

**RIBBLE VALLEY BOROUGH COUNCIL  
REPORT TO LICENSING COMMITTEE**Agenda Item No. **7**

meeting date: 16 SEPTEMBER 2014  
title: SMOKING OF ELECTRONIC CIGARETTES OR OTHER VAPOUR  
PRODUCING SMOKING DEVICES IN PRIVATE HIRE AND HACKNEY  
CARRIAGE VEHICLES  
submitted by: CHIEF EXECUTIVE  
principal author: MAIR HILL

**1 PURPOSE**

1.1 To ask Committee to consider the response to the consultation upon the amendment of the standard conditions of licence so that the smoking of electronic cigarettes or any other vapour producing smoking device is prohibited within private hire and hackney carriage vehicles.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Corporate Priorities – N/A
- Other Considerations – N/A

**2 BACKGROUND**

2.1 The Council's standard conditions for private hire and hackney carriage drivers currently provide at paragraphs 20(e) and 19(e) respectively, that a driver must "*not smoke in the vehicle or permit any passenger to smoke in the vehicle.*"

2.2 On 18 March 2014, Committee resolved in principle that the standard conditions should be amended so that the smoking of electronic cigarettes or any other vapour producing smoking device are prohibited within private hire and hackney carriage vehicles, and authorised the Head of Legal and Democratic Services to amend the conditions accordingly.

2.3 On 8 April 2014, the Head of Legal and Democratic wrote to all private hire operators private hire and hackney carriage drivers and vehicle licence holders to consult them upon the proposed changes to the standard conditions, and the specific wording of the amendment. A copy of that letter is enclosed as **Appendix 1** to this report.

**3 ISSUES**

3.1 The Council has received 3 responses to its consultation which are summarised in the table at **Appendix 2**. All responses support the amendment. Committee is therefore asked to approve the proposed amendment to the standard conditions as set out in the consultation document namely so that conditions 20(e) and 19(e) respectively read:

"The Driver shall:

- e. not smoke in the vehicle or permit any passenger to smoke in the vehicle (which for the avoidance of doubt shall include smoking or using an electronic cigarette or any other vapour producing smoking device)".

**4 RISK ASSESSMENT**

4.1 The approval of this report may have the following implications:

- Resources – No implications identified.
- Technical, Environmental and Legal – No implications identified.
- Political - No implications identified.
- Reputation – Reconsidering the standard conditions will enhance the Council's reputation.
- Equality & Diversity – No implications identified

**5 RECOMMENDED THAT COMMITTEE**

5.1. Authorise the Head of Legal and Democratic Services to amend the standard conditions for private hire and hackney carriage vehicles so that conditions 20(e) and 19(e) respectively read:

*"The Driver shall:*

*e. not smoke in the vehicle or permit any passenger to smoke in the vehicle (which for the avoidance of doubt shall include smoking or using an electronic cigarette or any other vapour producing smoking device)".*

*Mair Hill*

MAIR HILL  
SOLICITOR

*Marshal Scott*

MARSHAL SCOTT  
CHIEF EXECUTIVE.

For further information please ask for Mair Hill, extension 3216

REF: MJHLicensing Committee/16 September 2014

## APPENDIX 1

please ask for: DIANE RICE  
direct line: 01200 414418  
e-mail: [diane.rice@ribblevalley.gov.uk](mailto:diane.rice@ribblevalley.gov.uk)  
my ref: DER  
your ref:  
date: 8 April 2014

Dear Sirs

**RE: Consultation on Hackney Carriage and Private Hire Licence Condition**

I write to inform you that the Council's Licensing Committee has recently been considering whether the standard conditions for private hire and hackney vehicles should be amended to state that the smoking of electronic cigarettes or other vapour producing smoking devices are prohibited within private hire and hackney carriage vehicles

The Council's Licensing Committee considered a report on this issue on 18 March 2014. If you wish to read this report it is available on the Council's website or you can telephone Jane Horsfield or Julie Holdsworth to request a copy.

The proposed change is outlined in the attached note.

If you wish to respond with your views on the proposed change, please do so in writing using the enclosed form and submitting it to me at the above address on or before **16 May 2014**.

Please contact me if you have any queries.

Yours sincerely

**DIANE RICE**  
**HEAD OF LEGAL AND DEMOCRATIC SERVICES**

*To all private hire operators and all private hire and hackney carriage drivers and vehicle licence holders*

**Ribble Valley Borough Council**  
**Amendment of Standard Condition to include e-cigarettes and other vapour producing smoking devices**

The Council's Licensing Committee discussed this matter on 18 March 2014. It is felt that the smoking of these devices inhibits the effective enforcement of the current standard condition, which prohibits smoking within private hire and hackney carriage vehicles.

The Council's Licensing Committee has therefore decided to consult licence holders with a view to amending standard conditions 20(e) and 19(e) respectively so that they read:

*"The Driver shall:*

- (e) not smoke in the vehicle or permit any passenger to smoke in the vehicle (which for the avoidance of doubt shall include smoking or using an electronic cigarette or any other vapour producing smoking device) ; "*

**Timetable**

The next meeting of the Council's Licensing Committee will be held on 17 June 2014. It is proposed that the results of this consultation will be reported to that Committee. The Consultation will therefore run from 8 April 2014 to 16 May 2014.

More details on the above proposals can be found in the Committee report available on request or via the Council's website.

If you wish to respond with your views on the proposed change to the licensing conditions please do this by completing the enclosed form and submitting it to Diane Rice at the Council Offices on or before **16 May 2014**.

**CONSULTATION RESPONSE FORM**

**Name:** .....

**Address:** .....  
.....  
.....

**Licence No:** .....

**Contact details:** .....  
.....  
.....  
.....  
.....

1. I **support/do not support** the amendment of the standard conditions for private hire and hackney carriage vehicles so that conditions 20(e) and 19(e) respectively read as follows:

*"The Driver shall:*

- e. not smoke in the vehicle or permit any passenger to smoke in the vehicle (which for the avoidance of doubt shall include smoking or using an electronic cigarette or any other vapour producing smoking device) ;*

**Comments:** .....  
.....  
.....  
.....  
.....

## APPENDIX 2

### Response to Consultation on e cigarettes 2014

Do you agree with amending standard conditions 20(e) and 19(e) respectively so that they read: <i>"The Driver shall:  (e)not smoke in the vehicle or permit any passenger to smoke in the vehicle (which for the avoidance of doubt shall include smoking or using an electronic cigarette or any other vapour producing smoking device) ; "</i>	<b>Comments</b>
Yes	Sensible amendment to rules
Yes	
Yes	I think this is a good idea. Thank you