

ITEM

**Title: Hackney Carriage
and Private Hire Vehicle
Condition of Licence –
Fire Extinguisher.**

North Tyneside Council Report to Regulation & Review Committee Date: 14 April 2016

Report from Service Area: Environment, Housing and Leisure

Report Authors:

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Wards affected: All

PART 1

1.1 Purpose

The purpose of the report is to ask Committee to review Condition 6 of the Hackney Carriage and Private Hire Vehicle Proprietor's licence and consider the removal of the requirement to provide a fire extinguisher in licensed vehicles.

1.2 Recommendations

Committee is recommended to:

Agree to the amendment of Condition 6 and remove the requirement for the provision of fire extinguishers in licensed vehicles.

2.0 Background Information

2.1 Fire Extinguisher

2.11 The powers relating to the licensing of hackney carriages and private hire vehicles is contained in section 38 of the Town Police Clauses Act 1847 and section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

Section 47(1) and Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 gives a district council the power to attach to the grant of a hackney carriage and private hire vehicle licence respectively such conditions as they may consider reasonably necessary.

Section 47 (3) of the Act states that any person aggrieved by any conditions attached to such a licence may appeal to a Magistrate's Court.

Hackney Carriage and Private Hire Licensing Policy

The Council's Hackney Carriage and Private Hire Licensing Policy includes a list of vehicle specifications and conditions to satisfy the Council that a proposed vehicle is suitable to be used as a hackney carriage or private hire vehicle. An extract of the Policy relating to vehicle conditions of licence is attached at **Appendix 1** to this report.

Condition 6 states: There shall be provided in a convenient position in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher (AFFF BS 5432 or EN 3).

All fire extinguishers must be checked every 12 months, prior to vehicle testing. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8 by a registered competent company. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher, along with the vehicle registration number.

Tyne & Wear Fire Authority

Following representations from the trade, advice has been sought from the Tyne & Wear Fire Authority regarding the provision of a fire extinguisher in licensed vehicles. The Fire Authority has provided the following advice:

'Further to your enquiry below, I can confirm that the Regulatory Reform (Fire Safety) Order 2005 does not cover fire extinguisher provision for vehicles used as transport. Therefore, I would advise speaking to the Department for Transport and other Local Authority Licensing teams to determine what is recommended/best practice for taxis.

We would always advise that taxi drivers not to put themselves at risk and call the Fire Service should a fire occur. If extinguishers are provided, appropriate training should be undertaken to ensure the safe use of equipment'.

In view of the advice from the Fire Authority officers are now requesting a review of the requirement to provide a fire extinguisher in licensed vehicles.

Other Local Authorities

Within Tyne and Wear the issue of fire extinguishers has not been reviewed however officers have found several examples of local authorities who have reviewed their policy and removed the requirement to carry a fire extinguisher These include:- Derby City Council, Southampton City Council and Chorley Council.

Transport for London does not require licensed Hackney Carriage and Private Hire Vehicles to carry fire extinguishers.

Other Organisations

There is no legislation that requires vehicle with less than 8 passenger seats to carry a fire extinguisher, even those being used for the carriage of paying passengers. However there is some guidance with regard to mini buses.

In August 2015 The Royal Society for the Prevention of Accidents(ROSPA) issued guidance for minibus drivers –‘code of practice for vehicle safety’ The guidance states that :-

“Drivers and passenger assistants should not attempt to tackle a vehicle fire, unless they have been trained to do so. In the event of a fire, the passengers should be evacuated first, and moved as far away from the vehicle as possible before any attempt is made to extinguish the fire. Under bonnet fires should **never** be tackled, but left for the Fire and Rescue Service”.

3.0 Decision Options

Committee is requested to consider the following options:

3.1 Option 1

To amend Condition 6 so that the requirement for the provision of a fire extinguisher in licensed vehicles is removed.

Option 2

To agree to continue with the above requirement for the provision of a fire extinguisher in licensed vehicles and to retain the existing delegation.

Officers recommend option 1 as this complies with the advice given by Tyne & Wear Fire Authority. It will also remove any temptation by drivers to tackle any fire in their vehicle.

4.0 Appendices:

4.1 Appendix 1 – Hackney Carriage and Private Hire Vehicle Conditions of Licence

5.0 Contact Officers:

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6.0 Background Information:

6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report.

1. North Tyneside Council Hackney Carriage and Private Hire Licensing Policy
2. Town Police Causes Act 1847 and 1889
3. Local Government (Miscellaneous Provisions) Act 1976

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications for the Authority arising directly from this report should a decision be made to remove the requirement for the provision of a fire extinguisher in licensed vehicles.

2.2 Legal

Chapter 2 of the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy sets out the procedure for granting and renewing vehicle licences.

2.3 Consultation/Community Engagement:

The Authority has discussed this issue with the North Tyneside Hackney Carriage and Private Hire Licensing Forum. There is universal support for the removal of the requirement for the provision of a fire extinguisher in licensed vehicles. As a result of this a commitment was made to bring this issue before the Regulation and Review Committee.

2.4 Human Rights:

There are no human rights issues arising directly arising from this report.

2.5 Equalities and Diversity:

There are no equality and diversity implications arising directly from this report. Equality Impact Assessments will be undertaken as part of the development of regulatory option proposals.

2.6 Risk Management:

There are no significant risk management implications to the Authority arising directly from this report.

2.7 Crime and Disorder:

It is not considered that there are any crime and disorder implications arising directly from this report.

2.8 Environment and Sustainability:

It is not considered that there are any environment and sustainability implications arising directly from this report.