

Report of Head of Licensing & Registration

Report to Licensing Committee

Date: 22 May 2015

Subject: Digital advertising screens in licensed vehicles – Presentation of further information and review of Licensing Committee recommendations of 9 September 2014

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|--|------------------------------|--|
| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. Licensing Committee has previously recommended to the Executive the approval of Digital advertising screens in aftermarket head restraints in licensed vehicles.
2. As a public safety measure and to meet its statutory licensing requirements a condition was imposed that required documentation from vehicle manufacturers to approve the replacement of the manufacturer's original head restraint with the aftermarket product in question. That condition has been challenged.
3. This report includes expert opinion in addition to that previously supplied by Officers and makes additional recommendations but maintains a public safety viewpoint.
4. The recommendation to approve the concept of the advertising format is not affected by this report or recommendations.

Recommendations

5. Members, in the first instance, decide whether or not they consider a head restraint to be a safety critical item in a licensed passenger vehicle.
6. If so, that Members then consider if in this case it is considered appropriate or otherwise to move away from the exiting licensing condition which requires all licensed

vehicles to retain the original vehicle safety accreditation achieved under European Whole Vehicle Type Approval (EWVTA).

7. If Members determine to retain that condition they should determine whether the approved UN ECE Reg. 25 is a proportionate requirement to determine the product safety of the aftermarket head restraint and meets its licensing obligations in respect of head restraints enabling a safe variation to the policy when appropriate.
8. That Members consider the proposed Conditions in respect of the product and the licensed vehicle proprietor and make an appropriate recommendation to the Executive.

1 Purpose of this report

- 1.1 To enable Members to consider the objections to a previous recommendation which imposed a requirement to produce letters of approval from vehicle manufacturers approving digital advertising screens fitted within head restraints in their manufactured vehicles.
- 1.2 Additional expert opinion has been obtained to enable Members to reconsider and determine whether the Council's own licensing conditions should be relaxed or if the applicants aftermarket head restraint should undertake testing to a degree recognised by UN ECE regulations prior to being approved as safe to fit in licensed vehicles.

2 Background information

- 2.1 An Officer report was submitted to Licensing Committee on 9 September 2014 to enable the Licensing Committee to consider if they approved, in principle, the installation of digital advertising screens in licensed vehicles. Members did approve in principle and also approved the safety control measure identified by Officers. The applicant, Mr Crane, spoke at the Committee and did not object to the proposed recommendations of the Committee.
- 2.2 Subsequently the applicant and a Private Hire organisation have objected, in particular to the Officer safety recommendation set out below:-

This should be overcome on a case by case basis with the supplier of the equipment and the proprietor of the licensed vehicle supplying individual accredited statements of conformity for each vehicle in which it is proposed to fit media screens. The minimum standard would be a technical approval declaration from the vehicle manufacturer.
- 2.3 Mr Crane felt the requirement to obtain a form of approval from the vehicle manufacturer was too onerous, disproportionate and unachievable.
- 2.4 Adverse observations were made about other areas of the report particularly the requirement for Officers to inspect the vehicle after fitting the head restraint.
- 2.5 It was also suggested to be a case of double standards by the Council when approval of this product was not matched in terms of safety considerations by other aftermarket products allowed in licensed vehicles for example; PDAs, satellite navigation, taxi meters, accident impact cameras.
- 2.6 Officers have considered where such items are located and generally they are in the vicinity of the driver and also most often not in the head impact zone for a front seat passenger, neither are they safety critical features which have been designed into a vehicle.
- 2.7 Following direct representations to the Chair of the Licensing Committee a further report was presented to the Licensing Committee on 10 March 2015.

- 2.8 Mr Crake and the Private Hire organisation were allowed time to address Members at Committee. The information presented by them challenged the reasonableness of the Officer recommendations in requiring documentation from vehicle manufacturers and other aspects of the reports; and cast doubt on the legal framework referred to by Officers which had been used to substantiate their concerns in the report.
- 2.9 Members determined that consideration of the report be deferred to allow all parties to receive and consider any new information and determine if any areas of dispute remain.

