

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 18

Brighton & Hove City Council

Subject:	Blue Handbook for Hackney Carriage and Private Hire Drivers, Vehicles and Operators Amendments		
Date of Meeting:	13 October 2022		
Report of:	Director of Housing, Neighbourhoods and Communities		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 29-6659
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Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Members are asked to consider various amendments to the 6th addition of the Blue Handbook Hackney Carriage & Private Hire, Drivers Operators & Vehicles.

2. RECOMMENDATIONS:

- 2.1 That Members agree the following changes
- 2.2 A new condition that all tyres on a vehicle must be under 10 years old
- 2.3 The Council will no longer licence vehicles that are Category S 'write offs'.
- 2.4 Members approve various amendments regarding the licensing objectives and guidelines on Convictions to the Blue Book as outlined in Appendix 1
- 2.5 Remove the condition that Private Hire Vehicles are required to have a Fire Extinguisher
- 2.6 Agree updated Guidance with regard to First Aid as described at 3.6
- 2.7 Agree the Temporary Age Limit for Wheelchair Accessible Vehicles as described at 3.12

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

TYRES

- 3.1 At one of the Multi Agency Operations, DVLA officers found tyres on a Hackney Carriage Vehicle to be over 25 years old. They were concerned that with a tyre of that age as it

is impossible to tell how the condition of the cords and structure within the tyre and that the tyre could disintegrate at any time. This had been the cause of some major PSV accidents. The DVSA officers advised that tyres on licensed vehicles should be no older than 10 years old.

CATEGORY S WRITE OFFS

3.2 Following accidents Insurance companies categorised vehicles according the type of damage to the vehicle from Cosmetic to Completely unrepairable. We currently licence Category S vehicles however the new standard for Category S means the vehicle has suffered structural damage. This could include a bent or twisted chassis, or a crumple zone that has collapsed in a crash. Category S damage is more than just cosmetic. Officers believe that in the interest of public safety Category S vehicles should no longer be licenced.

The Council will continue to licence Category N vehicles (formerly Category D) as these have not sustained structural damage, but the issue may be cosmetic or a problem with the electrics that is not economical to repair provided the vehicle has been professionally repaired and road worthy.

GUIDANCE ON CONVICTIONS

3.3 The Guidance on the licensing objective of prevention of crime and disorder, safeguarding of children and the vulnerable and the protection of the public and convictions has been made more robust to bring in line with the Statutory Standards published by the Government in July 2020 and following appeals in the magistrates. See Appendix 1 for changes

FIRE EXTINGUISHERS

3.4 The trade have requested that the need for Fire Extinguishers in taxis should be removed on safety and grounds of cost. The latest Dft Best Practice Guidance Consultation document suggests that if it is a requirement to have fire extinguishers, we should provide training on their use. We are unable to remove the requirement for Hackney Carriages at this stage as it is a requirement of the byelaws rather than a licence condition.

The advice from the Fire Service is if and only if you believe it is safe to do so, attempt to put out the fire with a dry powder or foam extinguisher. If the fire is in the engine compartment, do not open the bonnet but aim the extinguisher through the radiator grille or under the edge of the bonnet. Use with caution and if in doubt, don't attempt to tackle the fire.

Never use water on an engine fire – it can short out wiring and spread burning petrol with disastrous effect.

Don't forget – 35% of car fires are accidental, so you can help yourself, by taking the above precautions.

FIRST AID KITS

- 3.5 Home to School Transport have request that section 190. in the Blue Handbook for Hackney Carriage, Drivers, Vehicles and Operators be clarified and aligned with Home to School Contracts for clarity. Currently the Blue Book States:

190. First Aid

Your attention is drawn to your liability if rendering first aid. The kit if carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self-administration by the customer in the interest of customer care. If carried the First Aid Kit should be kept in a clean dry area of the vehicle

- 3.6 It is proposed that the section should be amended as follows:

190. First Aid

Your attention is drawn to your liability if rendering first aid. The First Aid Kit, if carried is to enable ONLY those trained in its use to render assistance to passengers *or* third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment, then it may be provided for self-administration by that passenger. If carried, the First Aid Kit should be kept in a clean, dry area of the vehicle.

First aid is not to be administered when working on Home to School Transport contracts unless:

1. it is in accordance with directions from a 999 operator
2. in the event of an epileptic seizure, in which case you must follow the guidance set out in the Epilepsy Care Plan, where provided.
3. in the case of any known allergies, in which case you must follow the guidance set out in the passenger's Allergy & Anaphylaxis Emergency Care Plan, where provided.

Those working on Home to School Transport contracts are to follow the service's Medical Emergency Procedure.

