



URGENT BUSINESS

WEDNESDAY, 20 MAY 2020

Please find enclosed Urgent Business Notice in connection with the following:

**UB120 Use of Screens/Partitions in Licensed Hackney Carriage/ Private Hire Vehicles
(Pages 2 - 14)**

The Chief Executive, in consultation with the Chair of the Licensing Committee, has agreed to make a decision in accordance with the City Council's Urgent Business Procedure, Delegated powers, Part 2, Section 7 of the City Councils Constitution. The reason for the urgency is that the Council has received a number of enquiries from taxi drivers, the public and manufacturers/ installers of partition screens regarding the installation of partition/ screens in taxis, allegedly offering increased protection to taxi drivers and customers. A decision was therefore required prior to the next scheduled meeting of the Licensing Committee on 4 June 2020 to outline the Council's position.

Queries regarding these documents

Please contact Liz Bateson - Democratic Services - telephone 01524 582047, or email: ebateson@lancaster.gov.uk.

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Published on WEDNESDAY, 20 MAY 2020

URGENT BUSINESS – UB120 Use of Screens/partitions in Licensed Hackney Carriage/ Private Hire Vehicles

Councillor Consultation

I am in agreement with the recommendation:

- (1) That the position statement attached at Appendix A to the report is approved with immediate effect.**

Name: Councillor Colin Hartley

Position Held: Licensing Committee Chair

Dated: 20.5.20

Chief Executive Decision

I agree to exercise my delegated authority and approve:

- (1) That the position statement attached at Appendix A to the report is approved with immediate effect.**

Name: Kieran Keane

Position Held: Chief Executive

Dated: 20.5.20

URGENT BUSINESS

Use of Screens/Partitions in Licensed Hackney Carriage/ Private Hire Vehicles

Report of Licensing Manager

PURPOSE OF REPORT

The report is to seek urgent consideration and approval of a position statement regarding the installation and use of screens/ partitions in licensed hackney carriage and private hire vehicles

RECOMMENDATIONS

- 1. That the report is given urgent consideration by the Chair of the Licensing Committee and the Chief Executive and that the position statement attached at Appendix A is approved with immediate effect.**
- 2. That, in accordance with the Councils constitution, the decision of the Chair of Licensing Committee and the Chief Executive is reported to the next meeting of the Councils Licensing Committee.**

1.0 Introduction

- 1.1** In March 2020 the Department for Transport indicated that hackney carriage and private hire drivers were not generally to be considered as Critical Workers. Those undertaking home to school transport or the transport of extremely vulnerable people may be considered Critical Workers on a case-by-case basis. More recently Government advice has changed and people who cannot work from home are being encouraged to return to work if it is safe to do so.
- 1.2** Over recent weeks, the licensing team have received a number of enquiries regarding Council policy on the installation and use of screens/ partitions in licensed vehicles. Officers are aware that screen/ partition products have been available for a number of years, these tend to be constructed of a hard plastic type material and are affixed to the vehicle in a permanent/ semi-permanent manner. These products have been primarily designed to protect drivers from physical threats, violence and injury.
- 1.3** Over recent weeks a number of companies have developed new screen/ partition products to offer driver/ passenger protection from the threat of corona virus. The timescales involved mean that products may not have undergone mass testing or type approval. As drivers begin to return to work, the Licensing team have received a

number of enquiries from drivers, passengers and manufacturers regarding the installation and use of such products.

- 1.4 The Licensing team has looked to see if national guidance is available on the use of these type of products. A question has been posed on the Institute Of Licensing forum, but no commonality of approach has been achieved. A letter has also been received from the National Private Hire and Taxi Association a copy of which is attached at Appendix B. It is unclear as to the scientific evidence available to support some of the information in the letter from the NPHTA, it does however provide an overview of association's position on this matter. A letter dated the 13 May 2020 from the Department for Transport made it clear that the use of screens/ partitions in licensed vehicles is a matter for Local Authorities.

