



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 31 AUGUST 2017

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 3 August 2017 (previously circulated).

3. **Items of Urgent Business Authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

Exclusion of the Press and Public

5. **Exempt Item**

The Committee is recommended to pass the following recommendation in relation to the following item:

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the ground that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act."

Members are reminded that, whilst the following item has been marked as exempt, it is for the Committee itself to decide whether or not to consider it in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion, Members should also be mindful of the advice of Council officers.

6. **Existing Dual Driver's Licence - Mark Richardson** (Pages 1 - 8)

Report of Food, Safety & Licensing Manager

Public Items

The press and public will be readmitted to the meeting at this point.

7. **Wheelchair Accessible Vehicles - Publishing a List of Licensed Vehicles** (Pages 9 - 14)

Report of Food, Safety & Licensing Manager

8. **Suitability of Portable Fire Extinguishers in Taxis** (Pages 15 - 21)

Report of Food, Safety & Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Colin Hartley (Chairman), Terrie Metcalfe (Vice-Chairman), Alan Biddulph, Susie Charles, Mel Guilding, Tim Hamilton-Cox, Joan Jackson, Janice Hanson and Robert Redfern

(ii) Substitute Membership

Councillors Sheila Denwood, Rebecca Novell, Sylvia Rogerson, Oscar Thynne and John Wild

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068, or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone (01524) 582170, or email democraticsupport@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER. LA1 1PJ

Published on 22 August 2017.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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LICENSING REGULATORY COMMITTEE**Wheelchair Accessible Vehicles
Publishing a List of Licensed Vehicles
31st August 2017****Report of Food & Safety Manager****PURPOSE OF REPORT**

To inform the Committee of action taken by the Food, Safety and Licensing Manager to publish a list of Wheelchair Accessible Vehicles on the Council's website.

This report is public.

RECOMMENDATION

That the Committee note the action taken.

1.0 Introduction

- 1.1 The Equality Act 2010 (Commencement No. 12) Order 2017 brought into force on the 6th April 2017 Sections 165 and 167 of the Equality Act 2010
- 1.2 Section 165 imposes duties on the driver of a designated taxi and the driver of a designated private hire vehicle ("a designated vehicle"), to carry passengers who are wheelchair users so as to enable wheelchair users to access and exit designated vehicles.
- 1.3 Section 165 also creates a new criminal offence if the driver of a designated vehicle fails to comply with the duties specified in Section 165.
- 1.4 Section 166 provides that the driver of a designated vehicle is exempted from the duties imposed by Section 165 if a licensing authority issues the driver with an exemption certificate which is in force and the prescribed notice of the exemption is exhibited in the designated vehicle in the prescribed manner. However, as the vehicle is already a designated vehicle it is uncertain on what grounds a driver could put forward as reasonable for the Council to issue an exemption.

- 1.5 Section 166 also provides that a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167.
- 1.6 Section 167 of the Equality Act 2010 provides that for the purposes of Section 165, a licensing authority may maintain a list of vehicles which are either hackney carriage or private hire vehicles and conform to such accessibility requirements as the licensing authority thinks fit.
- 1.7 Until now, this Council has not published such a list. Publishing a list of designated vehicles does not in itself guarantee availability, although it clearly does improve the likelihood that the customer will secure a taxi on request.

2.0 Publishing the List of Designated Vehicles.

- 2.1 There are currently 15 designated wheelchair accessible hackney carriage vehicles licensed by this Council together with 1 further hackney carriage vehicle and 3 private hire vehicles who have self-designated themselves as being suitable for carrying wheelchairs. The 15 hackney carriage vehicles all operate through 3 local operators.
- 2.2 *Section 167 provides that for the purposes of Section 165, a licensing authority may maintain a list of vehicles which are either taxis or private hire vehicles and conform to such accessibility requirements as the licensing authority thinks fit. In accordance with this provision, Lancaster has now published such a list.*
- 2.3 Appendix 1 shows the text now included on the Licensing page of Lancaster City Council’s website.
- 2.4 The operators and proprietors appearing on the list have been contacted and advised of the proposal to publish the list as well as to seek agreement to publish a contact telephone number. Members will note that the contact numbers shown are a mixture of private contact numbers for drivers and operators.
- 2.5 In addition to contact by phone, each operator and proprietor will be informed in writing of their obligations under the Equality Act 2010.
- 2.6 Members will also recall that at the June 2017 Committee, there was a report on the findings from the Hackney Unmet Demand Survey and this included reference to the availability of wheelchair accessible vehicles. The Committee requested that a report be submitted to a future meeting of this Committee identifying potential options to address the matter more fully. It was hoped that a new Licensing Manager would now be in post to take this matter further. However, delays in recruitment have delayed this piece of work.

