condition.

The Chairperson invited questions and comments from Members and these are summarised as follows;

Members expressed some safety concerns and discussed the level of tint that would be acceptable. Officers explained they had consulted groups such as schools and disability groups who prefer the tinted windows, noting that these groups primarily used the taxis in the daytime. After much discussion Members came to the view that manufacturer standard level of tint would be appropriate.

Members noted that South Wales Police had no concerns over the tinted glass.

Members noted that increasingly manufacturers are producing cars with tinted vehicles as standard in higher specification models.

Members noted the list of authorities that allow tinted glass in taxis, noting that Cambridge allows as long as CCTV is fitted in the vehicle.

Members considered the survey completed by taxi drivers, noting that 62% were in favour, also noting that only 16 drivers completed the survey. Officers explained that they get a call at least once a week on the matter.

RESOLVED: 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. Council approved CCTV to be fitted in the vehicle.

The meeting terminated at 2.20pm

PUBLIC PROTECTION SUB COMMITTEE

3 JULY 2018

Present: County Councillor Mackie(Chairperson)
County Councillors Lancaster and Wood

3 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

- (1) Application 1 – No further action.
- (2) Application 2 - No further action.
- (3) Application 3 – Provide confirmation of enrolment on ESOL course for September and provide certificate of passing on completion of the course.
- (4) Application 4 – Written Warning.
- (5) Application 5 – Revocation of Licence.

The meeting terminated at 11.30 am

This page is intentionally left blank

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 7 August 2018

Report of the Head of Regulatory Services

LICENSING OF PRIVATE HIRE VEHICLES USED FOR SPECIAL EVENTS

1. Background

- 1.1 An application has been received from Mr Daniel Morgan to approve a 1965 Volkswagen Beetle as a private hire vehicle at special events such as School proms. At present, this vehicle is unable to be licensed as it does not meet the Council's Private Hire Vehicle Licence conditions.

2. Details of the Application

- 2.1 Mr Morgan has set up a business primarily dealing with bookings for weddings, which are exempt from the licensing requirements of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2 Mr Morgan has received a booking request for a School prom, which at present he is unable to fulfil as the vehicle is not licensed.
- 2.3 Mr Morgan's vehicle is a 1965 Volkswagen Beetle 1200, registration number CJE 281C. Photographs of the vehicle are attached at Appendix A.
- 2.4 Mr Morgan states that his car is in immaculate condition and despite being exempt from requiring an MOT test (due to its age), he has had it MOT tested with no advisories.
- 2.5 In order to fulfil such booking requests, Mr Morgan will also be required to obtain a private hire operator licence and will only be able to use licensed hackney carriage/private hire drivers.

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, there are no restrictions that prevent such vehicles being 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. The Policy aims to ensure that licensed vehicles are safe, suitable and comfortable for use by the fare paying public.
- 3.4 The age and size of Mr Morgan's Volkswagen Beetle makes it 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 vehicle only has 2 doors.
 - ***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 vehicle has fewer than 30 inches.
 - ***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 vehicle has fewer than 54 inches.
- 3.5 All licensed vehicles must undergo testing at an MOT station within Cardiff.
- 3.6 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. Mr Morgan's vehicle is 53 years old.
- 3.7 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. Due to the nature of vehicles used for special events, it would not be possible to apply the Exceptional Condition Policy.
- 3.8 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 vehicles licensed for special events are structurally and mechanically safe. A draft set of conditions in relation to vehicles licensed for special events is detailed in Appendix B.

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 Modern 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 Many vehicles licensed for special events, such as classic cars, have far fewer safety features than modern cars generally used as private hire vehicles. Cars manufactured before 1965 can be retrofitted with seat belts but they offer comparatively little protection to the driver/passenger(s) in the event of 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 Vehicles licensed for special events may have smaller internal dimensions, no rear passenger doors and may also have an open compartment design, meaning that passengers are subject to any adverse weather.

6. Vehicle Accessibility

- 6.1 Vehicles licensed for special events may not be suitable for all people with disabilities, especially passengers in wheelchairs. It is unlikely that such vehicles will be able to accommodate a passenger in a wheelchair and in many cases there will only be a very small luggage compartment. Therefore, it is unlikely that vehicles licensed for special events will comply with the requirements of the Equality Act 2010 in relation to disabled access.
- 6.2 Consultation with Cardiff Access Group has been undertaken, and a response is detailed in Appendix C.

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 vehicles licensed for special events to operate as licensed private hire vehicles.

10. Financial Implications.

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

11. Recommendations

- 11.2 That the Committee approve the Special Event Private Hire Vehicle Conditions detailed in Appendix B.

