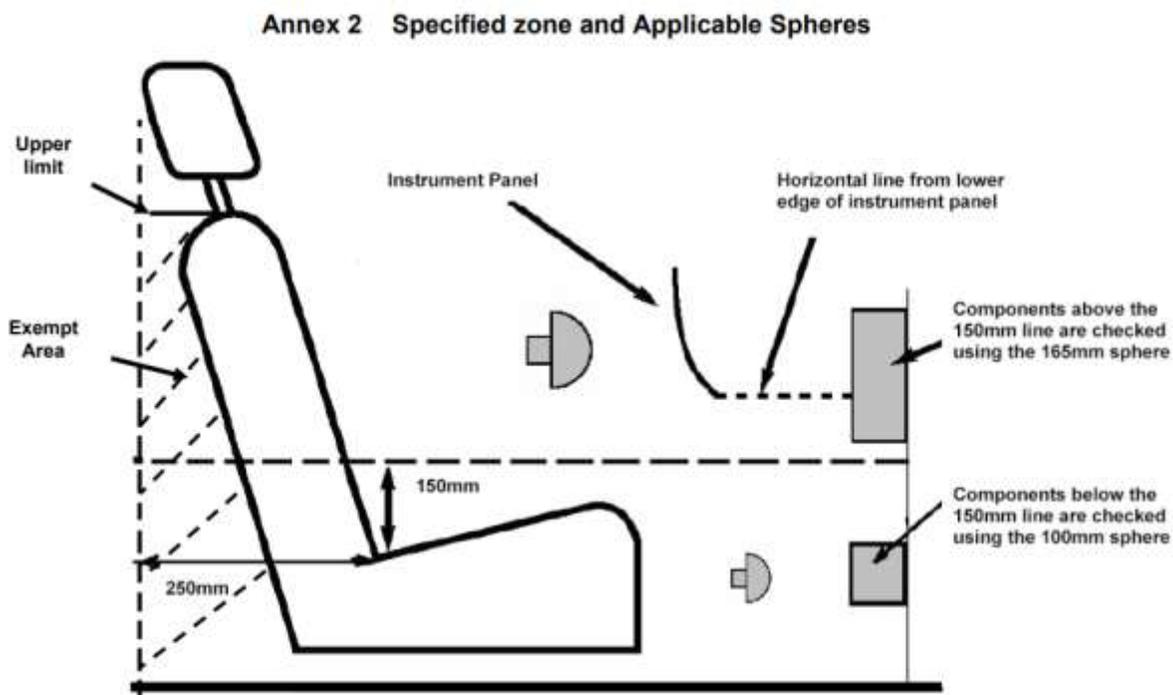


Exempt area of testing regarding Section 12 of the M1 IVA Manual

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/738819/individual-vehicle-approval-inspection-manual-passenger-vehicles.pdf



Interior Fittings 12

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The same M1 test Manual mentions airbags 12 times in total, not one of these refers to curtain airbags and obstructions.

There is no test for airbag obstructions.

VOSA Test Criteria for Airbags

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/696292/mot-inspection-manual-for-classes-3-4-5-and-7-from-20-may-2018-draft.pdf

7.1.5 Airbags

This inspection is for all airbags fitted as original equipment other than on Class 3 vehicles.

A passenger airbag that is switched off isn't a defect.

Defect	Category
(a) An airbag fitted as original equipment obviously missing	Major
(b) Not in use	N/A
(c) An airbag obviously inoperative	Major

In the VOSA Test Manual that covers Class 4 & 5 mentions airbags 10 times.

There is no test for airbag obstructions.

General requirements

13. The decision to install a safety screen is for the driver, proprietor and/or operator to make, after carrying out your own risk assessment. Due to the wide and diverse variety of vehicles and different types of safety partition screens available, it is not possible to offer specific purchase or installation advice in respect of these devices,

however the following minimum requirements need to be satisfied:

- a. The device must be purpose-built to use as a safety screen within a vehicle and must be suitable for the specific make and model of vehicle.

The majority of the screens on the market are of a generic build and are not designed for any specific make or model, this requirement is unreasonable.

- b. Not wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.

They do not do this, they are to protect the driver from sneezing and coughing from rear seat passengers.

- c. The installation and / or design of the device must not adversely influence or interfere with the structural integrity or driver and passenger safety systems (including airbags) in the vehicle. In particular the installation must:

MIRA and VOSA do not test airbag obstruction, however the temporary screens are not placed in front of the curtain airbags as indicated in this section.

- i. Not put passengers and/or the driver at any additional risk during a collision and/or when in use generally as a taxi or private hire vehicle.

The safety screens are attached to the rear of the driver and passenger seats and are located within the exclusion zone as per the Individual Vehicle Approval & Inspection Criteria.