3.0 Conclusion

- 3.1 Members are asked to note the actions of the Food, Safety and Licensing Manager.

CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

By publishing the list of wheelchair accessible vehicles, as outlined in Section 167 of the Equality Act, this will help provide the public with contact information for Taxi proprietors and operators of suitable vehicles within the Lancaster area.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted.

LEGAL IMPLICATIONS

Members should note the obligations placed upon proprietors of designated hackney carriage vehicles, but this does not place any obligation on times when the vehicle will be available.

BACKGROUND PAPERS

The background papers are exempt.

Contact Officer: Mr S Sylvester
Telephone: 01524 582717
E-mail: ssylvester@lancaster.gov.uk
Ref: SS1

Appendix 1

Wheelchair-accessible taxis and private hire vehicles.

Lancaster City Council is responsible for licensing taxis and private hire vehicles which operate within the borough. We ensure that a proportion of these vehicles are constructed and equipped to carry passengers in wheelchairs.

This document contains details for licensed taxis, private hire vehicles and private hire operators who are able to provide licensed wheelchair accessible vehicles for pre booked journeys.

We will update this list periodically with any revisions.

Please note that inclusion on this list does not imply any recommendation nor endorsement by the council, nor can individuals and companies included be compelled to accept every booking offered to them.

What is the difference between taxis/private hire vehicles?

Licensed hackney carriages (HC) can wait on ranks, be flagged down in the street if not already hired or be pre-booked. All hackney carriages are fitted with a meter which calculates the fare for the journey. Hackney Carriages have a roof sign.

Drivers cannot charge extra for carrying a passenger in a wheelchair.

Licensed private hire vehicles (PHV) must be pre-booked through a licensed operator. Fares for private hire vehicles can be agreed when the journey is booked.

All vehicles licensed by Lancaster City Council have a licence plate on the rear of the vehicle with an expiry date, HC or PHV number and the Lancaster City Council logo. Private hire vehicles also have a front plate stating the PHV number.

All licensed vehicles have door signs on the front driver and passenger doors.

Hackney Carriages have blue door signs. Private hire vehicles have yellow door signs.

Hackney Carriages have a top sign that is illuminated when they are available for hire.

Drivers will wear an official ID badge issued by this authority and a copy of the Rules and Regulations must be carried in all licensed vehicles.

Vehicles are inspected and tested by the council vehicle maintenance unit.

Drivers are re-licensed every 3 years and checks are made of their driving entitlement, criminal convictions, and medical suitability. A medical is provided to state the driver meets group 2 DVLA standards by a qualified medical practitioner.

Wheelchair accessible taxis.

The following proprietors of the licensed wheelchair accessible hackney carriages (ordered by licence number) have given permission to include their contact details below to arrange a pre-booked journey.

HV314	Shaun Wilson	MK66 RXG – Ford Tourneo	07930746569
HV333	Denise Livesey	SH58 WJX – Peugeot Partner	07884 172 889 or 01524 848848
HV334	Calvert Davies	SF11 MYB – Peugeot Partner	01524 848848
HV338	Mark Shannon	YN12 GXF – Citroen Berlingo	01524 848848
HV340	John Traynor	NK60 DYD – Volkswagen Caddy	07836 716 578
HV387	Dean Hines	DH02 CAB –TX11 London Cab	07761 433 465 or 01524 424424
HV391	Warren Drake	PO13 BAA – Renault Trafic	07538 463 656
HV392	Wayne Taylor	DU65 MRV – Vauxhall Vivaro	01524 848848
HV393	Jackie Dixon	SF10 HPK – Peugeot Partner Tepee	01524 424424
HV394	Andrew Smith	MF55 WDS – Volkswagen Shuttle	07397 141 517
HV395	Vincenzo Melici	SD58 PFU – Peugeot Partner Combi	07827 633 464
HV900	Zeeshan Akmal	SF60 BJJ – Peugeot Partner	01524 32090
HV901	David Cannon	SF10 HDL – Peugeot Partner Tepee	07539 837 847 or 01524 848848
HV902	Raymond Croft	PN08 XXJ – Volkswagen Transporter	01524 848848
HV903	Matthew Hodgson	YK12 VZA – Volkswagen Caddy	01524 424424
HV905	Walter Scott	SF60 HNX - Peugeot Partner	07516 613 044 or 01524 32090