3 Main issues

- 3.1 On 8 April 2015 Officers met with Mr Martin Gaffney, solicitor, who it is understood represents Mr Crake, Mr Dale Askham and Mr John Askham to discuss the areas of concern. Officers had been presented with a report from Mr Dale Askham which appears at **Appendix 1**. Mr Crake did not attend.
- 3.2 The meeting enabled Officers and representatives to speak face to face about the issues, but unfortunately there was no resolution although there were some areas of common understanding.
- 3.3 Officers have taken independent expert advice on those issues raised. That expert opinion has come from an eminent engineering source. The opening questions posed are set out below to demonstrate the qualifications and expertise of the advisor.

1. Your full name and business address.

Anthony Soper, Principal Engineer - Homologation

Millbrook Proving Ground, Bedford, MK45 2JQ

www.millbrook.co.uk

(Officer explanation:- Homologation is the granting of approval by an official authority. This may be a court of law, a government department, or an academic or professional body, any of which would normally work from a set of strict rules or standards to determine whether such approval should be given. The word may be considered very roughly synonymous with accreditation. Certification is another possible synonym.

In today's marketplace, for instance, products must often be homologated by some public agency to assure that they meet standards for such things as safety and environmental impact. A court action may also sometimes be homologated by a judicial authority before it can proceed, and the term has a precise legal meaning in the judicial codes of some countries. The equivalent process of testing and certification for conformance to technical standards is usually known as Type Approval in English-language jurisdictions.)

2. Your professional qualifications, the extent of your associated experience and number of years of such experience.

CEng MIMechE Principal Engineer – Homologation, Millbrook Proving Ground.

I am the Principal Engineer for Homologation at the Millbrook Proving Ground, and have performed this role since 2002. I am a graduate from Southampton University and Chartered with the Institute of Mechanical Engineers and have extensive experience in many aspects of automotive testing, development, validation and certification.

KEY SKILLS

- *Management of type approval projects from initial consultation, through worst casing, to final certification by an approval authority.*
- *Practical experience in gaining approvals to all UK National, United Nations and European Community type approval schemes.*
- *In depth knowledge of the standards and regulations required to support the automotive and military vehicle approval process.*
- *Experience of gaining European Community Whole Vehicle Type Approval (2007/46EC) for IC, LPG, CNG and electrically propelled vehicles.*
- *Project management of automotive development programs including whole vehicle, component and legislative testing.*
- *Project management of various Ministry of Defence vehicle system requirement and compliance programmes.*
- *Member of the Society Of Motor Manufacturers & Traders Working groups for Type Approval, Brakes, Noise, Intelligent transport and Electrically powered vehicles.*
- *Member of the liaison committee representing vehicle converters with the Department for Transport*
- *Primary interface between Millbrook and Vehicle Certification Agency for all test projects*

3. What your organisation does (with some detail please), any accreditations it has to industry, research, Government, VCA etc.

See www.millbrook.co.uk Millbrook Proving Ground is an independent technical service and test house. It works in partnership with world industry leaders to deliver engineering, testing, development and certification solutions across a wide range of sectors, including automotive, transport, energy and defence.

Millbrook's test facilities are accredited by the Vehicle Certification Agency, who maintain and staff an onsite office to witness certification tests

Millbrook is a category A technical service for the Driver and Vehicle Standards Agency (DVSA)

Millbrook is a category A technical service for the Dutch approval authority (RDW)

4. Can you explain what EC Regulation 17 is?

United Nations Economic Commission for Europe (UN ECE) Regulation 17 concerns the approval of vehicles with regard to the seats, their anchorages and any head restraints. Compliance with this regulatory act is currently required by European Community Whole Vehicle Type Approval (ECWVTA) framework directive 2007/46 (Annex IV Item 15) for the purposes of type approval for M and N category vehicles.

The regulation covers the strength of seats and their anchorages, the design of the rear parts of seat backs, head restraints and luggage retention (luggage retention only applies to M1 category vehicles pursuing approval to ECE Regulation 17.08).

Front outboard seats are required to have head restraints. Head restraints will be tested in the most unfavourable position (generally the highest position) allowed by its adjustment mechanism. Head restraints height and width (in relation to declared 'H' point and torso angles) is checked to ensure that they comply with the dimensional requirements.

