

Meeting of:	<b>Public Protection Licensing Committee</b>
Date of Meeting:	<b>Thursday, 30 July 2020</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	POLICY ON DETERMINING THE SUITABILITY OF TEMPORARY SCREENS IN TAXI OR PRIVATE HIRE VEHICLES
Purpose of Report:	To consider the adoption and publication of a policy on Temporary Screens in Taxis and Private Hire Vehicles
Report Owner:	Director of Environment & Housing Services
Responsible Officer:	Director of Environment & Housing Services
Elected Member and Officer Consultation:	None
Policy Framework:	This is a matter for the Public Protection Licensing Committee
Executive Summary:	
<ul style="list-style-type: none"> <li>• This report is to seek approval for the adoption and publication of a policy on "Temporary Screens in Taxis and Private Hire Vehicles" following consultation with the trade.</li> <li>• The proposed policy is intended to provide guiding principles on how the Licensing Authority will deal with requests from licence holders who may wish to install a screen in their vehicle whilst ensuring the safety of the driver and passenger.</li> </ul>	

## **Recommendations**

1. It is recommended that the Committee:
  - (i) Adopt the "Temporary Screens in Taxis and Private Hire Vehicles" Policy detailed in Appendix A;
  - (ii) Approve that the decision to approve a screen for use in taxi (hackney carriage) or private hire vehicles is delegated to the Head of Shared Regulatory Services.

## **Reasons for Recommendations**

1. To detail an approval procedure which allows drivers/proprietors/operators to install temporary screens in taxi (hackney carriage) and private hire vehicles whilst ensuring that the vehicle remains safe for the driver and passengers.
2. To ensure that requests for screens are processed efficiently in accordance with the policy.

## **1. Background**

- 1.1 Under the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach any conditions to the grant of taxi (hackney carriage) and private hire vehicle licences that they consider reasonably necessary. Furthermore, a Licensing Authority shall not grant a licence unless they are satisfied that a vehicle is safe. The duties of the Council as Licensing Authority are set out in paragraphs 4.3 onwards below.
- 1.2 The Licensing Authority have received requests from the trade urging the Licensing Department to push through greater in-car safety measures to guard against Covid-19 including the use of safety screens. According to the Office of National Statistics taxi drivers have one of the highest mortality rates of any other occupation in the UK.
- 1.3 The Vale of Glamorgan Council's conditions of licence for taxi and private hire vehicles state:

"No alteration or change to the vehicle shall be made without the approval of the Licensing Authority at any time."

This condition requires licence holders who wish to install screens or partitions in their vehicles to first get approval from the Licensing Authority.
- 1.4 A draft policy document has been produced, which is based on the policy approved by the Directors of Public Protection in Wales (DPPW). This details the requirements and approval procedure for the use of screens in vehicles. A copy of this draft policy is attached at Appendix A.