Private Hire Vehicles (Must be pre-booked)

PV534	Jamie Diamond	GX05 EJD - Peugeot Expert	01524 32090
PV602	Kevin Ellershaw	WA09 KXO - Peugeot Boxer	01524 32090
PV567	Stephen James	YN61 CYU - Volkswagen Caddy	07443 399 457

Private Hire Operators

The following licensed private hire operators (listed in alphabetical order) have wheelchair accessible vehicles in their fleet available for pre-booked journeys only.

32090	Church Street Lancaster	01524 32090
848848	Peddar Street Morecambe	01524 848848
Coastal Taxis	Queen Street Morecambe	01524 424424
Stephen James	Lancaster	07443 399 457

Customer feedback

The Council is aware that some members of the public have been frustrated when trying to book a suitable wheel chair accessible Taxi. As the licensing authority for Hackney carriages and private hire vehicles, we work closely with the trade and wish to help minimise inequality, and help ensure the best possible service is provided to all. However, we also recognise that taxi operators and drivers are independent businesses and therefore are not controlled by the Council.

We would welcome your feedback if you wish to share your experiences, good or bad, when using local taxi services.

If you would like to contact us, you can do so by contacting the licensing department by the means below

Email - licensing@lancaster.gov.uk

In writing to **Licensing Department, Lancaster City Council Town Hall, Dalton Square, Lancaster LA1 1PJ**

Tel: 01524 582033

LICENSING REGULATORY COMMITTEE**Suitability of Portable Fire Extinguishers in Taxis
31st August 2017****Report of Food, Safety & Licensing Manager****PURPOSE OF REPORT**

To enable Members to consider and determine whether to amend the current licence condition in relation to the type of fire extinguisher required to be carried in a hackney carriage and private hire vehicle.

This report is public.

RECOMMENDATION

That Members consider the advice received from VOSA on the potential risks posed by the use of dry powder fire extinguishers in vehicles carrying passengers and consider an amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing to specify the type of fire extinguisher required to be carried in a licensed vehicle.

1.0 Introduction

- 1.1 During the recent vehicle compliance checks previously reported to this Committee on the 13th July 2017, officers working for VOSA raised concerns about the use of dry powder fire extinguishers in confined spaces with passengers. It is understood that there is a risk that the discharge of a dry powder fire extinguisher in a vehicle carrying passengers could place the passengers at risk of asphyxiation.
- 1.2 There is a requirement within the Council's Rules, Regulations and Procedures for Hackney Carriage & Private Hire Licensing to provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use. However, we do not provide any further description or specification and we do not prohibit the use of dry powder type fire extinguishers.
- 1.3 Further advice has been sought from VOSA and the Fire Service to clarify the position. The response from VOSA is included as Appendix 1 to this report. The advice from the Lancashire Fire & Rescue Service was provided verbally, and although the officer could not provide absolute clarity or point to specific guidance, his advice was similar to that given by VOSA in that dry powder extinguishers can pose a risk of asphyxiation. There has also been a recent change to British Standards for fire extinguishers prohibiting use in public service vehicles, but this appears to be due to the reduction in visibility when the extinguisher is discharged.

- 1.4 A search of the internet has not produced any clear guidance on the use of dry powder extinguishers in taxis, but there are several references to warnings that dry powder should not be used where there is a risk of inhalation or significant contact with skin due to its corrosive nature.
- 1.5 A request to other North West Licensing Authorities to share their advice on the use of extinguishers in taxis has returned a mixed response. At the time of writing this report, there is no clear majority view although a number of responses confirmed that the advice in the case of fire would be to leave the vehicle and not attempt to fight the fire, relying instead on seeking the assistance of the Fire Service.