2.0 Proposal Details

- 2.1 It is proposed that the council issues the position statement attached at Appendix A. The position statement facilitates the use of appropriate screens / partitions but makes it clear that explicit approval is not given by the Council and that the Council does not accept liability. The bullet points provided within the statement are guidance as to the relevant considerations that should be made before any decision is made to install a screen/ partition.
- 2.2 The position statement makes it clear that in the event of any relevant advice or guidance being issued the Council reserves the right to amend its position / stance on this matter.

3.0 Council Policy and Legislation

- 3.1 The Council does not have a formal policy in relation to the installation of screens/ partitions in licensed vehicles. The introduction of any such policy would normally be subject to appropriate consultation. The position statement is not regarded as a formal policy, it does not prevent or mandate the use of screens/ partitions, but seeks to provide general guidance as to relevant matters that's should be considered by drivers, vehicle owners and installers.
- 3.2 The position statement makes it clear how complaints about screens/ partitions will be investigated. If a screen/ partition is deemed to be unsuitable for use, the legislation does provide the council with mechanisms to address this and also provides the vehicle owners with rights of appeal.
- 3,3 Legislation allows authorised officers of a council to suspend a vehicle licence using powers under section 60 and section 68 of the Local Government (miscellaneous provisions) Act 1976. In addition section 60 of the above mentioned act allows a local authority to revoke a vehicle licence. In the case of any action taken under section 60 of the Act a licence holder has the right of appeal to the Magistrates Court

4.0 Conclusion

- 5.1 Nationally there appears to be a growth in the number of companies providing a wide range of screens/ partitions for use in private hire and hackney carriage vehicles, the growth in the market has been driven by the coronavirus pandemic. There is a lack of information regarding the effectiveness of the screens to prevent the spread of the

virus, but officers consider that this in itself cannot be a reason for the council to prevent the installation of screens/ partitions. The rapid growth in the number and type of screens being produced means that it is not feasible for the Council to quickly produce a list of approved models/ products. The guidance within the proposed position statement aims to assist the trade in making an informed decision regarding the suitability and appropriateness of an individual product for an individual vehicle.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

FINANCIAL IMPLICATIONS

There is no direct financial cost to the council.

From information provided to officers it appears that the cost of these screens vary from less than a £100 to several hundred pounds

LEGAL IMPLICATIONS

These are detailed in the report in respect of how concerns re the safety/ suitability of individual installations will be dealt with and licence holders rights of appeal against any sanctions imposed by authorised officers of the Council

BACKGROUND PAPERS

None

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Ref: JH



Lancaster City Council

Position statement

Use of safety screens/partitions in licensed vehicles (hackney carriages and private hire)

Safety screens in licensed vehicles have been available for a number of years, these generally tend to be hard plastic screens and should already have safety certification to the relevant EU standard and or third party independent safety product documentation. These products had generally been developed to protect drivers from threats, attacks and injury from passengers.

The coronavirus pandemic has brought additional concerns regarding driver and passenger safety, namely the potential for droplet contamination by the virus. Several new screens/partition products have very quickly appeared on the market as a response to concerns.

In terms of screens partitions designed as a result of the pandemic there is often a lack of information about safety testing or certification (both in terms of the individual product and or its ability to prevent/ reduce transmission of the virus) and therefore the Council does not have full or adequate information to make an informed decision re approval of such products.

The decision to install a safety screen/ partition during the current pandemic will be a matter for the vehicle owner/ driver and supplier to consider. Consideration should be given to the guidance detailed below

The Council will not accept liability in circumstances in which a screen/partition causes injury to a passenger or driver, including the failure of the screen/partition to prevent an infection "

If you wish to install a screen or partition, please consider the following guidance

The screen / partition should:

- Not interfere with or compromise any operating or safety features in the vehicle (including airbags, handbrake, gearstick) or the vehicle type approval
- Not be made of materials that will increase the fire risk in the vehicle
- Be transparent enough so as not to interfere with the safe use of the vehicle. And to enable the driver and passengers to see each other, and remain clear of scratches, clouding or stickers which would impede the drivers or passengers visibility
- Be adequately and safely secured and not interfere with the safety including access and egress of the driver or passengers or become easily detached during normal use
- Be adequately disinfected between bookings and at the start and end of the working day

