

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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