

**Report of Dale Askham Director Leeds Private Hire Drivers
Association**

Report to Licensing Committee

Date 8th April 2015

Subject: Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9 September 2014

A proposed policy – digital advertising screens in licensed vehicles

REPORT OF DALE ASKHAM, DIRECTOR OF LEEDS PRIVATE HIRE DRIVERS ASSOCIATION TO LICENSING COMMITTEE. DATE: 8TH APRIL 2015

Subject:

Report of Head of Licensing and Registration

Report(s) to Licensing Committee

Date: 9 September 2014 & 10th March 2015

Subject: A proposed policy – digital advertising screens in licensed vehicles

I feel it appropriate to write to you with regard to the above report and the subsequent report presented by Head of Licensing and Registration at the licensing meeting which was held on the 10th March 2015.

Having read both the initial report as above and the second report as presented on the 10th March 2015 and listened to Mr. Broster's explanation to committee Members of documentation contained within that report I was amazed at the blatant attempts to mislead Members of the Committee with documentation and so called 'facts' that quite frankly were without foundation or merit. Members must have realised by now that this is the second time Mr. Broster has submitted a report that was flawed and misleading.

Mr. Broster is the most senior officer in the Taxi & Private Hire Licensing department and as such Members of the Licensing Committee rely heavily on his reports to assist them in making objective, legally correct decisions.

Twice members have, based on the information contained within the two reports, along with explanations given by Mr. Broster left themselves open to question and potentially left the Council open to Legal Challenge on a number of issues because of one senior officers lack of ability to guide the members with true and legal facts.

I would like to point out the following FACTS to you so that any decisions made by Members at the next meeting on April 8th 2015 can be made based on information that is accurate, legal and based on FACT, and not flawed personal opinion from someone who has twice presented erroneous information to Committee Members.

Below are questions we posed to the **UK Vehicle Certification Agency**, along with their answers re EU/UK Headrest regulations/conformity.

VCA is the designated UK Vehicle Type Approval authority and with more than 30 years experience supports industry by providing internationally recognised testing and certification for vehicles, their systems and components. A leading Management Systems Certification body, VCA also provides certification to ISO 9001, ISO TS 16949, ISO 14001, OHSAS 18001, Acorn (a phased approach to environmental certification), EMAS and ISO 50001 (Energy Management Certification).

E/ECE/324/Rev.1/Add.16/Rev.5-E/ECE/TRANS/505/Rev.1/Add.16/Rev.5 is a current E.U. Directive that refers to various aspects of Vehicle/Equipment conformity and regulations, but is guidance for Vehicle Manufacturers 'at point of manufacture' and 'does not apply to aftermarket products'.

(1) **From:** Mike Protheroe

Sent: 16 March 2015 15:21

To: 'phssltd@outlook.com'

Subject: RE: LEG-2015-0067-ENQUIRY - REPLY- VEHICLE HEAD RESTRAINTS

6. If an 'aftermarket' headrest was fitted to a vehicle would it compromise the 'Whole Vehicle' type approval?

>>> It would if it were fitted prior to registration / initial entry into service of the vehicle. After the vehicle has

6. If an 'aftermarket' headrest was fitted to a vehicle would it compromise the 'Whole Vehicle' type approval?

>>> It would if it were fitted prior to registration / initial entry into service of the vehicle.

4. Are there any 'whole product' UK/EU Certificates of Conformity for either manufacturer or aftermarket headrests?

>>> See 1 above, there used to be a directive 78/932/EEC (now repealed) which allowed approval of a head restraint,

5. is a vehicle headrest a 'testable' item under UK MOT testing requirements

>>> No

See attached VEHICLE & OPERATOR SERVICES AGENCY 'The MOT Inspection Manual.' There is no section relating to Headrest testing or requirements.

1. **FACT.** There is no legal requirement to have ANY headrest installed in a vehicle. There is a legal requirement for modern vehicles to have a headrest fitted **AT THE POINT OF MANUFACTURE**, but vehicle owners can remove headrest after purchase and if they chose to do so can either run the vehicle without any headrests or install an aftermarket headrest, which may or may not have a DVD screen fitted.

2. **FACT.** There are no testing or inspection requirements on headrests, either manufacturer or aftermarket, within the UK or EU.

3. **FACT.** The headrest, if fitted, is not part of an MOT inspection.

4. Does the removal or fitting of a headrest compromise the 'Whole Vehicle Type Approval' obtained by manufacturers?

FACT.

5. Does any member of staff or management at Taxi & Private Hire Licensing department hold ANY Qualifications which would qualify them to either inspect or pass a professional opinion on Headrest?

FACT.