Vehicle Owners/ drivers should:

- Inform insurers about the intention to fit such a device and ensure their insurance will not be invalidated as a result
- Fit/ install screens at your own responsibility and in accordance with the manufacturers specifications and recommendations
- Understand that this may be a temporary measure and that authorised officers of the Council reserve the right to require their removal with reasonable notice
- Be aware depending on the type fitted (full front/back partition or driver only) the front passenger seat in the vehicle may be unusable
- Be aware that the Council will be sympathetic to drivers who choose not to carry the maximum number of passengers that the licence permits , where the reason for refusal is based on social distancing or other pandemic requirements

The Licensing team will respond to complaints from passengers, drivers or vehicle owners regarding the safety of individual products. Where the licensing officer has any concerns, they will speak to the vehicle owner and may require the removal of the screen / partition or other appropriate action. Any such request will be confirmed in writing together with the reasons for the request. The consequences of failure to comply with the request may result in a formal review of the vehicle licence, and or suspension/ revocation of the vehicle licence.

There is currently no Government guidance in relation to the use of screens/partitions in licensed vehicles, a letter from the Department for Transport dated the 13 May 2020 makes it clear that they currently consider this to be a matter for Local Authorities. The City Council is aware that the Local Government Association is contacting Local Authorities in an attempt to try and support some uniformity of approach regarding this matter.

The City Council will have due regard to any relevant information that may be published in the future and may amend its position accordingly.

It remains a licensed driver/ vehicle owners' decision as to whether to work as a licensed driver during the pandemic. Any person who chooses to work should have full regard to published guidance. Specific updates regarding local taxi information is available at <http://www.lancaster.gov.uk/sites/business/licences-and-permissions/taxi-and-private-hire>

20 May 2020

To all licensing authorities:



Dear Colleagues

REF: **Protection screens in licensed saloon taxis and PHVs**

We are writing to all licensing authorities across the United Kingdom at this unprecedented time in history, to appeal to your sense of urgency in respect of the protection of the public in each of your districts, as that is the only way in which we can make representations which encourage the protection and safety of the public throughout the UK – which includes licensed private hire and taxi drivers, whose health and safety is being compromised to an alarming extent during the current spread of Covid-19.

When the Government eventually opens up the country by releasing the current lockdown, it is proposed that this will be a gradual process, and you know very well that this will not solve the country's problems overnight. The truth is that the after-effects of the lockdown, and the virus itself, are destined to last for many months. Public transport will be curtailed; bus, underground and train schedules, taxi and private hire services and the relative uptake of each service will be reduced, and millions of people will require transport back to work, back to school, back to get together with their families.

That is where our industry comes in: we are well and truly the fourth emergency service, as has already been proven over the past weeks. However, there are thousands of drivers who make up this industry who are extremely vulnerable; they need your support and protection urgently. We believe the installation of a protection screen between the front and back compartment of the vehicle, of similar standards to that seen in a purpose built hackney carriage combined with the wearing of PPE facemasks, and observing the extensive cleaning protocols, offers the best possible form of protection. This approach will also boost the public's confidence in making use of those services again.

We are contacting you at this time because the NPHTA feels sufficiently strongly about this issue that, in conjunction with the national trade newspaper ***Private Hire and Taxi Monthly (PHTM)***, we are mounting a campaign staunchly in favour of the installation of as many protection screens into licensed saloon PHVs and taxis, and licensed minibuses, as is possible to help lower the transmission of the virus, to protect passengers and drivers alike – provided of course that the screens are fit for purpose.

We preface this campaign by acknowledging that the decision of each licensed driver to carry on working during the lockdown is entirely their choice. However, that choice has been taken out of a lot of their hands: they must continue to work in order to feed their family, and not lose their home from non-payment of rent, mortgage and all the other overheads facing an industry whose members are mainly self-employed. Since the government support schemes have fallen very short of being applicable to the majority of trade members, as regulators you shoulder a burden of responsibility to protect and support those you regulate.