A seat anchorage test is performed. This is a dynamic sled acceleration test (conducted in the forward & rearward directions), conducted in a representative vehicle body in order to verify adequate seat strength and attachment to the vehicle body as a result of its own mass and resultant inertia.

Seat structural strength tests are specified, where a force producing a moment is applied to each seat (applied simultaneously for each seating position in the case of bench seats). If the force on the head restraint (if applicable) is greater than the resulting moment on the seat back the head restraint strength test can be combined into one test.

Energy dissipation tests are required, where impacts on head restraints are conducted from the front and rear (those from the rear are only required if there are seats behind the seat in question). If there is no head restraint on the seat being tested then only an impact from the rear is required (again, only if there are seats behind the seat in question).

A radii check is performed on de-trimmed seat backs, where there are requirements for minimum edge radii (the radii will depend on the area of the seat back). This is not required on the rearmost seat row (unless one side of a bench can be folded) or back-to-back seats.

Luggage retention (if applicable) is a dynamic sled test (simulating a forward impact) with test blocks conducted in order to verify the luggage retention system when impacting the most rearward row of seating.

5. Has EC Regulation 17 been repealed or replaced by other legislation, if so, please define and explain.

UN ECE R17 (Supplement 2 to the 08 series of amendments, entry into force 10.06.14) is the current regulatory act required for ECWVTA (see question 4). This regulation is called up in place of European Economic Community directive 74/408, which was repealed on November 1st 2014

6. Do head restraints still form part of the testing regulations as described in EC Regulation 17 to achieve EWVTA ?

Yes, see question 4

Ends

- 3.4 Officers have impressed upon Members the view that head restraints are a critical safety feature in vehicles and Mr Soper explains the type of testing undertaken. (This testing was an attachment in the report of 10 March 2015 and is further attached).
- 3.5 It also finalises the repeated assertion to Members and Officers that this regulation has been repealed, which was one of the main presentation points to Members in opposing the Officers' report of 10 March 2015.
- 3.6 Officers have emphasised their opinion that the head restraint is a passenger safety critical feature in a vehicle. Officers are not persuaded that this view is diluted in any way what-so-ever by the argument that head restraints are not an MOT inspection item or that private cars can have them removed if the owner wishes.
- 3.7 The inspection methods of licensed vehicles by Officers, and the relevance of individual Officers' qualifications have been brought into question. Officers are competent to a level of inspection of head restraints to recognise a head restraint which is deformed, damaged, and notably different from the other head restraints in the vehicle or has exposed parts. These would fail an inspection under Councils powers to inspect licensed vehicles.
- 3.8 The author of this report is satisfied that all of the Officers involved in such vehicle inspections, or decision making, have appropriate qualifications and experience for the role.
- 3.9 An unsafe head restraint may also result in a criminal prosecution under UK national legislation to prevent danger being caused, or likely to be caused, to any person. Officers at the Section are competent in securing and assessing evidence and ultimately presenting it to the Courts.
- 3.10 Officers also asked the following questions of Mr Soper :-

7. Do vehicles produced for the European market fit head restraints as standard which have formed part of a safety testing regime to achieve EWVTA ?

Most volume production M1 / N1 category vehicles for the European region will hold an ECWVTA, and head restraints will generally be required for front seating positions (as part of the passive safety equipment) to enable the vehicle to

comply with prescribed limit values for crash test dummy neck extension, as determined by the UN ECE R94 crash test.

8. Do you consider the head restraint fitted to a vehicle at the point of manufacture to be a critical safety feature in the event of a front or rear vehicle impact?

Yes, see question 7

9. What are the essential design features of a head restraint?

The dimensions and performance are defined within UN ECE R17

10. Would the absence of a head restraint potentially increase the risk of injury to the front seat passenger in the event of a front or rear vehicle impact?

Yes, see question 7

11. Would the absence of a head restraint increase the risk of injury to the rear seat passenger in the event of a front vehicle impact?