- ii. Not interfere with the safe operation of the vehicle and/or the vehicles safety features at any time.

As stated above, they do not.

- iii. Not obscure or interfere with the view of the driver and/or passengers in any way.

The screens are clear and do not interfere with vision.

- d. Screens must be professionally and securely fitted and maintained in accordance with the manufacturer's specifications and recommendations

The majority of screens are supplied by the post and are fitted as the instructions provided.

- e. Devices should remain free of scratches, clouding or stickers which would

impede the drivers or passengers' visibility.

Agreed, any of the above then the driver should replace the safety screen.

- f. Screens should not impede the driver's movement or communication with passengers.
- g. Screens should not impede driver or passenger entry or egress to the vehicle or present a trip hazard.

Safety screens do not impede any of the above.

- 14. If you have installed an approved safety screen in your vehicle you must ensure that you clean the screen after each passenger journey, along with other hard surfaces such as door handles, window winders, seat belts, car payment devices, the rear or the front seats and other surfaces passengers may have touched using normal household disinfectant. Drivers should then wash/sanitise their own hands. A thorough clean of the vehicle with normal cleaning products should be completed at the end of each shift/working day.

Safety screens are a form of PPE and all guidance must be followed. Exactly as you find in supermarkets, local shops and council reception areas where open to the public.

- 15. The proprietor shall ensure that the safety screen is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer of the Council, or a Police officer.

This policy covers the maintenance requirements of the fitting and upkeep of a safety screen. Manufacturers advise on what cleaning product to use and the driver is also advised to clean the screen after every customer has left the vehicle.

Approval Procedure

- 16. If you wish to fit a protective screen you will need to apply to the Council at taxi@cardiff.gov.uk providing confirmation that:

Apply or confirm?

- a. The installation will be conducted in accordance with the requirements of this policy.

The current policy is unreasonable as apparent by the arguments raised where necessary, however when the policy is passed and is fair and reasonable which is the legal requirement of any condition attached to a vehicle, drivers or operators license then I am certain that any safety screen fitted would be as the policy requests.

- b. Your insurance will still be valid if you fit the protective screen.

This is agreed in full.

- c. The product to be installed is compliant with government and industry regulations, will not compromise the safety of the vehicle and is approved by a MIRA (or comparable body) for use in the UK.

This is unreasonable as explained previously, Cardiff Licensing have not stated what regulations are exactly required to meet this criteria, however the trade have offered assistance to overcome these requirements.

- d. You agree to remove the protective screen in less than 21 days after the date the Welsh Government officially declares an end to the current social distancing restrictions relating to Covid-19.

The screen should be removed when the Covid-19 virus is eradicated or when the driver feels confident in his working environment to do so.

- 17. Upon the Authority being satisfied that the proposed installation meets the criteria outlined above you will be permitted to install a safety screen in your vehicle.

- 18. Once the partition or screen is installed the vehicle owner must email the Licensing Section with the following:

- a. Certification from the installer or other evidence to prove that the installation is compliant with: Impossible if this is a self-fitting model.

- i. government and industry regulations, for example the Road Vehicle (Construction and Use) Regulations and relevant safety, UK and European Community (EC) legislation;

There is nothing in the Road Vehicle Regulations Act 1986 or any of its amendments that cover temporary Covid-19 safety screen installations, there are also no comments on UK or EC legislation that covers temporary Covid-19 safety screens

- ii. is certified by the vehicle manufacturer as not compromising the safety of the vehicle; and

Impossible to gain and a totally unreasonable request.

- iii. be approved by a MIRA (or another comparable leading approved product engineering and testing consultancy) for use in the UK.

The temporary Covid-19 Safety Screens are not controlled by MIRA due to the location of such a screen.

- b. Photograph(s) of the partition or screen installed in the vehicle.

Totally acceptable request and very reasonable to ensure the temporary Covid-19 Safety Screen is not made from flexible, shower curtain type material.

- c. A copy of the vehicle owner/operators email to the insurance company and the insurance company's acknowledgment that the insurance cover remains valid.

Totally acceptable request and very reasonable to ensure the public, driver and vehicle are fully insured as requested by the Local Government (Miscellaneous Provisions) Act 1976

Summary

Finally, a self employed person has the duty of care to ensure under the Health and Safety at Work Act 1974... Section 3 paragraph 2

It shall be the duty of every self-employed person to conduct in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health or safety.

A Temporary Covid-19 Safety Screen is quite clearly not a safety issue while in any vehicle and assists the driver who could be in contact with multiple unknown carriers of the virus, prevention from passing the virus onto others while they are paying for his service, would Cardiff Council wish to be known that a new spike in the pandemic was brought about because of their unwillingness to allow drivers to fit the Temporary Covid-19 Safety Screens into their vehicles?