



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 30 AUGUST 2018

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Appointment of Vice-Chairman**

To appoint a Vice-Chairman for the 2018/19 municipal year.

3. **Minutes**

Minutes of the meeting held on 22 March 2018 (previously circulated).

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

5. **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.

6. **Suitability of Portable Fire Extinguishers in Taxis (Pages 1 - 8)**

Report of the Principal Licensing Officer

7. **Report on the Vehicle Checks Carried Out on Licensed Hackney Carriage & Private Hire Vehicles - 2nd and 3rd August 2018 (Pages 9 - 11)**

Report of the Principal Licensing Officer

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

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

(ii) Substitute Membership

Councillors Claire Cozler, Rebecca Novell, Jean Parr, Sylvia Rogerson 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 582170, or alternatively email democraticsupport@lancaster.gov.uk.

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

Published on Monday 20th August, 2018.

LICENSING REGULATORY COMMITTEE**Suitability of Portable Fire Extinguishers in Taxis
30th August 2018****Report of Principal Licensing Officer****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 Hackney Carriage and Private Hire vehicles.

This report is public.

RECOMMENDATIONS

That Members consider the use of fire extinguishers in licensed vehicles and determine any 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 licenced vehicle.

1.0 Introduction

- 1.1 At a meeting of the Licensing Regulatory Committee on 31st August 2017 it was resolved by members that, following the appointment of a Principal Licensing Officer, a sub-committee of the Licensing Regulatory Committee be formed to research the provision of fire extinguishers in licensed vehicles and report back on its findings to the Licensing Regulatory Committee, such sub-committee was to comprise of members, officers and members of the trade.
- 1.2 That sub-committee has now been established and have been re-named the Taxi working group. The group met on 29th June 2018 and discussed the types of fire extinguishers that may be used in licensed vehicles and the pros/cons of each type.
- 1.3 There is a requirement within the Council's Rules, Regulations and Procedures for Hackney Carriage & Private Hire Licensing to provide a suitable and 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.
- 1.4 During a vehicle compliance check 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.

- 1.5 Advice was sought from VOSA following the vehicle operation last year. The response from VOSA is included as Appendix 1 to this report. Current advice sought from the Lancashire Fire & Rescue Service is attached at Appendix 2.
- 1.6 There is no clear guidance available on specific fire extinguishers that **must** be used in licensed vehicles, 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.

2.0 Conclusion

- 2.1 The Taxi working group discussed the fire extinguisher matter, reviewed the previous LRC report and sought the opinion of the Principal Licensing Officer.
- 2.2 It was concluded that there is insufficient clear guidance to support the initial concerns raised by VOSA concerning the use of Dry Powder extinguishers or any other notable guidance to suggest a suitable alternative for the use in vehicles.
- 2.3 The group also concluded that on balance, there is justification to maintain the requirement for Hackney Carriage Vehicles and Private Hire vehicles to carry fire extinguishers that are regularly checked to ensure they are charged, and to retain the current requirement to carry a suitable and efficient fire extinguisher within the vehicle.
- 2.4 Members are asked to consider the matter raised in this report, taking account of the comments made by the working group, and decide whether to specify types of fire extinguishers to be carried in licensed vehicles or allow the conditions of vehicle licence to remain unchanged, with clarity given to vehicle proprietors that “suitable and efficient” also means in-date.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None identified.	
FINANCIAL IMPLICATIONS Financial Services have not been consulted.	
LEGAL IMPLICATIONS Any person aggrieved by a condition attached to a licence has the right of appeal to the Magistrates Court.	
BACKGROUND PAPERS Background paper – not applicable.	Contact Officer: Miss J Curtis Telephone: 01524 582317 E-mail: jcurtis@lancaster.gov.uk Ref: JC