As there is no EU or UK legislation governing the installation/use/conformity of headrest it is impossible for VLE staff to carry out any inspection as there are no parameters by which to measure such inspections. None of the staff or management at Taxi & Private Hire Licensing hold any relevant qualifications that would qualify them to inspect or pass any professional opinion on any component of not only the Digi-Cab Media Headrest but any headrest whatsoever. Mr. Broster is effectively, (purely in an effort to create an additional revenue stream for his department), trying to 'Re-Invent the Wheel'

PLEASE SEE BELOW ANSWER TO QUESTION 2 OF OUR F.O.I REQUEST 13424. WHICH WAS MADE TO LEEDS CITY COUNCIL:

- > Information Request - 2
- > Details and copies of any:
 - >
 - > a. 'Risk Assessment(s)' including the name and qualifications of the
 - > person/organisation that carried out the relevant 'Risk Assessment'
 - > with reference to the claimed 'Passenger/Public Safety' risks
 - > contained within various passages of the report, specifically items
 - > 3.4, 3.6,
 - > 3.9 and 4.6.
 - >
 - > Response:
 - >
 - > No written risk assessments have been conducted by the Council but the
 - > qualifications of the Officers who considered the proposals for the
 - > fitting of aftermarket head restraints are:
 - >
 - > Desmond Broster: Section Head -Apprentice trained motor vehicle
 - > mechanic - City and Guilds Parts 1 and 2 (final) qualification.
 - > Additionally he has 12 years' experience in technical policy
 - > development as an Authorised Officer within Leeds City Council. He was
 - > previously an Authorised Vehicle Examiner in the West Yorkshire Police.
 - >
 - > Martino DePlacido: Operations Manager - Apprentice trained motor
 - > vehicle mechanic - HNC Motor vehicles Technicians final qualification.
 - > Trained to Ministry of Transport vehicle inspection standard.
 - > Additionally, he has 34 years' experience as a Vehicle Examiner and 23
 - > years as an Authorised Officer of the Council.
 - >
 - > Philip Hatch: Principle Vehicle Inspector - Apprentice trained motor
 - > vehicle mechanic - HNC Motor vehicles Technicians final qualification.
 - > Trained to Ministry of Transport vehicle inspection standard.
 - > Additionally, he has 34 years' experience as a Vehicle Examiner and 19
 - > years as an Authorised Officer of the Council.

None of the above qualifications are commensurate with the holder(s) being qualified to carry out inspections on Headrests. VOSA, MOT TESTING FACILITIES, EU and UK VEHICLE CERTIFICATION TESTING FACILITIES ARE NOT QUALIFIED, AND DO NOT CARRY OUT INSPECTIONS ON HEADRESTS.

6. Can a driver obtain Hire & Reward Vehicle Insurance for a vehicle that is fitted with a Digital Headrest?

FACT. YES

SEE ATTACHED E-MAIL (3) FROM ACORN INSURANCE.

If there is a claim regarding the headrests then where would liability for that claim lie?

FACT. Any claim would be covered by either the Product or Public Liability insurance held by Digi-Cab Media.

FACT. There would be no liability to Leeds City Council.

Mr. Broster is wanting to charge an administration and inspection fee for the headrests once installed.

ITEM 4.6 RISK MANAGEMENT. 4.6.1 Mr. Broster's report to Licensing Committee 9th September 2014. Mr. Broster by his own admission to members at the Licensing Meeting of the 10th March 2015, he himself cannot cope with his work load and the demands of the licensing department,

Despite having 'ring fenced revenue,' the department is constantly under staffed, not only in the administration department but enforcement as well, as stated to the members by Mr. Broster at the meeting of 10th March 2015 .

We have attached copy e-mail sent to the Private Hire and Hackney Carriage industries by Taxi & Private Hire Licensing on 1st October 2014 clearly identifying staff shortages. Nothing has effectively changed since this e-mail some 6 months ago. There are still staff shortages, constant sickness absence and ineffective management of holiday rostering, resulting in sub standard service to clients of this department.

I was personally at Torre Road recently when, at 2.15pm VLE Officers were standing at the doors to the public offices stopping anyone entering as there was no room inside. Officers were turning away drivers and telling them to come back the following day as there wasn't enough staff to process their applications. Torre Road Offices officially close at 3.30pm. I had personally queued for over 3 hours before I was eventually seen by an administration officer.

Why is Mr. Broster insisting on inspecting these headrests when the Taxi & Private Hire Licensing DO NOT inspect any other aftermarket equipment in licensed vehicles, i.e. 2 way radios / data heads / PDA's etc?

The current procedures for vehicle inspections are:

1. The vehicle is booked in for inspection
2. The vehicle is inspected
3. Once the vehicle has passed the inspection it then returns to VLE on either a Monday, Wednesday or Friday to have the vehicle livery fitted (stickers)
4. Once the vehicle is stickered up then the vehicle is ready to work as a licensed vehicle in Leeds
5. The driver then takes the vehicle to the operator he is going to work for and then and only then is he issued with his radio and data head to fit to his car

PLEASE SEE ATTACHED LICENSING INSPECTION REPORT, HACKNEY CARRIGE / PRIVATE HIRE / CONTRACT VEHICLE FORM USED BY THE VLE INSPECTORS. This is used by Taxi and Private Hire Vehicle Inspectors when inspecting the vehicles.