2.0 Proposed Advice

- 2.0 In the absence of clear statutory guidance or legislation on the safe use of dry powder fire extinguishers, it is proposed to defer to the VOSA and Lancashire Fire & Rescue Service advice and make appropriate amendments to our Rules, Regulations and Procedures for Hackney Carriage & Private Hire Licensing.
- 2.1 The amendment would require that a suitable foam based fire extinguisher shall be carried within the vehicle and be readily accessible, ensuring that it is regularly checked, that it is in good condition and fully charged. The fire extinguisher will be required to meet applicable current UK standards.

3.0 Conclusion

- 3.1 Members are asked to consider the matter raised in this report and the proposal to amend the licence conditions within the Council’s Rules, Regulations and Procedures for Hackney Carriage & Private Hire Licensing in respect of suitable portable fire extinguishers to be carried.
- 3.2 If Members are minded to agree with the proposal to amend the licensing conditions, as outlined above, it may be reasonable to agree a period of time for licence holders to replace their existing fire extinguishers to comply with the amendment. Officers suggest a period of 6 months would be acceptable.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>The changes proposed should help reduce potential injury to passengers and drivers of hackney carriage and private hire vehicles.</p>
<p>FINANCIAL IMPLICATIONS</p> <p>Financial Services have not been consulted.</p>
<p>LEGAL IMPLICATIONS</p> <p>Any person aggrieved by a condition attached to a licence has the right of appeal to the Magistrates’ Court.</p>

BACKGROUND PAPERS

The background papers are exempt

Contact Officer: Mr S Sylvester

Telephone: 01524 582717

E-mail: ssylvester@lancaster.gov.uk

Ref: SS1

Appendix 1

E-mail response from VOSA in respect of dry powder based fire extinguishers in taxis

From: Hirons, Mark [<mailto:Mark.Hirons@DVSA.GOV.UK>]
Sent: 04 July 2017 11:56
To: Sharkey, Marie <MSharkey@lancaster.gov.uk>
Subject: RE: Fire Extinguishers

Hello Marie.

Please find attached Cat of defects used at roadside and PSV testers manual used at annual test.

The sections you need to look at are

- Cat of Defects: IM21 Part 1 (page 52 action).
- PSV inspection Manual IM21 (page 2 applications) (page 6-7 action)

You will notice this refers to fire extinguishers as a correct type, i.e. **not powder**. Although I can't find a reference to why powder is not accepted as a correct type. The reason given when I did my collision investigation training was that whilst powder is a good fire extinguisher, when passengers are involved or trapped in a vehicle. Powder can restrict and even block a patients airways. That is why any other alternatives are acceptable in passenger carrying vehicles (PSV). I would urge you to consider using a similar approach in your taxi legislation, as the only difference if can see is the number of passengers carried. Be it a Taxi, Small PSV or Large PSV, they all carry passengers. Hope this helps.

Kind Regards

Mark Hirons | Vehicle Examiner
Driver and Vehicle Standards Agency | Milnthorpe Railway Station, Milnthorpe, Cumbria.
LA77LR
Phone: Mobile: 07971 274752

Email: Mark.Hirons@DVSA.GOV.UK

 Driver & Vehicle Standards Agency

Incorporating the Driving Standards Agency and Vehicle and Operator Services Agency.

Find out more about government services at www.gov.uk/vosa

DVSA Categorisation of Defects

[Contents](#)
IM 21
Interior of Body
Part 1: Public Service, Heavy Goods and Agricultural Vehicles

Description of Defect	Severity of Defect	Action	Notes
Fire extinguisher missing/empty/defective/wrong type eg. Powder	(See Note 7)	IN	
First aid equipment missing/incomplete	(See Notes 6 and 7)	IN	
Interior body panel damaged/holed/missing/protruding/insecure (See Note 8)	Likely to cause injury to any person	I	
Legal writing/warning notices missing/Illegible	-	IN	
PSV Interior Fittings			
Passenger communication device missing/inoperative	Where the driver is in a separate compartment (See Notes 9 and 10)	I	
	Otherwise than above	IN	
Engine cover missing/insecure	Missing from saloon or driver's compartment	I	
Engine compartment sound deadening material insecure/oil soaked	Likely to become displaced or cause a fire hazard	I	
	Otherwise than above	IN	
Graffiti/contamination on an internal surface (State location)	Likely to soil clothing	D	
	Other unauthorised writing or drawing	IN	
	Otherwise than above	IN	