For this question, I will assume that the absent head restraint will be that of the front seating positions. In this case, the area associated with the absent head restraint may fall within the type approved head impact zone of the rear seat occupant. It is likely that that this area will only be compliant with the head restraint fitted, however this will be vehicle specific and cannot be fully assessed without testing or access to the type approval documentation for individual vehicle types.

Ends

- 3.11 Officers remain satisfied that the Council is being entirely reasonable to take the view that a head restraint is a safety critical item.
- 3.12 Members may recall a part of the debate in respect of 'aftermarket' products, (those replacement parts that are not supplied by the manufacturer of the vehicle) and whether there was available safety testing for such 'aftermarket' parts. The issue being considered here is head restraints and Officers have sought to demonstrate the availability of regulatory testing for 'aftermarket' head restraints.
- 3.13 Members will note that although the testing is not mandatory for aftermarket head restraints, there is regulated approval process in place to enable manufacturers to demonstrate the safety values and conformity of their product.
- 3.14 Members have been informed that this product has been approved in other local Authorities. Direct contact with Officers in those areas reveals that this application is the first decision on which a more detailed approach to public safety was taken. One Authority left it to the trade to decide and did not consider it a licensing issue as such.

- 3.15 Their general approach has been to consider an application as an advertising issue, although two Authorities have included conditions, which are attached at **Appendix 2 and 3**.
- 3.16 Members will note that condition 5, 6 and 11 (**Appendix 2**), in particular, deal with the same issue of public safety. The difference between the approach of some Authorities and this Authority is that Officers have asked the applicant and representatives to demonstrate they are meeting such a requirements.
- 3.17 Members will note the clear parallel between condition 11 (Wakefield) at **Appendix 2**, condition 5, 6 and 11 (York) at **Appendix 3** and this Council's existing licensing condition applicable to all licensed Private Hire and Hackney Carriage vehicles which is at **Appendix 4**.
- 3.18 In order to adopt a uniform approach to the matter it is suggested that Members may wish to impose the similar defining conditions as proposed in **Appendix 5**.

12. Can you explain what Regulation 25 is?

UN ECE R25 is a regulation that concerns the approval of head restraint devices at a component level, whether or not they are incorporated in vehicle seats. The applicant for an approval under this regulation shall be submitted by the holder of the trade name or mark of the seat or the head restraint or by his accredited representative. The regulation specifies various test requirements and product markings. The test requirements include dimensional limits and values for energy dissipation. Whilst this regulation is not one of the regulatory acts required for ECWVTA, the United Kingdom is a signatory to it, and components holding an approval to it are recognised by the executive agencies of the department for transport.

13. Does EC Regulation 25 negate the requirements of Regulation 17 to achieve EWVTA?

No, ECWVTA requires approval to ECE R17 which covers the seating components and their installation into a vehicle type (see question 4). The technical content of ECE R17 that is applicable to head restraints is the same as ECE R25

14. What are the differences between Regulation 17 and Regulation 25?

ECE R17 is part of a vehicle type approval requirement and covers the installation and performance of seats and restraints in a vehicle type. ECE R25 is a stand-alone regulation that allows head restraints to be approved at a component level. See question 4 – Because ECE R17 encompasses seat strength and installation into a vehicle type, there are additional tests to evaluate these areas.

15. In your opinion could such an 'after-market' head restraint, that has not undertaken and achieved appropriate testing in line with existing EU Reg 17 or EC Regulation 25, potentially reduce the passenger safety factors designed into the original structure of the seat and head restraint when it achieved EWVTA?

Unless a head restraint has been assessed and tested to the requirements of ECE R17 or ECE R25 then its compliance to dimensional specifications and energy dissipation properties are unknown. Therefore, it may potentially have an adverse effect on a vehicle occupant in a crash event.

Approval to either of the regulations also places conformity of production obligations on the manufacturer, to ensure that the components placed on the market are the same as those tested and approved.

16. Can 'aftermarket' head restraints be tested to the same or equivalent level of safety conformity which is described in any EU legislation? If so, please state the Regulations and append them to your report?