You will notice that there is no requirement to check any aftermarket equipment on the said inspection report form. PLEASE TAKE PARTICULAR NOTICE OF THE WORDING *NOTE*

Mr. Broster wants his department to carry out 'inspections' which have no national or E.U. parameters to measure them by, but of a greater concern, neither Mr. Broster or any of his staff have any qualifications which, if such a test existed would qualify them to carry out such 'tests'

We note in the report presented by Mr. Broster on the 10th March 2015 he again raises the subject of INSURANCE. Mr. Broster included in his report a copy of an e-mail from Blue Drop Services which contained the following statement: "I can confirm that with regards to insuring the headrests with a digital screen, I can confirm that they can be covered under the modifications section of a vehicle as long as the headrests have passed as I have been told they have been by John at PHSS, if this is not the case then unfortunately I will not be covering any vehicle that has the head rests in".

1. I was present when John Askham made that call to Blue Drop Services and categorically state that John Askham did not make that statement. What John actually said was "the headrest carries an EU Certificate of Conformity for the electrical components" We note with concern that Mr. Broster fails to include in his report a copy of his e-mail to Blue Drop Services or state exactly what question(s) he asked Blue Drop Services to illicit such a response.
2. Blue Drop Services are an **Insurance Broker** and merely sell Insurance products for a number of Insurance Companies. They do not formulate or write any 'terms and conditions' of insurance and neither do they underwrite any Insurance Policies.
3. There are no EU Safety Checks so the statement by Blue Drop re such EU checks is irrelevant.

We find the statement from Blue Drop Services particularly confusing when only a few weeks prior to being contacted by Mr. Broster we asked them if they would insure vehicles with Digital Headrests fitted and received the attached reply from them.

It is even more confusing and somewhat ironic that Blue Drop Services, an **Insurance Broker** are an 'Agent' for both Acorn and Haven **Insurance Companies**.

Both of these **Insurance Companies** are members of the same Group and underwrite their own 'Term and Conditions' for their policies. Last year they underwrote in excess of £100 million of Hire and Reward insurance and have stated quite categorically that they **'WILL INSURE VEHICLES WHICH ARE MODIFIED TO CARRY AFTER-MARKET HEADRESTS'**.

This clearly contradicts the statement from Blue Drop Services.

Mr. Broster has gone to great lengths, used an enormous amount of Council time, resources and expense to produce two reports that are not only flawed but contain erroneous and misleading information.

Putting all this aside, we would respectfully suggest that the resolution to this whole sorry saga lies with the simple application of Common Sense.

We would pose the following questions to Members:

1. Does the installation of Digital Headrests in Licensed Vehicles place any liability on the Council?
2. Are there any benefits, (real or potential) to the Council, Citizens and Visitors to Leeds, Licensed Vehicle Operators and Drivers?

We refer you to the report of 9th September 2014.

Item 3 MAIN ISSUES.

3.2 In respect of Private hire vehicles it is an entirely new proposal but one that would be supported by the trade. Members are advised that primary legislation concerns the ability to distinguish the appearance between a taxi and private hire vehicle but that piece of legislation would not extend to precluding Private Hire vehicles having similar

The removal of the following conditions as detailed in the Report dated 9th September 2014

3.7 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.

3.7 The minimum requirement for licensing purposes would be for the licensed vehicle proprietor to produce appropriate documentation from the insurer approving the detail of the modification. Members are reminded that it is a statutory requirement for the Council to ensure that insurance is in place for that licensed vehicle.

3.8 In respect of the third point. This is the unmanageable issue for the Council if the application is approved. However, the driver can take responsibility for this and can be accountable in respect of any third party injury claims. The documentation supplied by the media company to the driver should detail the readily available safety advice in respect of head restraint positioning and remind the driver that the primary purpose of the head restraint is public safety and not supplying entertainment.

3.9 With the emphasis placed on passenger safety an application, approval and inspection process would need to be in place for the vehicle after fitting and prior to final approval. After fitting, the Council would be presented with a letter of conformity and a disclaimer absolving the Council of any resultant liability and a pre-agreed inspection sheet. The liability will then rest firmly between the supplier of the screens and the licensed proprietor.

3.12 If the application included changes to the construction of the manufacturer's head restraint fitted to the vehicle at the time of its European design approval then the same issues would have to be satisfied by the driver before approval for fitting.

4.6 Risk Management

4.6.1 Although there are perceived risks the control measures proposed are considered sufficient to absolve the Council of any liability. It is also important to control what type of technology drivers might introduce into their vehicles and so there would need to be a formal application process and quick inspection of the vehicle so that an accurate record can be maintained of which vehicles have approved screens in them. There is a resource implication which can be adequately managed and catered for with **an administration and inspection fee.**

ATTACHMENT 1

**Report of Dale Askham Director Leeds Private Hire Drivers
Association
Report to Licensing Committee
Date 8th April 2015**

**Subject: Report of Head of Licensing and Registration
Report to Licensing Committee
Date: 9 September 2014
A proposed policy – digital advertising screens in licensed vehicles**

RE: LEG-2015-0067-ENQUIRY - REPLY- VEHICLE HEAD RESTRAINTS

Mike Protheroe (Mike.Protheroe@vca.gov.uk)