Further, as you will read within the pages of PHTM, literally hundreds of drivers have been specially trained and have adjusted the type of work they undertake in order to provide backup transport for the NHS and other healthcare workers, even patients, thereby

alleviating pressure from ambulance drivers and paramedics who can then turn their focus to the front line more efficiently. This is proving once again that, in more ways than one, our drivers are definitively the fourth emergency service.

As you all know, purpose-built hackney carriages (black cabs) and hackney conversions have a partition between the front and rear compartment as standard specification. For that reason many passengers may feel safer and more confident using those vehicles during the current Covid-19 lockdown and social distancing requirements.

But what about private hire? – and indeed, what about the thousands of saloon hackney carriages that are licensed outside the big towns and cities? In recent weeks several manufacturers have devised a partition screen dividing the front seats from the rear compartment of these vehicles, with a view to reducing the transmission of droplets from coughs and sneezes which are the main source of the spread of this dreadful virus.

There is no doubt as to the efficacy and positive reasons for installing a protection screen in a PHV. However, we are fully aware that there are many doubts being voiced from all quarters. With this in mind we thought it prudent to set out those points and try to answer them as factually as possible based on the research we have carried out.

This is particularly relevant for yourselves as licensing authorities, as you have the mounting responsibility of having to consider whether or not to approve the installation of this type of product in the vehicles you license; or indeed if there is any legal basis to refuse. So this is indeed a balancing act between authorising safety measures, and being accused of allowing added risks to be installed into a vehicle. We understand this fully. On that basis we set out various questions and points that have arisen on this issue:

- **What are these screens made of?**

There is a range of materials being used, with varying degrees of success and protection. We understand that the most reliable for providing both strength and flexibility is polycarbonate; there are also screens made from polypropylene and other forms of plastic or vinyl sheeting. You may have seen some of the more inferior products, which resemble cling film or a shower curtain and would offer little or no protection; in fact may pose a suffocation risk.

- **How are the screens fastened to the vehicle?**

Again, this varies widely depending on the manufacturer... or indeed a home-made creation. Anything from rivets to gaffer tape to staples have been utilised, and send shivers down the spine of those who view such creations. As far as we can see, the best type of screen is mounted onto a frame and then inserted into the vehicle with the frame fitting into the B-post site.

- **The screen isn't airtight; therefore it won't provide proper protection.**

It has been documented from every medical/health source worldwide that the Covid-19 coronavirus itself is not airborne; it is transmitted via droplets projected by a cough or sneeze onto hard surfaces – or indeed onto people. A properly constructed and fitted protection screen will provide every bit as much protection as the partition in a purpose-built taxi – which is not airtight either.

Further, there is no evidence as to whether travelling in a purpose-built taxi is safer than travelling in PHVs or specific models thereof, so if a purpose-built taxi is entitled – indeed, mandated in many cases – to have a partition screen, then we

see no reason why licensed saloon drivers should not be afforded the same rights to the same level of protection.

- **It is claimed that the air con/heating systems in vehicles will spread the virus and no screen would protect passengers from that.**

Again, this contention is weak on the basis that the virus is not airborne; it is conveyed via droplets which can only be projected via the trajectory of a sneeze or cough – or direct contact. Droplets cannot pass through windows or any other solid surface; furthermore, the opening of a taxi/PHV window has to be sensible under any circumstance, as it would provide more than adequate ventilation and fresh air circulation.

- **The screen must be transparent; both driver and passenger must be able to see each other clearly. There may be safeguarding issues.**

The properly manufactured units provide total, clear transparency over the front seats through the screen, and – because it is not a totally sealed unit – there is no difficulty in each hearing the other. In fact it protects additionally by blocking possible transmission of the virus whilst speaking.

Safeguarding? Surely such a protection product would be beneficial to safeguarding issues, as it presents a barrier between the driver and the passenger if there was any doubt as to the driver's character or intentions. Furthermore, to allude to any safeguarding implications by the presence of a partition screen would open up possible questions as to the validity of the same screens as installed in purpose-built hackney carriage vehicles.

