

# Report to Licensing Committee

## Use of screens/partitions in licensed hackney carriage/ private hire vehicles

4 June 2020

### Report of Licensing Manager

#### PURPOSE OF REPORT

The report is for information, to notify the committee of an 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 noted.

#### 1.0 Introduction

- 1.1 The report attached as **Appendix 1** provides the background to the request for the Chief Executive in consultation with Chair of Licensing Committee to consider and approve a position statement in respect of the installation and use of screens/ partitions in licensed hackney carriages and private hire vehicles. The matter was deemed to require urgent consideration.

#### 2.0 Decision/ Action Taken

- 2.1 On 19 May the Chief Executive in consultation with the Chair of the Licensing Committee considered the documents attached at **Appendix 1,1A and 1B**. The decision was that the position statement shown at **Appendix 1 A** be approved with a minor amendment to the wording of the liability statement

- 2.2 The amended wording is as follows

**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.**

2.3 On 20 May the agreed position statement was published on the Councils website and forwarded to the three large private hire operators and a representative of the hackney carriage trade.

2.4 The matter was considered as urgent for the following reason: The Council had received a number of enquiries from taxi drivers, the public and manufacturers/ installers of partition screens. The majority of enquires were based on the installation of partition/ screens in taxis, allegedly offering increased protection to taxi drivers / customers. Some taxi drivers are keen to return to work and the Council was reluctant to delay return to work based on the timescales involved in a Licensing Committee decision namely that the next committee wasn't scheduled to meet until 4 June. It was considered that the Councils position in respect to taxi screens/ partitions was something that required an urgent decision

### 3.0 Council Policy and Legislation

3.1 Part 2 section 7 page 50 of the Council Constitution outlines how matters of urgency can be dealt with and gives the following delegations to the Chief Executive

#### **Matters of Urgency**

To authorise any action reasonably necessary to protect the health, safety or welfare of individuals or the safety of property.

Where it is necessary for any function of the Council or one of its committees to be discharged and it is impracticable or impossible, by means of urgency for the matter to be considered by the Council or such committee, to take such action as they consider appropriate, in consultation as far as is practicable with the Mayor and group leaders in respect of a Council function or the relevant committee Chair in respect of a matter within the Terms of reference of a Council Committee

3.2 Furthermore the constitution requires that a report be prepared for the next Committee meeting recording the urgent circumstances which made the action necessary and detailing the action taken

### 4.0 Conclusion

4.1 The detail as to the relevant considerations in the decision making are attached in **Appendix 1,1A and 1B** namely the report considered by the Chief Executive in consultation with the Chair of Committee. This report is for information, but also provides transparency regarding the decision-making process.

#### **CONCLUSION OF IMPACT ASSESSMENT**

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

As set out in the original report.

**FINANCIAL IMPLICATIONS**

As set out in the original report.

**LEGAL IMPLICATIONS**

These are detailed in the report in respect of the relevant Constitutional requirements

**BACKGROUND PAPERS**

None

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