Public Service Vehicle Inspection Manual

21 Interior of Body, Passenger Entrances, Exit Steps and Platforms

Application

An empty first aid box will be considered as missing.

First aid kits are required for all large buses (apart from those used on local services) and on Schedule 6 Minibuses. There is no requirement to inspect the contents of a first aid kit.

If a large bus used on local services is presented for test with markings showing the presence of a first aid kit but no kit is carried this is a reason for failure unless the sign is removed or covered.

Fire extinguishers must contain water or foam and be marked BS 5423 or EN3 and have a minimum fire rating of at least 8A or 21B.

If the extinguisher is behind a glass panel the panel should not be removed for this inspection. A glass panel with a shot blasted area is only readily breakable if the shot blasted surface faces inwards (i.e. towards the fire extinguisher). If a shot blasted area faces outwards this is a reason for failure. If the glass has been shot blasted in accordance with the above paragraph, then no other device for breaking the glass is required.

Other acceptable means of gaining access to fire extinguishers or first aid kits covered by a glass panel, that we are currently aware of, are:

- A ring pull which allows the easy removal of the glazing panel, or
- Toughened glass with a break glass hammer provided.

There may be other acceptable methods which have been approved by certifying officers.

There is no requirement to check for safety markings on the glass covers of a first aid and fire extinguisher.

There are no requirements with regards to the height at which the fire extinguisher is placed.

Where a gauge is fitted to a fire extinguisher the reading shown should not be used to determine the condition of the extinguisher.

Public Service Vehicle Inspection Manual

21 Interior of Body, Passenger Entrances, Exit Steps and Platforms

Method of Inspection	Reason for Failure
<p>8. Check engine interior covers for presence and condition.</p> <p>9. Check interior lights for illumination of saloon interior, steps, platform, staircase and other facilities (interior lights only apply to steps for Schedule 6 minibuses).</p> <p>10. Check passenger communication with driver:</p> <ul style="list-style-type: none"> a. present and operates. b. gives a visual indication to passengers that the bus is stopping on Bus Directive and ECE regulation vehicles which carry standing passengers. <p>11. Check interior surfaces for:</p> <ul style="list-style-type: none"> a. security and condition. b. cleanliness. <p>12. Check first aid kit for:</p> <ul style="list-style-type: none"> a. presence, accessibility and condition. b. receptacle marked. <p>13. Check fire extinguisher for; presence, accessibility, suitably charged, of the correct type and its condition.</p> <p>14. Check any "other facility" (including those listed in 15-19 below) which is complete, secure and functions correctly.</p>	<p>8. Engine interior covers; missing, contaminated to a degree which constitutes a fire risk, or which allow fumes to penetrate passenger saloon.</p> <p>9. Interior lights; inadequate illumination of saloon interior, steps, platform, staircase and other facilities (interior lights only apply to steps for Schedule 6 minibuses).</p> <p>10. Passenger Communication with driver:</p> <ul style="list-style-type: none"> a. missing or inoperative. b. does not give a visual indication to passengers that the bus is stopping on Bus Directive and ECE regulation vehicles which carry standing passengers. <p>11. Interior surfaces:</p> <ul style="list-style-type: none"> a. insecure or damaged so that it is likely to cause injury to passengers. b. contaminated so that they are likely to soil passengers clothing. <p>12. First aid kit:</p> <ul style="list-style-type: none"> a. missing, inaccessible or in poor or contaminated condition. b. receptacle not marked. <p>13. Fire extinguisher; missing, inaccessible, discharged, incorrect type or in an obviously poor condition.</p> <p>14. Any "other facility" (including those listed in 15-19 below) which is; incomplete, insecure and/or incorrect function and is likely to endanger passengers.</p>