## **2. Key Issues for Consideration**

- 2.1** In the Vale of Glamorgan, as on 21 July 2020, there have been a total number of 772 confirmed cases in the general public of Covid-19 out of a local population of 128,000; this compares to a total of 16,943 confirmed cases in Wales. As of 21 July 2020 there have been 101 Covid related deaths within the Vale of Glamorgan.
- 2.2** It is understandable that licence holders will want to put measures in place in order to protect themselves from the transmission of Covid-19. However, this must not impact the safety or integrity of the vehicle and would be a post manufacture modification.
- 2.3** With the restrictions starting to ease, more and more taxi and private hire drivers are looking to return to work attempting to ensure that they do their utmost to protect themselves and their passengers. Temporary screens in vehicles have been at the forefront of enquiries from the trade in the hope that a physical separation between drivers and passengers may reduce the transmission of Covid-19.
- 2.4** In response to the request from the trade to install screens in licensed vehicles, the Licensing Expert Panel, made up of representatives from the 22 Welsh local authority Licensing Departments, set up a working group in order to produce guidance for Licensing Authorities to adopt, with the intention of harmonising the approach to the approval of screen installations in Wales.
- 2.5** It should be noted that there is no evidence available that demonstrates that partitions in taxis or private hire vehicles reduce the risk of transmission of Covid-19 infection. Partitions in taxis or private hire vehicles do not provide a fully sealed compartment which completely separates the driver from the passenger. Therefore, whilst it is possible that partitions may reduce the risk of transmission of infection, the risk will not be eliminated entirely.
- 2.6** There are various types of screens on the market, including flexible plastic screens that wrap around the driver and can be easily removed, to rigid polycarbonate plastic screens that have been attached by way of nuts, bolts and rivets or pins to the seats or other interior vehicle trim.
- 2.7** The proposed policy is intended to provide guiding principles on how the Licensing Authority will deal with such requests from licence holders who may wish to install a screen in their vehicle. It also looks to deal with a number of safety concerns associated with screens for example; the potential to interfere with original features of the vehicle principally the side airbags and the movement of the driver's seat and looks to set out specific requirements to satisfy these concerns.
- 2.8** The requirements set out by the policy include:
  - (i) Compliant with government and industry regulations, for example the Road Vehicle (Construction and Use) Regulations and relevant safety, UK and European Community (EC) legislation.

(ii) Compliant with the relevant UN ECE/EU standard for an original equipment type approval test covering interior fittings. Any screen installation that has been fixed to the vehicle in such a way that it may affect the vehicle's structural integrity or the safe operation of the vehicle's Supplementary Restraint System (airbags) should be approved by MIRA, Millbrook or other comparable independent product engineering, testing, consultancy and certification organisation.

- 2.9** The aim of the research conducted has been to ensure that installing screens does not compromise the safety of the vehicle. Officers contacted leading agencies and safety experts in the field of vehicle safety and testing including the Driver and Vehicle Standards Agency (DVSA) and MIRA HORIBA who provide engineering, research and test services to the automotive industry. In relation to safety concerns. DVSA has stated "the installation of safety screens/barriers in a taxi or private hire vehicle is not part of the MOT test. However, such installations should be safely installed and made from suitable materials".

"In respect of the airbags, there is no suitable reason for rejection for an airbag not being able to deploy correctly because of a modification or obstruction, so this could not fail the MOT test. However, no modification should be made to a vehicle that is going to adversely affect road safety or the crash worthiness of the vehicle."

MIRA stated that as part of their test, if a vehicle is fitted with curtain airbags, vehicle proprietors "must provide details of the curtain airbag deployment pattern, and its expected interaction with the partition. The screen must not impact on airbag deployment or performance. You may need to contact the vehicle manufacturer or the company who supplied your screen to obtain this."

The full responses can be found in Appendices B and C.

- 2.10** The Licensing Authority has consulted with the trade on the proposed policy; this included the Vale of Glamorgan Taxi Association and operators.

No responses were received in relation to this consultation.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The Well-Being of Future Generations Act 2015 ('the 2015 Act') sets out new ways of working - of planning and making decisions - for local authorities and other public bodies it lists. The proposal supports the well-being outcome of An inclusive and Safe Vale

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1** There are no financial implications. Publication of the policy will be met from existing budgets.

### **Employment**

- 4.2** None.

### **Legal (Including Equalities)**

- 4.3** 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.
- 4.4** 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.
- 4.5** Under Section 48 of the Act the Council may attach to the grant of a private hire vehicle licence such conditions as it may consider reasonably necessary. The range of conditions is wide and can therefore encompass safety comfort and design.
- 4.6** Licence holders may appeal any decision to refuse to grant a licence under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or a decision to revoke or suspend a vehicle licence under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 to the Magistrates' Court.
- 4.7** Equalities Act 2010

The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics.

## **5. Background Papers**

BBC News - Coronavirus cases in Wales: How many people have died?

