

## PUBLIC PROTECTION COMMITTEE

15 JULY 2020

Present: Councillor Mackie(Chairperson)  
Councillors Sattar, Derbyshire, Hudson, Jacobsen, Lancaster,  
Robson and Wood

### 1 : APOLOGIES FOR ABSENCE

Apologies were received from Councillors Asghar Ali and Goddard.

### 2 : DECLARATIONS OF INTEREST

No declarations of interest were received.

### 3 : MINUTES

The minutes of the meeting held on 4 February 2020 were approved by the Committee as a correct record and were signed by the Chairperson.

### 4 : POLICY ON DETERMINING THE SUITABILITY OF PROTECTIVE SCREENS IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Following a number of requests from taxi drivers, private hire companies and trade bodies for greater safety measures to protect drivers against Covid-19, including the use of safety screens, a draft policy was produced and approved by the Directors of Public Protection. The Committee received a report and were asked to consider adopting the draft policy in Cardiff.

Members were advised that under the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach any conditions they consider to be reasonably necessary. Condition 4 of the Hackney Carriage and Condition 5 of the Private Hire Vehicle Conditions reads that 'no fittings, except those approved by the Council shall be attached to the inside or the outside of the vehicle' and therefore the installation of safety screens would need to be approved.

In Cardiff as of 6 July 2020 there were a total of 2,251 confirmed cases of Covid-19 in Cardiff. As of 26 June 2020 there were 365 Covid-19 related deaths and according to the Office of National Statistics (ONS) taxi drivers have one of the highest mortality rates in any occupation in the UK. Whilst it is understandably that licence holders will wish to protect themselves and others from the transmission of Covid-19 it was considered that such measures should not impact on the safety or integrity of the vehicle.

Partition screens provide a physical barrier between the driver and passengers in the rear of the vehicle. Some purpose-built vehicles have screens installed but these account for a small part of the overall fleet in Cardiff. Partitions do not provide a fully sealed compartment for the driver and it would not be possible to eliminate the risk of transmission of infection entirely. There was also potential for the screens to affect the integrity of the vehicle and its safety systems. The main area of concern

highlighted by officers was the potential for screens to adversely affect the side airbag system deployment. They may also result in an MOT failure if they restrict the movement of the driver's seat.

In response to the requests from the trade, the Licensing Expert Panel, made up of representatives from the 22 Welsh Local Authority Licensing Departments, established a working group in order to produce guidance for authorities to adopt, with the intention of harmonising the approach for the approval of screen installations in Wales. The document, attached at Appendix 1 to the report, was approved by the Directors of Public Protection in Wales.

It was recommended that, to ensure requests for the installation of screens are processed efficiently, the Committee considers delegating the decision to approve screens for use in vehicles to an Operational Manager of the Shared Regulatory Service.

The Chairperson welcomed the following stakeholders and representatives of the taxi trade who had been invited to make representations to the Committee on adoption of the draft policy guidance document.

- Des Broster – Veezu – representing Dragon Taxis
- Lee Ward – Unite Union
- Steve Toy – Unite Union
- Alan McCarthy – Unite Union
- Shaun Marnell – Car and Cab Care
- Yusef Jama – Hackney Carriage Alliance

Each representative was invited to address the Committee. The representatives all supported the move to protect drivers and passengers. The representatives made statements on a range of different issues, broadly including:

- The affect Covid-19 restrictions were having on the taxi trade and the wider economy;
- The types of screens on the market and the materials they are constructed from;
- The safe installation of the screens and their effect on vehicle integrity and vehicle safety features such as airbags;
- Driver visibility;
- Regulatory and MOT considerations;
- The effectiveness of screens in protecting drivers and passengers from infection and their safety in crash test scenarios;
- Insurance and liability
- Number of passengers in the vehicle
- Covid-19 statistics in Cardiff and in particular the disproportionate effect Covid-19 has on the BAME community;

Some concerns were expressed regarding the application of the policy insofar as it was overly prescriptive and bureaucratic in some areas. Members were asked to consider a number of suggested amendments to sections of the draft policy.

