

**AMENDMENT OF HACKNEY CARRIAGE AND PRIVATE
HIRE VEHICLE, AND OPERATOR CONDITION
REGARDING:- SMOKE FREE ENGLAND
LEGISLATION. LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976, TOWN
POLICE CLAUSES ACT 1847**

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. To consider implementing a revised licence condition due to the changes in legislation regarding smoking in public places for :-
 - Private hire and hackney carriage vehicle conditions

Legal Background – revised conditions

2. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s 47 (Private Hire Vehicle) s 51 (Private Hire Drivers) s 55 (1) (Operators), Town Police Clauses Act 1847 s 42 (Hackney Carriage) s 46 (Hackney Carriage Drivers), local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
3. Any person aggrieved by any conditions, which have been imposed, has a right of appeal to the Magistrates Court.

Legal Background – No Smoking Regulations.

4. With effect from the 1st July 2007, regulations made under the Health Act 2006 are in place to control smoking in public enclosed places. These Regulations will include all licensed vehicles including hackney carriages, private hire vehicles, taxi and private hire offices with or without public access.
5. Drivers or passengers may not smoke in the vehicle at any time. The Regulations prescribe how signage must be displayed on the vehicle-advising passengers of the new restrictions.
6. The regulation for signage is as follows:-

No-smoking signs in vehicles

3. —(1) Any person with management responsibilities for a smoke-free vehicle shall be under a duty corresponding to that in section 6(1) of the Act to ensure that at least one no-smoking sign is displayed in a prominent position in each compartment of his vehicle.

(2) In paragraph (1)—

"compartment" includes each part of a vehicle which—

- (a) is constructed or adapted to accommodate persons; and
- (b) is, or may from time to time be, wholly or partly covered by a roof;

"no-smoking sign" means a sign which displays the no-smoking symbol; and
"roof" includes any fixed or moveable structure or device which is capable of covering all or part of a compartment, including any canvas, fabric or other covering, but where a vehicle is engaged in conveying persons, it does not include any fixed or moveable structure or device which is completely stowed away so that it does not cover all or any part of a compartment.

7. To comply with the regulations our standard conditions will need to be amended to include information regarding the type and size of the signs
8. Existing vehicle licence condition - 8.2 One or more notices shall be displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". Such notice(s) must be clearly visible to passengers and the lettering must be white on a red background. Alternatively the international "NO SMOKING" symbolic sign may be used.

Options for the Committee members to consider.

- a) One or more notices shall be prominently displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". "no-smoking symbol" means a symbol which consists solely of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70 millimetres in diameter with a red bar across it. (this option complies with the new regulation).
- b) Signs to be exhibited in the vehicle - one in each compartment of the vehicle, front and back for saloons and for larger vehicles the front, middle and back. At least one sign must be visible from the outside and be clearly visible by any passenger you are transporting. "no-smoking symbol" means a symbol which consists solely of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70 millimetres in diameter with a red bar across it. (this option requests more signage than is required by the signage regulation)

Background

9. The licence conditions were last reviewed in April 2007. We were unable to include the new provisions for signage, as they had not been announced at that time.
10. The dual driver conditions already contains a condition which does not allow smoking in the vehicle at any time.

Options for "No signs"

It is for the Regulatory Committee to decide:-

- To amend condition 8.2 to option a)
- To amend condition 8.2 to option b)
- Or reach some other decision.