# Temporary Screens in Taxis and Private Hire Vehicles Policy

## Summary

1. The Council's conditions of licence require any modifications to the vehicle to be approved by the licensing authority. If a driver/operator wants to fit a temporary screen they should follow the Approval Procedure below.
2. It is the responsibility of the driver/operator to ensure that the device installed is compliant with government and industry regulations, is fit for purpose and does not compromise public safety.
3. Screens need to be regularly cleaned and appropriately maintained
4. The Council reserves the right to require the removal of any screens if concerns as to their safety, fitness for purpose or compliance with health and safety legislation exist.

## Introduction

5. Due to the Coronavirus pandemic, we have recently received enquiries from drivers regarding the installation of protective screens in their vehicles between the front and rear seats.
6. Partitions or safety screens provide a physical barrier between drivers and passengers in the vehicle. They are commonly installed as a safety feature to protect the driver from physical attacks or theft. There has been an increase in interest of the use of screens as a way of providing physical separation between drivers and passengers in order to reduce the transmission of COVID-19.
7. There is no evidence available that demonstrates that partitions in taxis or PHVs reduce the risk of transmission of COVID-19 infection. Partitions in taxis or PHVs do not provide a fully sealed compartment which completely separates the driver from

the passenger. Therefore, whilst it is possible that partitions may reduce the risk of transmission of infection, the risk would not be eliminated entirely.

8. The Licensing Team appreciates that anything which helps to protect drivers and passengers from the spread of coronavirus is to be welcomed, but it is important that the installation of any aftermarket equipment is safe and doesn't introduce new and unintended safety hazards.
9. Following comprehensive safety testing, vehicles will have achieved European Whole Vehicle Type Approval and changing or adding to the interior of the vehicle can potentially alter the 'type approval' of the vehicle. Additionally, badly fitted, inappropriately constructed units, or products made using unsafe materials, could have a catastrophic impact in the event of a vehicle being involved in a road traffic accident.
10. The Council is aware that there are companies advertising the installations '*that have been fully risk assessed*', which do not conform to legal requirements. Drivers should also be aware that screen installation may also affect the vehicle's ability to pass an MOT, such as where they restrict the movement of the front seats. Drivers are advised to obtain independent confirmation from the vehicle manufacturer, MIRA (or comparable body) and their insurer *before* incurring the expense of installing a screen which may not be compliant and may be unsafe.
11. The Council's conditions of licence state:  
**"No alteration or change to the vehicle shall be made without the approval of the Licensing Authority at any time."**
12. For these reasons, prior to voluntarily installing any screening device in your vehicle you must apply for approval to install a temporary screen following the procedure below.

### **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.
- b. Not wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.
- 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:
  - 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.
  - ii. Not interfere with the safe operation of the vehicle and/or the vehicles safety features at any time.
  - iii. Not obscure or interfere with the view of the driver and/or passengers in any way.
- d. Screens must be professionally and securely fitted and maintained in accordance with the manufacturer's specifications and recommendations
- e. Devices should remain free of scratches, clouding or stickers which would impede the drivers or passengers' visibility.
- 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.

14. If you have installed an approved safety screen in your vehicle you must ensure that you clean the screen after each passenger journey using normal household disinfectant.

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.



## Approval Procedure

16. If you wish to fit a protective screen you will need to apply to the Council at [licensing@valeofglamorgan.gov.uk](mailto:licensing@valeofglamorgan.gov.uk) providing confirmation that:

- a. The installation will be conducted in accordance with the requirements of this policy.
- b. Your insurance will still be valid if you fit the protective screen.
- 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 (if applicable)
- 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.

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:
  - i. Compliant with government and industry regulations, for example the Road Vehicle (Construction and Use) Regulations and relevant safety, UK and European Community (EC) legislation;
  - ii. Compliant with the relevant UN ECE/EU standard for an original equipment type approval test covering interior fittings. The screen and installation should be approved by an independent product engineering, testing, consultancy and certification organisation e.g. MIRA, Millbrook or other comparable organisation.
- b. Photograph(s) of the partition or screen installed in the vehicle.