The Chairperson thanked the invited attendees for their contributions. The Chairperson opened the debate on this item. The discussion is summarised as follows:

- Members acknowledged that were likely to afford some protection from transmission of infection of Covid-19 and that there was an urgent need to move quickly in order to protect drivers and members of the public. Members asked whether there was any alignment between local authorities in terms of their policies in relation to protective screens. Members were advised that the 22 Welsh Licensing Authorities established a working group which produced the draft policy. The policy was then approved for adoption by the Directors of Public Protection. The policy was in draft and it was possible to amend or adjust the policy to suit local needs. In terms of alignment within partner authorities in Shared Regulatory Services, Bridgend Council have passed the policy in full and Vale of Glamorgan are due to consider the policy in the near future. Some authorities in Wales have allowed protective screens without formally adopting the policy.
- Members sought clarification about the use of the front passenger seat in private hire and hackney carriage vehicles. Members were advised that the number of passengers permitted in the vehicle is stated on the licence plate. However, Section 53 of the Police and Town Clauses Act 1847 provides reasonable excuse for refusing the permitted number of passengers – it would therefore be reasonable and lawful to refuse a passenger in the front seat in order to protect the driver from infection from a contagious disease.
- Officers asked Members to note that the authority has a duty of care and was unable to divulge itself of liability in the event that a screen approved by the authority subsequently injures a person or prevents airbags from deploying in the event of an accident.
- Members considered that the draft policy, as written, was over-governing and potentially onerous. The policy could slow or even deter the use of protective screens. Members asked officers to comment on the impact removal or amendment of some clauses in the policy would have on the policy overall. Officers accepted that drivers want to install screens and the authority is seeking to facilitate that. However, the authority must balance that with the effect permitting protective screens have on vehicle safety; the main concern being the potential for screens to interfere with the deployment of side air bags. Officers considered that in those circumstances independent testing of the installation may be necessary.
- Officers stated that there was scope for the policy to be applied in a sympathetic way. Where the authority is satisfied a screen installed and clearly has no impact on the safety of the vehicle then external testing of the installation would not be required. The policy can be applied to protect drivers and members of the public. The policy was not designed to put barriers in the way of the trade, it was there to balance risk.
- A trade representative stated that crash tests have been undertaken including side impacts. They were able to give assurance that protective screens would

not affect air bag deployment in those circumstances.

The Committee discussed the policy and a number of potential amendments to the wording of sections of the policy. The Chairperson invited comments on each paragraph of the policy in sequence. Members requested that a number of paragraphs be reworded or removed entirely. The Chairperson requested that officers prepare the revised draft policy, taking account of the amendments requested by the Committee. The revised draft policy was to be recirculated following the meeting for approval by the Committee.

RESOLVED – That:

- (1) Officers prepare a revised version of the Temporary Screens in Taxis and Private Hire Vehicles Policy for circulation by the Chairperson to Members of the Committee to Members of the Committee by midday on Friday 17 July 2020 for approval and adoption by the authority;
- (2) Upon approval of the policy, an Operational Manager in the Shared Regulatory Service be granted delegated authority to approve safety screens for use in hackney carriage and private hire vehicles.

#### 5 : DELEGATION OF AUTHORITY FOR THE DESIGNATION OF PRESTIGE STATUS OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Committee received a report which sought to determine whether to grant delegated authority to an Operational Manager of the Shared Regulatory Service for the assessment and approval of vehicles requesting 'prestige status'. Members were asked to note that prestige status allows an individual make and model of vehicle to be licenced up to 10 years from first registration. It was suggested that vehicles could be granted prestige status at the time they are determined whether suitable for licensing in order to minimise delays.

The report provided a summary of the existing procedure for classifying prestige vehicles. Members were asked to consider whether to delegate authority for approving prestige vehicles to an Operational Manager in the Shared Regulatory Services.

RESOLVED – That authority for determining the approval of prestige vehicle status be granted to an Operational Manager in the Shared Regulatory Service.

#### 6 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 3.15 pm