- 3.7 It has been a requirement not to administer first aid on Home to School Contracts since 2020. Instead, the service has in place a Medical Emergency Procedure and all drivers are trained in the procedure prior to undertaking a journey on behalf of the service. It is encouraged that a laminated sheet with this procedure is stored in each vehicle.

At service spot checks all drivers are asked to recite the Emergency Medical Procedure:

- i. Stop the vehicle in a safe place
- ii. Dial 999 and request an ambulance
- iii. Follow the instructions you are given on the phone
- iv. Record the time of the incident
- v. Inform your office and ask them to inform the parents/carers, the school, and the Home to School Transport team.

The only exception would be if the passenger is having an epileptic seizure and drivers are asked to follow the Epilepsy Care Plan, where provided, or in the case of any known allergies where drivers are asked to follow guidance set out in the Allergy & Anaphylaxis Emergency Care Plan, where provided.

- 3.8 Passengers using the Home to School Transport have a Pupil Travel Information Form which contains pertinent information in relation to their special educational needs and disabilities (SEND) and their individual needs. This is shared with their transport crew prior to transport, and available should they need to refer to it if they have to make a 999 call.
- 3.9 The passengers using the Home to School Transport Service have a wide breadth of special educational needs and disabilities, ranging from mild educational needs to severe and complex disabilities. It is because of this wide range of needs that it would not be safe or suitable for drivers to administer first aid, unless directed to so by a 999 operator or when following a written plan discussed and agreed by the Home to School Transport Team in consultation with the child's parents /carers.

TEMPORARY WHEELCHAIR ACCESSIBLE VEHICLE AGE LIMITS

- 3.10 Officers have received a request from the trade to temporarily extend the age limit of wheelchair accessible vehicles as they are having difficulty in purchasing wheelchair accessible vehicles in the current marketplace and are unable to purchase new vehicles due to availability. Vehicle suppliers have reported that the ongoing microchip shortage is playing havoc with the new car market. One of the main Taxi Dealers nationally is reporting that:
- For popular models such as Skoda Octavias, Superbs, Volkswagen Passats etc delivery times are 26 weeks. For larger vehicles with higher CO2 outputs the situation is worse as the manufacturers are prioritising EV and hybrid vehicles to comply with their emission targets. These larger vehicles tend to be the ones that are capable of being modified to be wheelchair accessible. The microchip shortage is expected to last for some time with some manufacturers already stating that they will not have supply back to normal levels for some time.
- 3.11 Currently the age limit for all vehicles is:
- In the case of a first application for a hackney carriage or private hire vehicle licence diesel vehicles must be manufactured to Euro 6 emission standard and petrol

vehicles manufactured to Euro 4 emission standard and must not normally exceed 10 years of age from date of initial DVLA registration and not more than 10 years of age in the case of any subsequent application for renewal of licence.

The maximum age limit described above, may only be exceeded if the vehicle presented is in exceptional condition, A vehicle may only exceed the normal age limit for a maximum of 2 years.

- 3.12 Members are requested to extend the maximum age limit beyond 10 years for Wheelchair Accessible Vehicles to 4 years if the vehicle is in exceptional condition until 1st April 2025 when the maximum age limit beyond 10 years will revert to 2 years for all vehicles and that Vehicles over 12 years will require a Compliance, Fitness and Emissions test every 4 months and proprietors will be expected to be actively looking for a replacement vehicle during this time.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1. This matter was discussed at the Brighton & Hove Hackney Carriage & Private Hire Consultation Forum and a formal consultation was undertaken with the trade.
- 4.2 The Brighton & Hove Parent and Carers Council are in support of this proposed clarification regarding the administering of first aid.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1. Any costs associated with making amendments to the Blue Book will be met from existing revenue budgets.

Finance Officer Consulted: Michael Bentley Date: 23/09/2022

Legal Implications:

- 5.2. Conditions imposed should be reasonably necessary and any changes to policy should have a sound legal and rational basis

Lawyer Consulted: Rebecca Sidell Date: 30/09/22

Equalities Implications:

- 5.3 Licensing authorities must ensure that a safe hackney carriage and private hire vehicle service is freely available to meet the demand across all sectors of the public, especially those vulnerable groups to whom a taxi or private hire vehicle is often the only means of completing a journey

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. Option 1

Keep existing Policies & Objectives.

6.2. Option 2

Adopt licensing objectives and guidelines as above

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. To make amendments to the current Blue Handbook for Hackney Carriage and Private Hire Drivers, Vehicles and Operators

SUPPORTING DOCUMENTATION

Appendices:

1. Outlines the various amendments regarding the licensing objectives and guidelines on Convictions to the Blue Book