

REPORT TITLE: REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS

LICENSING AND REGULATION COMMITTEE

19 JANUARY 2017

PORTFOLIO HOLDER: Cllr Frank Pearson, Portfolio Holder for Environment, Health and Wellbeing

REPORT OF HEAD OF ENVIRONMENTAL HEALTH & LICENSING

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WARD(S): ALL

PURPOSE

This report is for Members to consider amending the Hackney Carriage and Private Hire Vehicle Conditions by removing the requirement for a first aid kit and fire extinguisher to be carried in the licensed vehicle.

RECOMMENDATIONS:

1. That Members remove sections 8 (requiring a fire extinguisher) and 9 (requiring a first aid kit) of the Hackney Carriage and Private Hire Vehicle Conditions.
2. That, if changes are made, Members delegate to the Head of Environmental Health & Licensing power to implement the amended Conditions within a reasonable time.

## IMPLICATIONS:

### 1 COMMUNITY STRATEGY OUTCOME

- 1.1 This report relates to the Active Communities outcome; to ensure public safety for people who use the taxi and private hire service.

### 2 FINANCIAL IMPLICATIONS

- 2.1 The cost of reviewing the Conditions of licence is covered by existing budgets.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 A district Council may attach conditions to licences granted under Section 47, 48, 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 which are considered reasonably necessary.
- 3.2 The Council's Policy could be challenged by Judicial Review, as is the case with any of the Council's policies, on the basis that the decision-making process was flawed or the decision was illegal or irrational. However, the proposed amendments are considered by officers to be justified and procedurally lawful for the reasons set out in the Supporting Information below and therefore an application for Judicial Review is considered to be unlikely.

### 4 WORKFORCE IMPLICATIONS

- 4.1 None

### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

### 6 CONSULTATION AND EQUALITY IMPACT ASSESSMENT

- 6.1 Hampshire Fire and Rescue service were consulted in relation to the implications of removing the need for a fire extinguisher to be kept in a licensed vehicle. The Fire Safety Officer stated that the current requirement to hold a 1kg dry powder fire extinguisher is unlikely to suffice for a vehicle fire. This size extinguisher could be used in small fires but due to vehicle fires escalating quickly, in the majority of cases the Fire Service will be required to attend and therefore their advice to licensed drivers would be to move a safe distance away from the vehicle and call the emergency services.
- 6.2 The Fire Safety Officer also explained that appropriate fire training should be provided regularly for any person likely to use a fire extinguisher. This is considered burdensome for a licensed driver with the risk of fire, thankfully, very low.

## 7 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property</i>	N/A	
<i>Community Support</i>	N/A	
<i>Timescales</i>	The Council already has Conditions of licence in force which are valid until the reviewed Conditions takes effect. It is expected that the reviewed Conditions would be in place by the new financial year.	
<i>Project capacity</i>	N/A	
<i>Financial / VfM</i>	N/A	
<i>Legal</i>	The Policy could be challenged by Judicial Review but as the Council's decision-making process is lawful a challenge is considered unlikely.	
<i>Innovation</i>	N/A	
<i>Reputation</i>	N/A	
<i>Other</i>	N/A	

### SUPPORTING INFORMATION:

#### 8 Background

- 8.1 The taxi and private hire service has been reviewed using the Vanguard method; this has identified areas of the licensing process which could be considered unnecessary or burdensome for applicants or licence holders. The aim is to achieve a balance allowing individuals and businesses to provide a service and for the licensing authority to ensure that the service meets an acceptable standard and ultimately to ensure the safety of the public.
- 8.2 During the Vanguard process, Licensing Officers met with the trade to gain their feedback on what is important to them. This report seeks to consider removing the requirement for a first aid kit and fire extinguisher to be kept in a licensed vehicle which is no longer considered appropriate by licensed drivers and Officers.
- 8.3 There is nothing in taxi and private hire legislation which requires licensed vehicles to contain a first aid kit and fire extinguisher; this was implemented by the City Council historically. Drivers should carry a first aid kit to administer

first aid to themselves under the Health and Safety (First Aid) Regulations 1981, but are not required to administer first aid to passengers.

## 9 Detail

- 9.1 Section 8 of the Hackney Carriage and Private Hire Vehicle Conditions state that; *A fire extinguisher must conform to the current recognised British Standard and must be carried in the Vehicle at all times.* The Conditions also state under section 9 that; *A first aid kit must be carried within the interior of the Vehicle and be readily available to passengers on request. The first-aid kit must be maintained in full and proper order.*
- 9.2 The trade have requested that these conditions are removed as they are concerned that in the era of claims made against other people, they are open to challenge if they were to use a fire extinguisher or administer first aid to a member of the public without appropriate training.
- 9.3 Drivers have explained that fire extinguishers and first aid kits have rarely been used. The likelihood is that the occasional use of items from the first aid kit has been for the driver, not for a passenger. The majority of drivers, when asked, have confirmed that they would refuse to administer first aid due to fear of being sued.
- 9.4 First aid and fire safety training requires refreshing, which is usually every three years. Although training the drivers is possible, it is costly and has recurring costs that would have to be met by the drivers themselves.
- 9.5 Officers consider that these Conditions are outdated and no longer consider it reasonable for a fire extinguisher and first aid kit to be a mandatory condition of a vehicle licence. Drivers would be able to carry these items voluntarily if they wished.
- 9.6 Other local authorities have also considered whether it is appropriate for a licensed vehicle to carry a first aid kit and fire extinguisher. A neighbouring authority, Southampton City Council, resolved to remove the requirement to carry these items in September 2013.

## 10 OTHER OPTIONS CONSIDERED AND REJECTED

- 10.1 None

### BACKGROUND DOCUMENTS:-

#### Previous Committee Reports:-

[LR428](#) – Review of the Hackney Carriage and Private Hire Vehicle Conditions following consultation – 16 January 2014

[LR427](#) - Review of Hackney Carriage and Private Hire Vehicle Conditions – 28 November 2013

Other Background Documents:-

None

APPENDICES:

None