11.1 That the Committee approve Mr Morgan's request to licence his 1965 Volkswagen Beetle for use as a special event private hire vehicle.

12. Reasons for the Recommendations

12.1 In recognition of the nature of the work carried out, the conditions detailed in Appendix B will only apply to vehicles used solely for special events and will not apply to standard private hire vehicles. Each application for a special event private hire vehicle licence will be determined on its merits.

12.2 Mr Morgan's vehicle will be used solely for a limited number of special events and as such the special event private hire conditions are considered acceptable as the vehicle will not be used for regular private hire work.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

11 June 2018

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

Background Papers:
ROSPA Seat Belts: History

Mae'r dudalen hon yn wag yn fwriadol

Appendix A





CARDIFF COUNCIL

SPECIAL EVENT PRIVATE HIRE VEHICLE LICENCE CONDITIONS OF LICENCE



General Notes

A Special Event Private Hire Vehicle is a vehicle used for occasional special journeys, such as School proms.

The licensing of any vehicle will be dependent upon the Council being satisfied that the vehicle is suitable in size, type and design for use as a private hire vehicle. The prime consideration of the Council is the safety and comfort of the travelling public.

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

1. Only vehicles pre-approved by the Licensing Authority will be accepted as special event vehicles.
2. Special event vehicles must be, in the opinion of the Licensing Authority, of such quality and character as to be suitable to be licensed for special events.
3. Vehicles must have European Community Whole Vehicle Type Approval (ECWVTA) or Individual Voluntary Approval (IVA).
4. 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.
5. Vehicles must have a seatbelt available for all passenger seats used for licensing purposes.
6. The interior plate shall be fixed on the inside of the vehicle in such position as to be easily observed by the passengers. Both plates shall be returned to the Council on the expiry of a licence.
7. The 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.
8. No fittings, except those approved by the Council, shall be attached to the inside or outside of the vehicle.
9. 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
10. Fittings, Signs and Advertisements
No fittings, signs or advertisements to be attached inside or outside vehicle unless approved by the Council. 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
 - iv. Neither the front nor 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 Authority (ASA) 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.
11. All vehicles must be constructed and maintained so as to be safe and comfortable and the doors must open sufficiently wide so as to allow easy access to and egress from the vehicle and cause no inconvenience to passengers.
 12. The proprietor of a special event private hire vehicle shall:-
 - a) Cause the roof or covering to be kept watertight;
 - b) Cause the seats to be properly cushioned or covered;
 - c) Cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - d) Cause the fittings and furniture generally to be kept in a clean condition well maintained and in every way fit for private Hire;
 - e) Keep the luggage compartment or boot of the vehicle in a clean condition at all times.
 13. Special Event Private Hire Vehicles will require a test every 6 months and on passing the test will be issued with a 6 month licence.
 14. 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.
 15. Where a taximeter is fitted to a special event private hire vehicle, it shall be of approved design properly sealed and tested.
 16. Vehicles will not be of a colour scheme to that adopted for Hackney Carriages.
 17. The proprietor of a special event private hire vehicle shall not rent, hire, lease or loan their vehicle to any person who does not hold a current Hackney Carriage/Private Hire Drivers Licence issued by Cardiff Council.

18. The proprietor of a licensed private hire vehicle shall not employ any person to drive their vehicle who does not hold a current Hackney Carriage/Private Hire Drivers Licence issued by Cardiff Council.
19. In the case of Licensees/Proprietors who rent, lease, hire or loan their special event private hire vehicle, the Licensee/Proprietor shall provide and keep a suitable register in which he/she shall enter the following particulars relating to the details of the driver to whom the vehicle has been rented, hired, leased or loaned.
 - a) The name and address of the driver
 - b) The Badge number and expiry date of the Hackney Carriage/Private Hire Drivers Licence relating to the driver.
 - c) The plate number and registration number of the vehicle rented, hired, leased or loaned.
 - d) The date(s) and time(s) the vehicle was rented, hired, leased or loaned by the driver.
20. The records shall be kept for a minimum of 12 months, be in chronological order and must be produced on request to an authorised officer of the Council or a police constable for inspection.
21. The non-statutory requirements for Private Hire Vehicles referred to in paragraph (4) as requirements imposed by the Council as follows:-
 - a) The body shell - including doors, panels, wings, bumpers, and interior floor area to be in good condition, free from rust, holes, broken metal or any other visible damage.
 - b) The paint work to be a uniform colour
 - c) The seat coverings to be in good condition, clean and free from any tears, damage, grease or any other contamination.
 - d) The floor covering to be in good condition, clean and free from any contamination.
 - e) Interior trim to be in good condition, clean and free from any tears, damage, grease or any other contamination.
 - f) Door hinges to be in good order, all working, and doors to be seated correctly when closed.
 - g) Windscreen, windows (including their opening mechanism) to be in a good clean condition and free from damage.
 - h) The boot or luggage compartment to be clean and free for the accommodation of passenger's luggage.
 - i) 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.
 - j) Engine free from oil leaks

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. Licensees are reminded that the Local Government (Miscellaneous Provision) Act 1976 makes the following provisions that apply to Private Hire Vehicles.