Yes, the purpose of ECE R25 is to allow such components be approved to the same level as required for ECWVTA

17. Can you describe the ways in which such testing can be undertaken?

See ECE R25 and question 12

18. What is the cost of that testing?

The cost of obtaining a type approval varies, depending on the test installation and number of seat types required. The costs are generally comprised of the following activities:

- Approval authority fees (VCA witness and certification)
(Explanatory note by Officers - £90 per hour – this is a statutory fee and may take several hours)
- Cost to conduct the tests (technical service, such as Millbrook)
(Explanatory note by Officers – This is destructive testing and may need the supply of more than one head restraint or seat of similar construction to that which the screen is to be fitted)
- Documentation
(Explanatory note by Officers – Completed personally by the applicant or a consultant on their behalf)
- Test parts & logistics
(Explanatory note by Officers – Dependent on the number of tests undertaken on that product and a particular seat – in the region of £2,000 to £3,000 per completed testing)

19. How many accredited agencies or organisations are there in the UK who can undertake such testing which are recognised by the VCA and VOSA?

The approval authority in the UK is the VCA (vehicle certification agency). The VCA are an executive agency of the UK department for transport. Their role is to witness the test work and to issue the approval certificate. The VCA do not have their own test facilities, but will witness the tests and assessments when conducted at technical services whose facilities have been appraised as compliant and competent. Millbrook Proving Ground is one of these technical services.

20. If successfully tested to an acceptable level of safety described in EU legislation would that be a 'one-off' test to cover all model of vehicles or would there need to be a separate test for it to be fitted to other models of vehicles to attain the same safety assurances.

ECE R25 defines the concept of a "type" to which the head restraint can be approved for use in. The type is defined as :

- the lines and internal dimensions of the bodywork constituting the passenger compartment*
- the types and dimensions of the seats*
- type and dimensions of head-restraint attachment and of the relevant parts of the vehicle structure in the case of head restraint directly anchored to the vehicle structure*

Therefore, it is not possible to approve the restraint to cover all models of vehicles.

21. If a product was successful in such testing what is the importance of conformity of production standards?

Prior to issuing any type approval, the approval authority will require evidence of conformity of production. This is generally in the form of certification to ISO9001 for the manufacturer, with additional evidence of control plans specific to the product in question and / or an audit.

22. How might this be achieved, particularly if the product was imported from outside of the EU or the product manufacturer was to change?

Imported products would have to meet the conformity of productions requirements required of them by the approval authority, and the VCA do have overseas offices to support such activity. If the manufacturer were to change, then the approval would have to be extended or withdrawn and replaced to reflect the change.

23. If a head restraint has an image screen fitted into the rear of it, does this present any potential danger to the rear seat passenger in the event of collision?

Fitment of such devices is not unusual. Assuming it meets the he requirements of, or is approved to, either ECE R17 or R25 then the potential for danger is minimised. The purpose of the testing called up by these regulations is to ensure

that the presence of a head restraint is not a danger to vehicle occupants, and considers installation, sharp edges, roughness and energy dissipation of a headform impacting the device (it is struck with a pendulum having a head diameter of 165 mm, a mass of 6.8 kg, at a speed of 24.1 km/h and deceleration values may not exceed prescribed limits).

24. Are there any Regulations in respect of such screens in vehicles, particularly in respect of passenger impact?

As discussed, ECE R17 and / or R25 are applicable

A certificate of EU conformity has been presented to the Council by Mr Crake and has been previously explained to Members, however, for the removal of any misunderstanding the following question was posed:-

25. Can you explain exactly what the attached certificate of conformity relates to?

The subject certificate is from a test laboratory confirming that the Taxi LED Advertising Player (LteTOPrraxi009, Taxi007, with WIFI) meets the requirements of Article 1 0.5 of R&T IE Directive 1999/5/EC. This Directive establishes a regulatory framework for the placing on the market, free movement and putting into service in the Community of radio equipment and telecommunications terminal equipment. The directive is concerned with the electro-magnetic compatibility of the component and the vehicle.

26. The removal of a head restraint after EWVTA does not affect the original EWVTA.

This statement is not strictly true. Removal of a head restraint does invalidate the ECWVTA, however UK National legislation does not require that registered vehicles comply fully with their type approved specification. Once registered vehicles should comply with the regulations contained in the Road Vehicles Construction and Use Statutory Instrument No. 1986 No. 1078. This statutory instrument does not require the fitment of type approved head restraints.