- 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.

19. The Council reserves the right to require additional testing/certification, or the screen to be removed if not satisfied that it is safe, fit for purpose and legally compliant.

DRAFT

## Appendix B – Responses from DVSA in relation to the use of screens

**Sent:** 29 May 2020 08:18

**Subject:** RE: Taxi Safety Screens & MOTs

Dear Sir/Madam

Thank you for your enquiry dated 22 May 2020 concerning a taxi safety screen

The installation of safety screens/barriers in a taxi or private hire vehicle is not part of the MOT test. However, such installations should be safely installed and made from suitable materials.

Additionally, as is pointed out, if such an installation were to affect some other aspect of the test, this has the potential to result in MOT failure.

Restricted movement of a driver's seat adjustment mechanism could be problematic. Technically, if a driver's seat cannot move, or has restricted movement, due to the installation of a screen or partition, this has not adversely affected the seat adjustment mechanism, but has prevented the seat from being fully adjusted due to a modification. I would consider that this does not justify a failure. However, I imagine that many testers would fail for this condition.

In respect of the airbags, there is no suitable reason for rejection for an airbag not being able to deploy correctly because of a modification or obstruction, so this could not fail the MOT test. However, no modification should be made to a vehicle that is going to adversely affect road safety or the crash worthiness of the vehicle.

### Kind regards

Customer Service Centre Agent

Driver and Vehicle Standards Agency | Ellipse, Padley Road, Swansea, SA1 8AN

Phone: 0300 123 9000



Driver & Vehicle Standards Agency

Helping you stay safe on Britain's roads

Find out more about government services at [www.gov.uk/dvsa](http://www.gov.uk/dvsa)

Follow us: [facebook.com/dvsagovuk](https://facebook.com/dvsagovuk) | [youtube.com/dvsagovuk](https://youtube.com/dvsagovuk) | [twitter.com/dvsagovuk](https://twitter.com/dvsagovuk)

Stay informed: sign up for free email alerts and newsletters from [DVSA Direct](#)

## Appendix C – Response from MIRA

**From:** Sales Front Office <[SalesFrontOffice@horiba-mira.com](mailto:SalesFrontOffice@horiba-mira.com)>

**Sent:** 12 June 2020 15:11

**To:** Cook, Daniel

**Subject:** RE: Partition Screen Testing Query [Public]

Dear Daniel,

Please accept our apologies for the delay in coming back you.

We are now in a position to assess a partition installation on vehicles and provide an installation assessment report to TfL.

However, before we proceed we will need you to provide the following information in advance for preliminary review:

- 1) Evidence that the *screen material* meets the required standard (UN ECE Regulation 43.00) as applicable for either a rigid or flexible plastic glazing partition. You may need to contact the company who supplied your screen to obtain this.
- 2) Are curtain airbags fitted to your vehicle? if so, you must provide details of the curtain airbag deployment pattern, and its expected interaction with the partition. The screen must not impact on airbag deployment or performance. You may need to contact the vehicle manufacturer or the company who supplied your screen to obtain this.
- 3) Vehicle details: Make, model, version and registration number

If you are able to supply the information described above we can proceed to issuing a formal quotation and booking an inspection.

The price for this installation assessment service is \*. This is made up of two essential parts:

- £\* for a desktop review of partition screen material specification (compliance to R43 or equivalent)
- £\* for a vehicle / screen installation assessment (for a screen that is made of a material that is already “approved” by TFL under item 1)

**Please note that HORIBA MIRA is unable to provide partition screens, install them in vehicles or recommend any services to do this work. Please refer enquiries of this nature to TfL.**

**HORIBA MIRA can only offer an installation inspection service and report on a vehicle where a compliant screen has been installed.**

Kind regards