- **What happens during a collision? Will the screen obstruct the side airbags?**

This is where recognised and documented crash testing and risk assessment comes into play. The product we have viewed has undergone all these procedures, and the eight-point risk assessment concludes that the protection screen does not compromise the curtain airbags. That is why the installation of this particular product is bespoke, to account for the variation of airbag locations across various makes and models of vehicle.

- **What if the vehicle is upended in a crash; will the screen shatter?**

Again, the product must be tested for durability and flexibility from all aspects. The product mentioned above was tested to the point of being folded over virtually in half with weight on top, and it neither cracked nor shattered but came back to its original shape. This is the kind of testing you must insist has been carried out on any of these products.

Following dialogue with senior government and licensing authority officials, it is clear that any such product must satisfy acceptable levels of Health and Safety requirements. Badly fitted, inappropriately constructed units, or products made using unsafe materials, could have a catastrophic impact in the event of a vehicle being involved in a road traffic accident and would therefore be unlikely to be approved.

- **We cannot consider authorising any vehicle to go ahead with such installations without first approving the protection screen being installed.**

Most local authorities would require that any such devices received approval prior to installation and they were subsequently notified, so that an inspection could take

place as soon as is practical to verify suitability of installation. However, it is worth noting that in this matter, the consideration of installing such screens would invariably be into existing licensed vehicles; this means that it is more about providing consent or authorising the product and installation, as opposed to actually issuing any new licence.

The NPHTA's view is that it must be verified that such products have gained approval by their local authority. If not, then ask the installer or manufacturer to send in the required documentation including risk assessment and material/installation specifications in order to gain approval before going ahead with the installation. The vehicle will most likely need to be inspected for verification once the installation is complete in order for the vehicle records to be updated accordingly.

The message here is strong and clear: authorisation must be simple, easy and quick; this is about public protection and safety and therefore simply must be expedited with as little delay as possible.

- **Surely the installation of a protection screen would be deemed to be a modification of the vehicle, and therefore would invalidate the insurance.**

This is dependent on the method of installation of the screen; however, for the most part – and certainly those that are properly installed – the screen is strictly temporary in nature and would only be considered to be an intentional modification to the vehicle in much the same way as the installation of a taximeter, CCTV, or a PDA, none of which materially affect the structure of the vehicle. So far, certain screens have been approved by both Equity Red Star, and Markerstudy – one of the UK's largest underwriters.

Obviously any vehicle proprietor wishing to have one of these screens installed should notify their insurance company. We would urge underwriters to seriously consider the implications of refusing such approval: What possible reason could they put forward for preventing such a vital element of protection.

- **It has been suggested that licensing authorities will have to relicense any vehicle in which the protection screen has been installed, to reflect the reduction in the number of passengers carried.**

Frankly we have gleaned opinion from many licensing officers – many of whom quite honestly are in favour of the screens – and they concur that there is no reason to have to go to the trouble and expense of relicensing such a vehicle. The number of seats the vehicle is licensed to transport is the **maximum**; the driver may carry less than that number at any time, and most of the time does just that.

Even after the lockdown is released – even slightly – we believe that most drivers would not encourage front-seat passengers; nor would those passengers wish to ride in the front. In the grand scheme of things, any driver or vehicle owner wishing to install such a device, at their own expense, is highly unlikely to allow a passenger in the front anyway, so issuing a temporary reduced-capacity licence would be a waste of officer time, effort and money.

- **What about minibuses that undertake school contracts? We know of very few, if any, such vehicles that currently screen off the drivers; a lot of parents will understandably be very wary of their children being transported certainly in the near future and potentially for quite some time to come without some, if not several, forms of protection.**

Again, this is another serious consideration over the period during and after the lockdown release and the re-opening of schools nationwide. The fact is that there are many vehicles that are designated exclusively for home-to-school contracts which do not have a partition or separation between the driver and passengers. It is hoped and should be encouraged and supported, that these vehicle owners will consider the installation of a partition screen to regain the confidence of the parents whose children they carry. In fact we have it in writing from one County Council that they will not allow their local school contract suppliers to recommence transport unless they have all the protective elements in place: partition screens, PPE face masks, and a full cleaning regime for vehicles and drivers.