However, regulation 100 of this statutory instrument requires the following :

F-AVOIDANCE OF DANGER

Maintenance and use of vehicle so as not to be a danger, etc

100. (1) A motor vehicle, every trailer drawn thereby and all parts and accessories of such vehicle and trailer shall at all times be in such condition, and the number of passengers carried by such vehicle or trailer, the manner in which any passengers are carried in or on such vehicle or trailer, and the weight, distribution, packing and adjustment of the load of such vehicle or trailer shall at all times be such, that no danger is caused or is likely to be caused to any person in or on the vehicle or trailer or on a road.

It is possible that the above regulation could be used as the basis for a prosecution should a serious injury occur that can be attributable to the fitment of

a non approved component, however I am not aware of any relevant case law to support this.

Ends

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The information contained in this report has not been the subject of consultation with the trade as it is a business opportunity and an individual proprietor's choice and not a regulatory issue such as Members normally see.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no significant issues. The principle of the advertising content will already have been approved in accordance with ASA standards but the distinction should be drawn that advertising or other media that highlights international or religious tensions would not be acceptable. Such matters could lead to disputes between passengers or drivers or be offensive to a passenger. Similarly it might be considered in appropriate to have an involvement with local politics (as opposed to Council policies).

4.3 Council policies and City Priorities

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy

- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.3.3 Safeguarding children and vulnerable adults:

4.3.4 Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 Significant costs have been incurred in obtaining expert opinion and the setting of an inspection fee will help address the real cost of continued Officer involvement

4.5 Legal Implications, Access to Information and Call In

4.5.1 There have been repeated assertions that UN ECE Reg 17 is no longer applicable by the parties associated to the applicant. Despite repeated requests for documentation from different Officers, to demonstrate this, there has been no information forthcoming. Officers and legal opinion are satisfied that UN ECE Reg 17 is applied to the testing of head restraints to achieve EWVTA.

4.5.2 Officers are further satisfied that UN ECE Reg 25 is an equivalent form of testing for an aftermarket head restraint.

4.5.3 Members are informed that there has been an indication that a decision not favourable to the applicant or other parties may be subject to Judicial Review. That point has been considered by legal Officers when overviewing this report.

4.6 Risk Management

4.6.1 Officers are concerned that unless there are auditable control measure in place to ensure continued compliance to the integrity of the vehicle's safety design that there could be a safety risk to the public and potential legal risk to the Council. It is not considered to be a minor issue in the arena of whiplash injuries and a light touch approach to the potential risk is not, in the view of Officers, the correct approach in considering this issue.

5 Conclusions

5.1 The primary purpose of the head restraint is to reduce the risk of serious injury and Members need to evaluate the associated risks, if any, prior to recommending approval of the head restraint and display screen equipment in licensed vehicle to the Executive.

6 Recommendations

6.1 Members, in the first instance, decide whether or not they consider a head restraint to be a safety critical item in a licensed passenger vehicle.

6.2 If so, that Members then consider if in this case it is considered appropriate or otherwise to move away from the existing licensing condition which requires all licensed vehicles to retain the original vehicle safety accreditation achieved under European Whole Vehicle Type Approval (EWVTA).

6.3 If Members determine to retain that condition they should determine whether the approved UN ECE Reg. 25 is a proportionate requirement to determine the product safety of the aftermarket head restraint and meets its licensing obligations in respect of head restraints enabling a safe variation to the policy when appropriate.

6.4 That Members consider the proposed Conditions in respect of the product and the licensed vehicle proprietor and make an appropriate recommendation to the Executive.

7 Background documents¹

UN ECE Regulation 17

UN ECE Regulation 25

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

WAKEFIELD METROPOLITAN DISTRICT COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

ADDITIONAL CONDITIONS FOR ADVERTISING INTERNALLY WITHIN THE VEHICLE VIA SCREENS - DIGITAL MEDIA TECHNOLOGY

Hackney carriage and private hire vehicles may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material subject to compliance with these conditions.