- a) The vehicle must be presented for inspection when and where required.
- b) The licensee must present the registration document, valid certificate of insurance issued under Part VI of the Road Traffic Act 1972 and current MOT Certificate at the time of application for vehicle test, renewal or issue of licence.

- c) The licensee, on being notified in writing of a defect which in the opinion of the authorised officer renders a vehicle as unsuitable for public service, must remove that vehicle from service entirely or until the defect has been remedied to the satisfaction of the authorising officer.
- d) The licensee shall notify the authorised officer of any alteration in design or construction in or of any damage to his vehicle within 72 hours of the occurrence thereof.

Additional Notes

1. Licence fees and other charges are reviewed annually and details of current fees are available on request.
2. The renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace. Use of an unlicensed car as a private hire vehicle is an offence, and may invalidate the insurance.
3. Licences will not be issued until the appropriate fee is paid. Where payment is made by a cheque which is subsequently dishonoured, any licence issued will be null and void.
4. The Council has the power to suspend, revoke or refuse to renew the licence on the appropriate grounds. Where a licence has been obtained by giving false or incomplete information, consideration will be given to using these powers as well as prosecuting the offence committed.
5. Vehicle owners should take care to avoid using unlicensed drivers. They should, therefore check the driver has both a current licence from the Council and a badge before employing that person. Use of unlicensed drivers may invalidate the insurance, and may also render the owner liable to prosecution.

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 7 August 2018

Report of the Head of Shared Regulatory Services

CCTV SYSTEMS IN LICENSED VEHICLES

1. Background

- 1.1 At its meeting of 3 July 2018 the Committee considered a report in relation to whether the vehicle licence condition restricting the use of darkened glass should be removed. The condition states:

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 resolved to allow the use of darkened glass (glass that lets less than 70% of light to pass through) that is fitted as manufactured in licensed vehicles provided that a Council approved interior CCTV system was in place.
- 1.3 An implementation date was not determined by the Committee, but due to the complexities involved in ensuring that any Council approved CCTV system complies with all legal requirements including General Data Protection Regulations (GDPR) 2018, Officers are advising that implementation of this change is delayed until approval of a CCTV specification criteria.

2. Details.

- 2.1 Over the years Committee has approved a number of CCTV systems, this includes the following:
- AutoCam – approved 9 October 2009
 - Visual Integrated Systems – approved 7 July 2009
 - IKAB XTON CCTV – approved 8 December 2009
 - MTC 33 Dual Camera CCTV –approved 6 February 2018
- 2.2 Technology has advanced significantly since 2009, newer systems will be more innovative in terms of features such as picture quality and data storage, as well as being compliant with the latest legal requirements.
- 2.3 The current condition that applied to the voluntary use of CCTV system in licensed hackney carriage and private hire vehicles states:

‘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, upon request, for up to 28 days following download of the images.’*
- 2.4 At its meeting of 6 February 2018 when considering the application for the MTC 33 Dual Camera CCTV System the Committee also resolved to allow officers to approve any future applications for CCTV systems.
- 2.5 Officers are currently in the process of reviewing the Council’s Taxi Licensing Policy, and it is felt that the current condition (mentioned above) is not detailed enough to assist Officers in the determination of suitable systems. In addition legislative changes and technological advances necessitate the need for an approved CCTV specification criteria which would ensure that the application approval process is robust and consistent.

3. Consultation

- 3.1 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.

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council’s fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

6. Financial Implications.

- 6.1 There are no financial implications arising directly from this report.

7. Recommendation

- 7.1 It is recommended that the vehicle licence condition stated in paragraph 1.1 is not implemented until a CCTV specification criteria has been approved by Committee at a future meeting.

8. Reasons for Recommendation

- 8.1 The approval of a CCTV specification criteria would assist Officers in ensuring that the determination process of new CCTVs systems is consistent, robust and compliant with relevant legislation.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

9 July 2018

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

Background Papers: Report of the Head of Shared Regulatory Services: *Approval of MTC 33 Dual Camera CCTV system in Hackney Carriage and Private Hire Vehicles Licences by Cardiff Council*. 6 February 2018

APPENDIX A