[Add to contacts](#)

16.05/2015

To: phesidj@outlook.com

Dear John,

In answer to your questions;

1. Is there any UK/EU legal requirement to have a headrest fitted in a motor vehicle?

>>> There are no requirements to fit head restraints. However, where they are fitted there are requirements set out in UNECE Regulation 17.08,

see: <http://www.unece.org/fileadmin/DATA/transport/travelsys/02/029/reg/029r01e.pdf>

2. Are there any UK/EU Legal specifications for either a manufacturers or an aftermarket headrest?

>>> See 1 above, also there are no requirements for aftermarket head restraints

3. Are there any legally recognised UK/EU tests for either manufacturer or aftermarket headrests?

>>> See 1 above, these provisions could be applied to tests on aftermarket head restraints and reported as such

4. Are there any 'whole product' UK/EU Certificates of Conformity for either manufacturer or aftermarket headrests?

>>> See 1 above, there used to be a directive 78/932/EEC (now repealed) which allowed approval of a head restraint, but this is no longer possible

5. Is a vehicle headrest a 'testable' item under UK MOT testing requirements

>>> No

6. If an 'aftermarket' headrest was fitted to a vehicle would it compromise the 'Whole Vehicle' type approval?

>>> It would if it were fitted prior to registration / initial entry into service of the vehicle. After the vehicle has entered into service the type approval will not be affected.

I hope this helps. However, I must point out that what I have written only represents an opinion, as neither VCA or the Department for Transport may interpret the law as this is the sole prerogative of the courts, I would also suggest that you seek your own independent legal advice.

Regards

Mike

Mike Protheroe

Vehicle Certification Agency

e-mail: mike.protheroe@vca.gov.uk

Tel: + 44 (0)117 952 4113

Fax: + 44 (0)117 952 4146

ATTACHMENT 2

**Report of Dale Askham Director Leeds Private Hire Drivers
Association
Report to Licensing Committee
Date 8th April 2015**

**Subject: Report of Head of Licensing and Registration
Report to Licensing Committee
Date: 9 September 2014
A proposed policy – digital advertising screens in licensed vehicles**

Vehicle and Operator Services Agency

The MOT Inspection Manual

Private Passenger and Light Commercial Vehicle Testing

Preface

This Manual sets out the testing procedures and standards for those who carry out statutory testing of cars, private buses and light commercial vehicles.

Vehicle owners may also find the Manual useful because it details the inspection to which vehicles are subjected and the reasons why an MOT test certificate could be refused.

This Manual was based on the domestic regulations in force at the time of publication and complies with Annex II to Directive 2009/40/EC as amended by Commission Directive 2010/48/EU. Future changes in the law, or in vehicle or equipment design may result in variations to the test requirements.

General information regarding documentation and the responsibilities of those involved in testing are contained in the Vehicle and Operator Services Agency MOT Testing Guide.

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ATTACHMENT 3

**Report of Dale Askham Director Leeds Private Hire Drivers
Association
Report to Licensing Committee
Date 8th April 2015**

**Subject: Report of Head of Licensing and Registration
Report to Licensing Committee
Date: 9 September 2014
A proposed policy – digital advertising screens in licensed vehicles**

From: **Daniel Ward** (Daniel@acorninsure.com) This sender is in your contact list.

Sent: 06 March 2015 17:13:14

To: 'phss ltd' (phssltd@outlook.com)

Hi John,

As per our conversations, I can confirm that Motorcade Leeds / Acorn Insurance are able to cover vehicles which are modified to carry after-market digital headrests. As per our insurance providers policy handbook, if the headrests themselves are the cause of the accident, then they are not able to claim on the vehicle insurance. However, any claim caused by the product would normally be covered under a third party Product Liability or Public Liability policy, dependant on the level of cover by said policy. It's also worth noting that under our providers policy wording, the items themselves wont be repaired or replaced in the event of an accident.

However, with the above in mind, we would still cover the vehicle.

Regards,

Daniel


Daniel Ward B.A. Hons.

Business Development Manager

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0113 8871 006

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 Daniel@acorninsure.com

Offices in: Liverpool, Birmingham, Manchester, Leeds, London City, Stratford, Crystal Palace, Uxbridge and Wandsworth.

ATTACHMENT 4

**Report of Dale Askham Director Leeds Private Hire Drivers
Association
Report to Licensing Committee
Date 8th April 2015**

**Subject: Report of Head of Licensing and Registration
Report to Licensing Committee
Date: 9 September 2014
A proposed policy – digital advertising screens in licensed vehicles**

From: taxi@leeds.gov.uk

Subject: Taxi & Private Hire Licensing: Visits to the Licensing Office

Date: Wed, 1 Oct 2014 14:55:56 +0000

To:

Dear All

I emailed you all some time ago to make you aware of the implementation of 3 yearly DBS checks. This process is now underway and you will receive a letter explaining what you need to do when your DBS check becomes due.

Until you receive this letter you do not need to do anything however further information on the process can be found by visiting www.leeds.gov.uk/taxidbs

Unfortunately since the policy was approved by Licensing Committee, one member of the Licensing Office staff has left the Section on a year-long career break and one applicant appointed to the position of Licensing Officer has decided not to take up the position.

