

<b>DECISION-MAKER:</b>	<b>LICENSING COMMITTEE</b>		
<b>SUBJECT:</b>	TRADE REQUEST TO REMOVE THE CONDITIONS RELATING TO FIRE EXTINGUISHERS AND FIRST AID BOXES IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES		
<b>DATE OF DECISION:</b>	19 SEPTEMBER 2013		
<b>REPORT OF:</b>	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Phil Bates</b>	<b>Tel: 023 8083 3523</b>
	<b>E-mail:</b>	<b>phil.bates@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Mark Heath</b>	<b>Tel: 023 8083 2371</b>
	<b>E-mail:</b>	<b>Mark.heath@southampton.gov.uk</b>	

<b>STATEMENT OF CONFIDENTIALITY</b>
NOT APPLICABLE

### **BRIEF SUMMARY**

Section 22 of the Hackney Carriage Licence Policy and Conditions and Section 17 of the Private Hire Vehicle Licence Policy and Conditions require the licence holder to cause to be carried in the vehicle an efficient fire extinguisher of a type approved by the Council and suitable for use on motor vehicles and a first aid kit. Such extinguisher shall be fixed on the vehicle in such a position as to be readily available for use and maintained in good working condition at all times.

Concerns have been raised by the trade of the risk of litigation if the equipment is used.

### **RECOMMENDATIONS:**

- (i) to determine whether the conditions relating to fire extinguishers and first aid boxes in Hackney Carriages and Private Hire Vehicles should remain or be amended or removed.

### **REASONS FOR REPORT RECOMMENDATIONS**

1. At a Trade Representatives meeting this policy was questioned. Concern was expressed that insurances could be invalidated by drivers using fire extinguishers and that drivers were open to litigation if they administered first aid, especially if not trained..

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. None. All options are contained in this report.

### **DETAIL (Including consultation carried out)**

3. It is a longstanding mandatory requirement that both hackney carriages and private hire vehicles carry fire extinguishers and first aid kits.

4. In April 2013 a Trade Representative consultation meeting was held and specific concerns were raised. It was stated that insurance companies have indicated they will invalidate claims where an extinguisher has been used and drivers are concerned they may face litigation if they administer first aid when not trained.
5. The condition specifies the type of fire extinguisher as approved by the Council and suitable for use on motor vehicles. Hampshire Fire and Rescue Service were consulted and it was explained that different extinguishers would be required for fires in the cab and the engine. It was also noted that drivers do not receive any training on the appropriate type of extinguisher or its use. The general advice of the Fire and Rescue Service if a vehicle catches fire is to get as far away as possible and call the fire service.
6. The conditions do not currently specify any requirements for the content of the first aid kit. South Coast Ambulance were consulted who confirm there is no legislation requiring the vehicles to have a first aid kit, however they support encouragement to carry a basic first aid kit to allow emergency common sense application of first aid or for self administration in minor cases.
7. There is little evidence to support the claim from drivers that they face litigation if they administer first aid without training.
8. Any first aid training always requires refreshing, usually after 3 years. Although training drivers is desirable, it is costly and has recurring costs that will inevitably be met by the drivers themselves.
9. There is no legal requirement to have these pieces of equipment; the benefit of having a first aid kit is marginal but desirable. It is therefore recommended that conditions requiring licensed Hackney Carriages and Private Hire Vehicles to have first aid kits and fire extinguishers be removed.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

10 Nil

### **Property/Other**

11 None

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

12 Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976.

### **Other Legal Implications:**

13 None.

## **POLICY FRAMEWORK IMPLICATIONS**

14 None.

**KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	None
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	None
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**Documents In Members' Rooms**

1.	None
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**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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**Other Background Documents**

**Equality Impact Assessment and Other Background documents available for inspection at:**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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