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> <ol style="list-style-type: none"> present and operates. 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> <ol style="list-style-type: none"> security and condition. cleanliness. <p>12. Check first aid kit for:</p> <ol style="list-style-type: none"> presence, accessibility and condition. 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> <ol style="list-style-type: none"> missing or inoperative. 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> <ol style="list-style-type: none"> insecure or damaged so that it is likely to cause injury to passengers. contaminated so that they are likely to soil passengers clothing. <p>12. First aid kit:</p> <ol style="list-style-type: none"> missing, inaccessible or in poor or contaminated condition. 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>

From: N11 - Marchment, Brian <BrianMarchment@lancsfirerescue.org.uk>
Sent: 27 June 2018 09:37
To: Curtis, Jennifer
Cc: N12 - Monkhouse, Mark
Subject: RE: Fire Extinguishers in Licensed Vehicles

Hello Jen,

Thank you for your enquiry regarding provision of portable fire extinguishers for use with licenced taxis. VOSA have provided the guidance for requirement in respect of vehicles carrying more than 8 occupants. Further to this there is no specific guidance for smaller vehicles that I know of. On a practical level foam and dry powder offer their own individual benefits;

Dry powder

- Very effective in providing quick knock-down of a fire in the initial stages.
- Effective in tackling fire in engine compartments.
- Does not provide any cooling effect so fire can re-ignite from hot components.
- Can cause respiratory problems (particularly in confined spaces).

Foam

- Effective on fuel based fires.
- Has a limited cooling effect on a fire.
- Specialised foams will be able to form a film over the fuel / components.
- Can be more difficult to apply effectively.

Portable extinguishers are limited in their capability to extinguish vehicle fires and are only really effective in the very earliest stages of fire development.

The choice of extinguisher would be particular to the situation, Fire Service vehicles carry dry powder extinguishers predominantly.

Regards
Brian Marchment
Northern Area Fire Safety
Fire Safety Inspector
01524 230104 / 07501929293

From: N12 - Monkhouse, Mark
Sent: 26 June 2018 10:48
To: N11 - Marchment, Brian
Subject: FW: Fire Extinguishers in Licensed Vehicles
Importance: High

From: Curtis, Jennifer [mailto:jcurtis@lancaster.gov.uk]
Sent: 26 June 2018 10:47
To: N12 - Monkhouse, Mark
Subject: Fire Extinguishers in Licensed Vehicles
Importance: High

Hi Mark,

We are currently reviewing the requirement for taxi drivers to carry a powder fire extinguisher in licensed vehicles, during a recent vehicle inspection operation VOSA advised that it should be foam; as is their requirement for public service vehicle (over 8 seats).

What would you advise from a fire service perspective? Is foam safer than powder in confined spaces? Is there a real argument to stipulate one type over another?

Your advice may form part discussions with members of a committee and subsequent reports which may be public.

Thanks for your help,

Jen

Jennifer Curtis
Principal Licensing Officer
Lancaster City Council
Health and Housing
01524 582732
jcurtis@lancaster.gov.uk

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LICENSING REGULATORY COMMITTEE

**REPORT ON THE VEHICLE CHECKS CARRIED OUT
ON LICENSED HACKNEY CARRIAGE & PRIVATE
HIRE VEHICLES - 2ND AND 3RD AUGUST 2018**

Thursday 30th August 2018

Report of Principal Licensing Officer

PURPOSE OF REPORT

To inform the committee of the outcome from the recent unannounced checks carried out jointly with Licensing Enforcement Officers, Lancashire Police, HMRC and VOSA on Licensed Hackney Carriages and Private Hire vehicles operating in Lancaster.

This report is public

RECOMMENDATIONS

1. That the Committee note the outcome from the recent unannounced inspections of licenced vehicles carried out on the 2nd and 3rd August 2018.
2. That the Committee consider amending vehicle licence conditions to include the specification of the first aid kit required to be carried in licensed vehicles operating in Lancaster.