This leaves us two members of staff down on the counter, with annual leave and sickness still to account for, and an increased work load processing the additional DBS checks.

I am therefore writing to make you aware of, and apologise in advance for any delays you may experience when visiting the office.

We are in the midst of a recruitment exercise and hope to be in a position of appointing at least one new member of staff in the coming weeks. We will of course keep you informed in due course.

Thank you all for your patience, support and understanding.

Kate

Kate Coldwell
Service Development Officer
Taxi & Private Hire Licensing
Leeds City Council
Tel: 0113 3781570
Email: taxiprivatehire.licensing@leeds.gov.uk
www.leeds.gov.uk/taxis

Please note: I work Wednesday/ Thursday/ Friday only

DEFECT SHEET No.....

**LICENSING INSPECTION REPORT
HACKNEY CARRIAGE / PRIVATE HIRE / CONTRACT VEHICLE**

Vehicle Reg. No.	Plate No.	Make and Model.
Chassis No.	Date of Reg.	Engine Size.
Name	Colour.	Mileage.

Note: This inspection is carried out in accordance with Leeds City Council Licensing Conditions and V.O.S.A. MOT testing standards.

Items to be tested	PASS	FAIL		PASS	FAIL
Interior checks			Speed limiter (if applicable)		
Seats and Seatbelts			Steering & power steering components		
Warning lamps			Suspension components		
Switches (position lamp, headlamp, hazards)			Under vehicle checks		
View to front, wipers & washers			Steering including power steering		
Brake controls, servo operation			Driveshafts		
Steering wheel & column			Suspension, shock absorbers		
Doors, mirrors horn			Wheel bearings		
Speedometer, driver controls (class 5 only)			Wheels & tyres		
Exterior checks			Braking system & mechanical components		
Registration plates			Exhaust system		
Lamps, registration plate lamps			Fuel system & fuel tank		
Indicators, hazards			Structure, general vehicle condition		
Headlamps & aim			Emissions		
Stop lamps, fog lamps, reflectors			Brake Test		
Wheels, tyres			Axle 1 N/S		
Shock absorbers			Axle 1 O/S		
Mirrors, wiper blades, fuel tank cap			Axle 2 N/S		
Glazing (class 5 only)			Axle 2 O/S		
Doors, boot lid, loading doors, bonnet			Axle 1 N/S		
Towbars			Park N/S		
General condition of body			Park O/S		
Under bonnet checks			Imbalance		
Vehicle structure			Licensing Conditions		
Braking systems			General licensing conditions		
Exhaust systems, fuel system					

Seatbelt installation check required	Yes	No
Number of seat checked	Pass	Fail
Remarks		

MOT Cert no.	
Mileage.	
Issue date.	
Expiry date.	

(Office Use Only)

Result: Pass Fail (Licence Suspended) Pass and Advised

Signed

examiner

Date.

ATTACHMENT 5a

**Report of Dale Askham Director Leeds Private Hire Drivers
Association
Report to Licensing Committee
Date 8th April 2015**

**Subject: Report of Head of Licensing and Registration
Report to Licensing Committee
Date: 9 September 2014
A proposed policy – digital advertising screens in licensed vehicles**

Report on the Requirements of the Licensing Committee of Leeds City Council in respect of an Application for the fitting of digicam information systems into Private Hire Vehicles specifically with regard to the rear facing of seat head rests

We have been asked by Mr John Askham of The Leeds Private Hire Association and Mr Darren Craick regarding the installation of digicam equipment to make comment on the granting of permission to install the equipment in private hire vehicles operational within the City of Leeds Licensing District.

It is common ground that the Committee is in favour of the use of the technology and sees the benefits as a public information system.

However the requirement for the fitting of the equipment to undergo a series of either certification or testing our clients believe these are irrational and disproportionate.

We have been asked to make an initial comment for the next meeting of the Committee in April. My colleague David Walters will make a representation on behalf of both of our instructing organisations.

I myself as well as being qualified as a solicitor I also hold a BSc in Health Safety & Environmental Management and as such will comment on not only the legal consequences of the decision to ask for further conditions to be attached to the installation of the equipment but also as I see the possible failings in the initial report made to the Committee by its own Officers in particular Mr Des Broster as head of the Vehicle Licensing Unit.

With respect to Mr Broster it would appear to me to be that the initial view is that the equipment has to be wrong and is looking at the equipment in its singularity rather than taking it into account as a piece of equipment that is contained within the vehicle passenger cabin and has failed to take into account the ergonomics of the vehicle cabin as well as the availability and the fitting of a number of safety systems already within the passenger cabin.

This is with respect a very dangerous precedent to take it means a possible problem is identified and then supporting evidence is cherry-picked to enhance what is sometimes a single opinion.

We also note from the earlier meetings that this cherry-picking of information resulted in the wrong European Directive being referred to. In addition in that particular information there were two links provided for to enhance the report and we cannot see the relevance

of an instruction to the Malaysian car manufacturers on the construction of vehicles has any relevance to the question in hand.