- **We are waiting for guidance from central Government on this issue.**

We will reproduce a comment from one licensing officer here, from a recent licensing forum: "If we have to wait for Government guidance on this for Covid-19... we might get it by Covid-49!" The NPHTA has had considerable dialogue on the installation of such "sneeze guard screens" with senior government and licensing authority officials and at the time of release of this information on April 29nd 2020, they believe that through dialogue and research the position is as follows:

There are no taxi and PHV specific guidelines beyond the standard social distancing guidance currently issued by government. Therefore there is no actual guidance on which to base a refusal to allow such screens to be installed. Currently there is no specific guidance whatever available in respect of the installation – or viability – of protection screens in licensed saloon vehicles.

We believe serious consideration should be given to the inherent right of self-protection, as set out in the European Court of Human Rights, Article 2. *"[The Court] considered that [regulations] must govern the licensing, setting up, operation, security and supervision of the activity and must make it compulsory for all those concerned to take practical measures to ensure the effective protection of citizens whose lives might be endangered by the inherent risks..." "In the context of environmental disasters over which States have no control, the obligation of the State to take preventive operational measures comes down to adopting measures to reinforce the State's capacity to deal with the unexpected and violent nature of such natural phenomena."*

..."and that an issue may arise under Article 2 where it is shown that the authorities of a Contracting State have put an individual's life at risk through the denial of the health care which they have undertaken to make available to the population generally."

We would go as far as to say that local authorities adhere to the Regulator's Code, specifically that "regulators must be seen to promote, endorse and encourage the growth and development of local businesses." This most certainly includes the many transport providers whom you license within your district.

- **This represents a lot of time, trouble and expense for the vehicle owner to go to, just to protect themselves on a temporary basis.**

As stated at the beginning of this letter, the overall recovery of the UK's economy, and the gradual releasing of the lockdown, is going to take a lot of time. There are going to be large numbers of members of the public who are desperate, and who will stoop to criminal acts to get what money they can to live; this of course could include attacks on drivers. We firmly believe that the presence of a substantial, well

installed protection screen will at least discourage such attacks on a large scale – as well as building public confidence in private hire and indeed saloon hackney carriage transport once again.

On a final note:

We must make it abundantly clear to you all that neither the National Private Hire and Taxi Association, nor Private Hire and Taxi Monthly, has any commercial connections whatever with any of the manufacturers of protection screens for saloon vehicles. We just fervently believe that this product – whoever supplies the approved, tested version – is a crucial ‘tool of the trade’ for those owner/drivers who are willing to continue transporting passengers under these trying circumstances.

It is their choice as to whether they wish to invest in the screens; the price range is from around £75 to £500 for polycarbonate versions, depending on the level of testing and finishing. If these individuals are willing to make that sort of investment, they must be serious about protecting their passengers – and of course themselves. With this in mind, surely it must be seen as a positive move, and something the trade and local authorities could work well together to achieve, in the interest of public safety.

It is also of high importance to make clear that there are many other industry stakeholders who are behind this campaign in favour of saloon protection screens including Unite the Union, the GMB, the National Taxi Association, UPHD, and quite a few local trade associations nationwide.

We understand that some licensing authorities are hesitant to commit to approval of any of these protection screen products. We need to hear from you directly, as to what your objections are, so that we may provide further information that is specific to your query or point.

All we can do is to present the facts herein as we have obtained them through extensive and qualified research, and ask that licensing officers around the country exercise due diligence, sensitivity and care when considering the future of this industry.

It is hoped that eventually the general public will be transportable by taxi and PHV once again in a more normal fashion and volume. The only way this can happen is by boosting the confidence they have in entering and using all types of licensed vehicles; we must be seen to do anything within our power to achieve this. Your responsibilities in respect of public safety must always prevail. That includes your licensed drivers as well.

Thank you for listening. Above all, stay safe and well.



Please direct any feedback or replies to:

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