1. Only systems approved in writing by the Council can be installed. Systems currently approved by the Council are:-
DigiCab Media.
2. All broadcast material must comply with the OFCOM Broadcasting Code.
3. All films/video material must be classified by the BBFC as U or exempted from classification.
4. The only live feed material must be national or local news and weather.
5. All equipment must comply with Construction and Use Regulations.
6. All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers, or the driver. This includes impact with the equipment in the event of an accident, or damage through vandalism, misuse, or wear and tear.
7. The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
8. The intensity of any screen should not be visually intrusive or dazzling. The screen must not obstruct the passenger's view of any meter.
9. Any screen shall be no larger than 15".
10. Screens may be installed in the driver and front passenger seat headrests, or in other suitable locations as agreed by the Council.
11. The installation must not weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturers' original equipment.
12. The design must be discreet and complement the interior furnishing of the vehicle.
13. The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
14. Passengers must be able to turn the screen off.
15. All equipment must be protected from the elements, secure from tampering and located so as to have no impact on the seating and luggage capacity of the vehicle.

CITY OF YORK COUNCIL

ADVERTISING INTERNALLY WITHIN THE VEHICLE VIA TV SCREENS
(DIGITAL MEDIA TECHNOLOGY)

Hackney carriage and private hire vehicles may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material. To use this form of technology for advertising purposes and/or live feed material it must comply with the following conditions:

1. Digital media systems must be approved by the licensing authority before they are installed.
2. All broadcast material must comply with the OFCOM Broadcasting Code.
3. All films/video material must be classified by the BBFC as U or exempt from classification.
4. The only live feed material that can be shown is national/local news and weather.
5. All equipment must comply with any legislative requirements in respect of Construction and Use Regulations and other legislation.
6. All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
7. The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
8. The intensity of any screen should not be such as to be visually intrusive or dazzling. The position of the screen must not obstruct the passenger's view of the meter and the visibility of the screen to following vehicles should be minimal.
9. Any screen shall be no larger than 15".
10. All equipment must be installed in the driver's compartment and should not be visible from the driver position. The screen may be installed in the driver and front passenger seat headrests, or other suitable location agreed by the licensing authority.
11. The installation must not be such as to weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
12. The design must be discreet and complement the interior furnishing of the vehicle.
13. The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
14. Passengers must be able to control the volume level, including turning the sound off. The driver must have overall control of the volume to make sure it does not distract them while driving. The sound should be automatically muted when the intercom is operated.
15. Passengers must be able to turn the screen off.

16. A notice should be displayed within prominent view and physical reach of all passenger seats giving instructions to passengers as to adjusting the volume and turning the screen off. The notice shall be in a suitable format and design for visually impaired people and visible in low light conditions.
17. The mute/volume control must be accessible from the nearside and offside passenger seats.
18. Once activated the mute should continue without further activation by the passenger until the passenger leaves the vehicle.
19. All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the seating and luggage carrying capacity of the vehicle.

POLICY IN RESPECT OF ATTACHED TO THE GRANT OF A PRIVATE HIRE VEHICLE

Policy Statement

Private Hire vehicles are licensed for the purpose of carrying the fare paying public on journeys pre-booked through a licensed Operator.

The licensed vehicle must be safe and comfortable in every aspect of its design. Modern manufactured vehicles meet these requirements, but not all of them are suitable for the commercial carriage of a wide variety of passengers and luggage. Additionally, some vehicle designs are not appropriate for people who may suffer from a wide range of spinal, visual, ambulant or mobility disabilities.

In simple terms getting into and out of the vehicle must be as easy as possible and take into account the widest range of disabilities, as well as able bodied people. Inside the vehicle the seat space must be adequate to accommodate at least four passengers. Comfortable travelling is required by all passengers, but for people with some disabilities it is an absolute necessity. Accordingly, Leeds City Council will not ordinarily licence sports editions of vehicles or those vehicles designed for 'off roading' or having the characteristics of such a vehicle.

It is not acceptable that public transport vehicles are adapted in any way to replicate sports vehicles with adjustments to the suspension, wheels, body fittings or exhaust or engine performance enhancements or the seating.

Set out below are the pre-conditions to the consideration of the grant of a Private Hire vehicle licence.