For the benefit of the members of the Committee we attach a copy of the present Regulation which is Regulation (EC)661/2009 and in addition specifically Regulation number 25 which is the actual provision concerning the approval of head restraints.

We could add that although the use of the Directives may be of help we think it would have been appropriate to mention that the purpose of the directives is for the harmonisation of vehicle manufacture throughout the European Union. The original directive that Mr Broster referred to was one that came into effect in 1974 and was to ensure that at the very least the basic vehicle type of construction would be used throughout the European Union not only for health and safety reasons but also for competition between car manufacturers to develop better systems over a period of time.

This was the reason why the new directive came into being and we are sure the members will be in agreement with this, a vehicle of 20 years ago was a totally different machine to the vehicle in use now.

The development of, and the use of vehicle testing, construction and design is a highly complex area that is subject to a huge amount of capital investment not only by the European Union and the Department of Transport and VOSA in the UK was also vehicle manufacturers.

We would also say that the use of single systems as Mr Broster refers to in his report into changeability between vehicles in this case, he cited Skoda and VW is actually more common than Mr Broster indicated.

This is because most manufacturers will use interchangeable parts made to a cosmetic design but utilising the same design that can be found throughout a number of vehicles using the EC directive.

Again this then raises the problem that where the Council officers have recommended that our clients produce evidence from manufacturers. With respect those manufacturers may be a number of the same people or different individual manufacturers supplying motor manufacturers.

For this reason it is virtually impossible for individuals to go back to every vehicle manufacturer, ask that manufacturer who supplied that particular part and if that particular part had been tested to the requirements of the EC directive.

With respect we would say that because the vehicles have been certified for use within the European Union and are effectively on the road then we should take it as read that those vehicles meet those requirements.

Therefore the question is, we would submit, that the provisions under Section 48 of the Local Government (Miscellaneous Provisions) Act (1)(iv) are the ones that we should be actually considering in this matter. In addition there is also the consideration of Section 47 Licensing of Hackney Carriages (1) and whereby the Council may apply such conditions as the District Council may consider to be reasonably necessary.

We would submit that therefore the Council should consider the requirements for the implementation of the previous conditions of the Committee for consent of vehicle manufacturers etc as being either reasonable or unreasonable.

We would submit that because of the present regulations the attempt to attach further regulations particularly in light of the complex area of vehicle manufacturer and design is unreasonable.

A document from DaCoTa which details the design theory behind restraint systems in vehicles as well as an overall view of vehicle safety as seen within the European Union.

Again you will see that it is an extremely complex area of Design and Law and with respect is far beyond the scope of a local vehicle licensing unit.

We also attach a copy of an email that our clients obtained from the VCA specifically asking about the requirements for head rests.

As you will note currently there are no requirements for head rests to be inspected within the MOT test or neither is there any specific requirements in respect of after vehicle sales.

We would submit that the reason for this is that there has been no evidence to show that there have been any injuries caused or in the alternative that the installation of the equipment which our clients propose has created any safety issues.

We do not say there will never be any instances but what we are saying is that on current knowledge as provided by the VCA and the European Union the concerns raised in Mr Broster's report are minimal.

We note that within the actual report the area of concern is specifically centred on the actual head rest and the passengers facing them.

It only takes into account what appears to be a frontal impact and doesn't take into account the multitude of various impacts that any vehicle could be submitted to.

Furthermore it makes no mention of the use of restraint systems such as seatbelts which are specifically designed to prevent passengers from impacting with the front seats irrespective of whether our clients' equipment is fitted or not.

This lack of application to take into account the ergonomics of the whole of the vehicle compartment does actually lead are important observations and that is the equipment that is already fitted within the vehicles themselves.

There is no mention in Mr Broster's report of the effects of the rear middle passenger going forward and impacting with equipment already approved and fitted in the front of the vehicle.

This is somewhat contradictory in that the Council has already approved the fitting of such things as radios, meters, presumably Sat Nav equipment and even as shown from that attached report of Mr Broster on 17/11/2010, cameras in cabs, a copy of that report is attached for your benefit.

The committee has made the requirement that the conditions have to be met before the equipment is fitted. In that a Council or any legislative body binds itself by its own decisions.

We would submit that the decision regarding the fitting of this particular type of equipment extends to all retrofitted equipment to any vehicle licensed by the Council.

The net effect of this could be that once the earlier decision has been made that any vehicles with retrofitted equipment that does not follow the criteria laid down in the earlier decision are illegal and should be taken off the road now.

This obviously would create a huge logistical and financial problem not only for the operators of licensed vehicles now but also possibility of financial claims being made against the Council. We would also add that all the Council's own vehicles fitted with retrofitted equipment could also be technically illegal under the Council's own provisions.

This is with respect one of the dangers of relying on an opinion rather than properly conducted evidence based research which with respect to Mr Broster was lacking in his report.

Finally we note there is an issue regarding vehicle insurance.