1.0 Introduction

- 1.1 The undertaking of roadside vehicle compliance and safety checks on licenced Hackney Carriage and Private Hire Vehicles is conducted from time to time, usually as a joint initiative with other Agencies. The purpose of the checks is to determine whether the vehicle complies with the Councils standards for licensed vehicles and to assess road worthiness.
- 1.2 On previous occasions over recent years, the practice has been conducted with the issue of a notice period to all licensed drivers and Operators that the inspections are due to be carried out, providing the date and time for the inspections. However, last year (2017) it was decided to conduct the checks without giving prior notice of the event. The outcome of the 2017 intervention was reported to this committee after the event.
- 1.3 For the checks conducted on the 2nd and 3rd August 2018 it was again decided that no notice period would be given and therefore all vehicle inspections were carried out unannounced.

2.0 Purpose and extent of the vehicle checks

- 2.1 The operation was conducted in partnership with VOSA, HMRC and Lancashire Police. The drivers of the vehicles were instructed on the day by Police Officers and via taxi operators to attend the inspections carried out on the rear carpark of the Salt Ayre leisure centre.
- 2.2 The Licensing officers carried out checks to assess compliance with the appropriate Council standards for licensed vehicles whilst the VOSA inspectors focussed on the mechanical roadworthiness of vehicles. HMRC Road Fuel testing unit conducted checks for the misuse of rebated fuels.
- 2.3 All vehicles that were either not operating on the day or due to time constraint could not attend are to be followed up and subject to inspection in the coming weeks.

3.0 Summary outcome

- 3.1 Summary of the main outcome from the operation.

Summary inspection results

- 160 individual vehicle inspections were carried out
- 52 Hackney Carriages and 108 Private Hire Vehicles checked
- Licensing staff issued 86 defect notices & 8 suspension notices
- VOSA issued a handful of prohibition notices
- HMRC found no contraventions

The majority of defects issued were in relation to fire extinguishers and first aid kits, the items were either insufficient, out of date or not fit for purpose. A handful of vehicles were required to be fully valeted, and a small number had more serious defects including bald tyres, faulty doors, illegally tinted windows and mechanical faults.

At the time of writing this report of the 86 defect notices issued, only 3 defects are outstanding and all suspensions have been lifted.

4.0 Conclusions

- 4.1 Licensing Officers and VOSA again felt that by conducting the operation without prior notice to the trade provides more realistic results and contrary to what may be expected, significant complaints were not received from licensed drivers or operators at the time of the operation or in the days that followed. It was felt that had notice been given, the more serious defects such as bald tyres, would not have been found.
- 4.2 In light of the fire extinguisher and first aid kit defects noted, the Principal Licensing Officer considers that there is a need to provide advice to the trade outlining acceptable standards for first aid kits and to include the specification in the rules and regulations.
- 4.3 An internet search provided the following information on a suitable first aid kit for licensed vehicles.

The new British standard for vehicle first aid kits was launched by British Standards Institution on February 1st 2014. The new standard identifies three sizes of motor

vehicle first aid kits, determined by the size of the vehicle, category of the hazard and the passenger numbers.

This motor vehicle first aid kit complies with the new BS 8599-2 (2014) standard for cars, taxis, vans and trucks with a maximum number of 8 passengers.

British Standard BS 8599-2 Compliant – Medium sized

Contents

- 1 Adherent Dressing
- 2 Burn Dressings
- 10 Cleansing Wipes
- 10 Washproof Plasters
- 1 Foil Blanket
- 2 Gloves (Pair)
- 1 Guidance Leaflet
- 1 Trauma Dressing, Medium
- 1 HSE Dressing, Medium
- 1 Triangular Bandage
- 1 Face Shield
- 1 Heavy Duty Shears

4.4 Members are asked to consider acceptable standards for first aid kits and determine whether to specify in vehicle licence conditions, the amended specification requirements.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None	
FINANCIAL IMPLICATIONS Financial Services have been consulted and there are no financial implications.	
LEGAL IMPLICATIONS Any person aggrieved by a condition attached to a licence has the right of appeal to the Magistrates Court.	
BACKGROUND PAPERS None.	Contact Officer: Miss Jennifer Curtis Telephone: 01524 582732 E-mail: jcurtis@lancaster.gov.uk Ref: JC/Aug18