Additionally, once licensed, a Private Hire vehicle must continue to meet these standard pre-conditions.

Standard Conditions Attached to the Grant of a Private Hire Vehicle

1. At the point of licensing a vehicle must hold full 'Whole Vehicle Type European Approval'.
2. Will be a manufacturers standard right hand drive vehicle (excluding vehicles of London cab type) with a minimum nominal engine capacity of 1400cc. The colour shall be a manufacturers standard colour for the particular model.
3. Fitted with a least four doors, two to the nearside and two to the offside.
4. Of at least the four-wheel type and carrying a suitable spare wheel which meets the legal requirements.
5. Maintained in the original form of the manufacturers specification, design or appearance of the vehicle.

6. A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C and D,)
7. Must be capable of being inspected to a MOT standard or an appropriate equivalent test to the satisfaction of the Council.

LEEDS CITY COUNCIL**PROPOSED CONDITIONS FOR ADVERTISING WITHIN LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES VIA DIGITAL ADVERTISING SCREENS EITHER FITTED IN HEAD RESTRAINTS OR 'STAND ALONE'**

Hackney carriage and private hire vehicles may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material subject to compliance with these conditions.

1. Only systems approved in writing by the Council can be installed.
2. Each Proprietors application to install such equipment in a licensed vehicle must be accompanied by an application form prescribed by the Council with the inspection fee, as set out in the Section's schedule of charges.
3. Produce a certificate from the supplier which demonstrates that the product has attained conformity to the principles of UN ECE Reg 25 or was part of the vehicle range which achieved EWVTA with UN ECE Reg 17. (The latter would probably not apply to standard manufactured vehicles for the European market).
4. Produce a certificate of conformity to demonstrate the product meets the requirements of Article 1 0.5 of R&T IE Directive 1999/5/EC (Electrical Devices).
5. Explanatory documentation supplied by the media company detailing the safety advice in respect of head restraint positioning and emphasising the primary purpose of the head restraint is public safety and not entertainment.
6. A certificate of vehicle insurance which clearly identifies that the insurer is aware of the precise details of the product and that cover of all third party risks is not affected in any event or alternatively, proof of a policy of insurance from the company supplying the product in respect of third party risks.
7. The installation must not weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturers' original equipment.
8. All equipment must comply with Construction and Use Regulations.
9. All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers, or the driver. This includes impact with the equipment in the event of an accident, or damage through vandalism, misuse, or wear and tear.

10. The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
11. Screens may be installed in the driver and front passenger seat headrests, or in other suitable locations as agreed by the Council, subject to inspection.
12. Any screen shall be no larger than 15”.
13. The intensity of any screen should not be visually intrusive or dazzling. The screen must not obstruct the passenger’s view of any meter or be visible to the driver of the vehicle.
14. The design must be discreet and complement the interior furnishing of the vehicle.
15. The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
16. Passengers must be able to turn the screen off.
17. All equipment must be protected from the elements, secure from tampering and located so as to have no impact on the seating and luggage capacity of the vehicle.
18. Notify the Council of a change of manufacturer of the head restraint or digital display screen and produce the required UN ECE certificates of conformity as required in the application process.

Advertising or broadcast media

1. All broadcast material must comply with the OFCOM Broadcasting Code.
2. All films/video material must be classified by the BBFC as U or exempted from classification.
3. The only live feed material must be national or local news and weather.
4. All displayed media must adhere to Councils Corporate advertising policy which includes:
 - Advertising Agency Standards cover all forms of advertising but nevertheless even conformity to their standards would not necessarily

mean that the adverts or footage appearing on the display screens are necessarily those that you would want to see in the presence of business partners or children and there has to be an understanding of this on the part of the media company.

- The Council's values are not undermined and any advertising that is prohibited by the Council or is not supporting of Council priorities or values would not be permitted (e.g. advertising by pay day loan companies would not be permitted as they are in conflict with the principles of the Council's poverty agenda)
- Not advertising alcohol, tobacco or sexual entertainment venues.
- Not advertising political issues
- Supply to the Council, upon demand, digital recording copies of any advertising media.