Our clients have obtained confirmation from insurance companies that the vehicles can be insured with our equipment and with respect that is all that is required under the regulations in that the insurers will have taken into account a number of issues that they do not usually disclose and have been content enough to insure the vehicles. That makes therefore the additional requirements for insurance with respect a bit of a nonsense.

We hope that this clarifies some of the issues of what could be an extremely complex area of law and vehicle design and one which we think has become over complicated by the Council officers applying an opinion as to the fitting of our clients' equipment rather than producing evidence based research.

Yours faithfully

Martin Gaffney LLB (Hons) BSc Shem

ATTACHMENT 5b

**Report of Dale Askham Director Leeds Private Hire Drivers
Association
Report to Licensing Committee
Date 8th April 2015**

**Subject: Report of Head of Licensing and Registration
Report to Licensing Committee
Date: 9 September 2014
A proposed policy – digital advertising screens in licensed vehicles**



Leeds

CITY COUNCIL

Originator: D. P. Broster

Tel: 0113 2143376

Report of : Desmond P. Broster

Meeting: with Mr Andrew Pennock, Amber Cars, Armley, Leeds

Date of meeting: 17.11.10

SUBJECT: EXCEPTION TO COUNCIL POLICY – CAMERAS IN CABS

This Report is for;

Discussion Only

Information Only

Advice/consideration
prior to taking a
decision or
reporting to a Committee

Decision to be taken by:

Full Council

Corporate Governance and Audit
Committee

Executive Board

Standards Committee

An Area Committee

Member Management Committee

A Regulatory Committee

A Director using delegated authority

Executive Summary

A application by Mr Andrew Pennock, Amber Cars, Armley Leeds to have an exception made to the Council's Policy in respect of cameras in cabs.

1.0 Purpose Of This Report

1.1 To outline the background and technical information to explain why a decision has been made which is an exception to the guidance and policy document in respect of "Cameras in Cabs".

2.0 Background Information

2.1 Taxi & Private Hire Licensing Section has a guidance and policy document setting out the background and guidance on the Council considerations in setting out its policy to drivers of Hackney Carriage and Private Hire vehicles.

2.2 The Policy itself describes to manufacturers of 'in car' cameras how their product can be placed on the Council's approved list of appropriate cameras to be used in licensed vehicles and how the Council satisfies itself by formal inspection of the equipment.

2.3 Finally, the document contains the Council's conditions and of particular note is the condition concerning the functions of the camera.

3.0 Main Issues

3.1 The Policy mentioned at 2.0 was intended for those cameras that were inward facing and gaining a full view of the passengers. The purpose of the camera is driver safety and there are safeguards in the Policy to ensure that any images obtained can not be downloaded, improperly displayed as photographs or on web-sites.

3.2 Amber Cars have applied for an exception to this Policy and have produced for examination a driving recording system camera, the main function of which is to record images outside of the vehicle, but which still has capacity to store images inside the vehicle.

3.3 The Proprietor of Amber Cars wishes to install this camera in 139 of his vehicles to combat escalating vehicle insurance issues and errant driver behaviour. One major insurer has withdrawn from the Private Hire and Hackney vehicle insurance market and insurance quotes have escalated significantly.

3.4 The Proprietor of Amber cars, Mr Andy Pennock considers that this camera would be beneficial to his service delivery in correcting driver behaviour and be reassuring to insurance companies that they will have available first hand evidence of incidents outside the vehicle. He considers these could also be financial benefits by considerably reducing his insurance costs.

3.5 The camera has a rolling short term memory but has an impact sensor which reacts to a collision and then saves the proceeding 30 seconds of video evidence and continues to record after the impact.

3.6 This is downloaded to a digital recording card contained within the body of the camera. That information can then be downloaded into the Operator's computer system to view the driver behaviour before the incident and the actual impact itself. The port in the camera into which the SDS card is placed, is covered over with a "use once" type personalised adhesive cover manufactured for Amber Cars, which, if removed does not re-stick. This is to discourage inappropriate driver access and if there was such access it could then be detected.

- 3.7 The camera has a rear view mirror in it that this is disabled using the soft wear options inside of the camera. Additionally the camera is placed between the windscreen and the rear view mirror obstructing the use of that lens.
- 3.8 All of the vehicles owned by Amber Cars are subject to a rigorous weekly inspection and these cameras would form part of his fleet inspection policy to make sure that they had not been interfered with. Mr Pennock is prepared to use a similar standard of sticker to cover up the lens of the rear view part of the camera as an additional method of ensuring it does not view inside of the vehicle.
- 3.9 The system has benefits for the Trade, not only in discouraging poor driver behaviour but it also has a GPS link which records the speed of the vehicle at the time of impact and the exact location.
- 3.10 The point was made by Mr Pennock that most types of PDA's used in Hackney Carriages throughout the country are contained in hands free holders and these PDA's can be placed in camera mode and used to record events in taxi's. Councils would be very hard pressed to come up with any control measures for such misuse. The point being made is that he intends to be fully compliant and wishes to work with the Council and introduce industry improvements.

4.0 Implications For Council Policy And Governance

- 4.1 Had this camera only had a view forward lens it would not have come into conflict with the Council's Policy but its capability brings it into conflict with the Council's Policy document. Exceptions can be made to such policies and decisions must be proportionate to the purpose of the Policy and include measures that can be put in place to step outside of the Policy. In this particular case the applicant has demonstrated sound reasons for wanting to include such equipment in his fleet of vehicles and has volunteered steps to satisfy Officers of his best intentions.

5.0 Legal And Resource Implications

- 5.1 There are no resource implications and the Council Enforcement Team would simply conduct spot checks on equipment within Amber Cars Private Hire vehicle.

6.0 Conclusions

- 6.1 That an exception to the Policy can safely and justifiably be made and that there are potential benefits to the industry, the public of Leeds by improving driver behaviour and potential cost savings on escalating insurance prices that the Council might consider appropriate to a city business in this economic climate.

7.0 Recommendations

- 7.1 That an exception to the Policy be approved and that the matter be formally recorded as a delegated decision notification to ensure a clear audit trail of the process.

8.0 Background Papers

- 8.1 The following background papers have been used when making a decision:

- Guidance & Policy document (Cameras in cabs)

- Private Hire vehicle conditions
- E-mails regarding application and process

APPROVED SUPPLIERS OF HACKNEY CARRIAGE TARIFF METERS

Approved Hackney Carriage Tariff meters may only be fitted to a licensed vehicle by an approved supplier. The Council has to be assured that the supplier has a full technical and working knowledge of the meter and the requirements of the Council in terms of its security (anti-tampering), tariff setting and correct fitting and sealing to the licensed vehicle.

On application, in writing, to become an approved supplier and be added to the 'Approved List' consultation will take place with the Taxi Associations and their views considered.

Any appropriate expenses incurred during the consultation and approval process will be borne by the applicant.

Company	Approved By	Date
BRIAN BEGBIE – EURO MK11 01943 863514	Desmond . P. Broster Section Head	08.06.05
STANLEY. P. AUTOS - DIGITAX 0113 2721947	Desmond. P. Broster Section Head	08.06.05
MANN & OVERTON - LTI 0113 3888600	Desmond. P. Broster Section Head	08.06.05
MR. ALI ASGHAR - HALDA 07815 091140	Desmond. P. Broster Section Head	17.08.05
MR. DAVE ODDIE - DIGITAX 0113 2564069	Desmond. P. Broster Section Head	17.08.05
AB SYSTEM SOLUTIONS LTD - HALDA 07908 110919	Desmond. P. Broster Section Head	31.05.06
MR. ROGER PROCTOR - HALDA 07884 378751	Desmond. P. Broster Section Head	31.05.06
MR. TAHIR RIAZ – VIKING, EURO & DIGITAX TAXIMETERS 07931 723299 07971 394050	Phillip Hatch Senior Vehicle Examiner	11.12.09
MR C A ANDERSON – TAXIMETER SERVICES MOBILE 07710 728778 01482 501370	Phillip Hatch Senior Vehicle Examiner	29.06.12

Leeds City Council does not endorse the suppliers products, service or reputation and the Council shall not be held liable for any loss howsoever caused arising out of or in anyway connected with the use of the suppliers products or service.

ATTACHMENT 6

**Report of Dale Askham Director Leeds Private Hire Drivers
Association
Report to Licensing Committee
Date 8th April 2015**

**Subject: Report of Head of Licensing and Registration
Report to Licensing Committee
Date: 9 September 2014
A proposed policy – digital advertising screens in licensed vehicles**

From: Taxi @ Bluedrop (<mailto:taxi@bluedropservices.co.uk>)
Sent: 17 November 2014 09:52
To: Broster, Desmond
Subject: Head Rests

Des,

Please accept my apologies for the delay in this email I have been away for a week since we spoke.

I can confirm that with regards to insuring the head rests with a digital screen, I can confirm that they can be covered under the modifications section of a vehicle as long as the head rests have passed EU safety checks as I have been told they have been by John at PHSS, if this is not the case then unfortunately I will not be covering any vehicle that has the head rests in.

Regards

[Redacted]

Tel:

Email: taxi@bluedropservices.co.uk
Visit us: www.bluedrop.co.uk

DR P

796is 76entled Road, London
Arundale, DL12 7RB

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ATTACHMENT 7

**Report of Dale Askham Director Leeds Private Hire Drivers
Association**

Report to Licensing Committee

Date 8th April 2015

Subject: Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9 September 2014

A proposed policy – digital advertising screens in licensed vehicles

Taxi @ Bluedrop

2017-08-01

24/10/2014

Photos
To: phssid@outlook.com

John,

Further to our telephone conversation after speaking to various insurers this morning I can confirm that all would be happy to offer quotations for vehicle with head rests that have screens attached, this will have to notified under the vehicle modifications section of any quote, but just to confirm there is no problem with obtaining insurance.

Christopher Parker

Tel: 0845 548 0163

Email: chris.parker@bluedrop.co.uk

Visit us: www.bluedrop.co.uk

796b Edenfield Road, Norden
Rochdale, OL12 7RB