13.08.2020

Updated Guidance for Holders of Taxi and Private Hire Licences

This Notice provides updated advice and guidance for taxi and private hire cars (PHC) licensees following recent Government announcements

Background

The Scottish Government has tasked the Environmental Health/Trading Standards Expert Officers' Group on Covid-19 to look at developing guidance. The Expert Group work very closely with Scottish Government and other agencies in the response to Covid-19.

Concern has been raised regarding taxis and private hire cars that are still operating and the lack of physical distancing in such vehicles, or any other controls for that matter. Given that the majority of vehicles used in Scotland as Taxi and PHC's will be salon type cars 2m social distancing is not always possible.

In saloon cars it is not possible for drivers and passengers to face away from each other, the passenger will almost always be facing on to the driver. In a traditional black taxi if the passenger must sit with their back to the driver, they will not be able to maintain 2m distance.

This guidance note covers potential protection of drivers but also considers other mitigating factors that could be introduced such as:

- Stay at home guidance and physical (social) distancing between drivers and passengers both inside and outside the vehicle (e.g. assisting with bags or opening the boot for luggage/shopping etc.
- Use of partitions or screens
- Hand and respiratory hygiene for drivers and passengers in taxis and PHCs
- Use of face coverings by drivers and passengers in taxis and PHCs
- Wheelchair and passenger assistance
- Cleaning of vehicles

Stay at home guidance and social distancing between drivers and passengers in Taxis and PHCs

Individuals who have symptoms of possible COVID-19, or who live in a household with someone with possible COVID-19 should be self-isolating and should not travel by taxi or PHC. Taxi and PHC operators and drivers should ask if customers have symptoms of possible COVID-19 (fever, new cough or loss of smell and/or taste) and should not accept symptomatic customers. PHC taxis have to be booked beforehand so the operator should be screening and asking the relevant questions at the booking stage. Then the drivers are in a position to further assess once the passenger is picked up. But drivers need appropriate information, instruction and training on what to look for and what to base judgement on.

If anyone in a household has symptoms, has tested positive or is waiting for a test result all other household members must self-isolate for 14 days. The 14-day period begins when the first person in the household started showing symptoms. This is because it can take 14 days for symptoms to appear. Staying at home for 14 days will greatly reduce the overall amount of infection that individuals in the household could potentially pass on to others.

Individuals may be able to end self-isolation earlier than 14 days if everyone in the home with symptoms gets a negative test result.

If they do start to show symptoms during this time, they should continue self-isolating for a further 7 days from the day when they first started showing symptoms, Link to Coronavirus (COVID-19): Guidance for households with possible coronavirus infection on NHS Inform: https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/test-and-protect/coronavirus-covid-19-guidance-for-households-with-possible-coronavirus-infection

Those that are showing obvious visible signs of Covid-19 symptoms (chronic cough, fever etc.) should not be permitted entry to the vehicle at any time. It is not the driver's responsibility to question whether the customer's journey is considered essential under the current Scottish Guidance. This will be the responsibility of the customer to justify the journey if asked.

Drivers and passengers should occupy the vehicle allowing for 2m physical distancing (or maximum possible distance). Where it is not possible to remain 2m apart, drivers and passengers should face away from each other, rather than face-to-face if that is an option. Where face-to-face contact cannot be avoided, this should be kept to 15 minutes or less wherever possible.

Individuals are always advised to stay 2 metres (6 feet) away from other people If they go out. Individuals should therefore adhere to physical distancing when outside their cars.

At taxi ranks individuals should try to keep a 2-metre distance from others. If anyone comes within 2 metres of others, they should avoid physical contact and keep the time they spend within 2 metres of others as short as possible.

Source: https://www.transport.gov.scot/coronavirus-covid-19/transport-transition-plan/advice-on-how-to-travel-safely/#section-63887

The number of customers in the vehicle should be kept to a minimum if possible, with no sharing of the vehicle if the customers are not living in the household

Good ventilation (i.e. keeping the windows open) may help to reduce the risk of transmission. Air conditioning or ventilation on vehicles must be set to extract and not recirculate the air within the vehicle (where possible).

Use of partitions or screens

Partitions or safety screens provide a physical barrier between drivers and passengers in the vehicle. They are commonly installed as a safety feature to protect the driver from physical attacks or theft. There has been an increase in interest of the use of screens as a way of providing physical separation between drivers and passengers in order to reduce the transmission of COVID-19.

Partitions in taxis or PHCs do not provide a fully sealed compartment which completely separates the driver from the passenger. Therefore, whilst it is possible that partitions may reduce the risk of transmission of infection, the risk would not be eliminated entirely.

If an operator decides to fit a protective screen to the licensed car, the operator **must** contact their local licensing authority to advise that he/she has plans to do this. There must be proof that the relevant insurer has been contacted and that the insurer has confirmed that the necessary insurance would be unaffected by the proposed installation of the screen. The licensing authority may consider this to be a material change to the vehicle of which they require to be notified formally in terms of Paragraph 9 of Schedule 1 to the Civic Government

(Scotland) Act 1982. If formal notification is required, a fee may have to be paid to the licensing authority to process the notification, which would also involve consultation with Police Scotland regarding the proposed change(s) to the vehicle. In any event, if a screen is fitted, the operator must ensure that it is fitted safely and securely. In addition, it-

- Must comply with the Road Vehicle (Construction and Use) Regulations.
- Must not be permanently installed in the vehicle
- Must be fitted in such a way to not affect the structural integrity of the vehicle, or interfere with any manufacturer fitted safety equipment e.g. airbags
- Must not wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.
- The partition used MUST be clear and transparent and can ONLY be fitted across the rear of both front seats, creating a partition between the front and rear cabin area of the vehicle
- Any screen must be tested to the relevant EU standard for an original equipment type approval test covering interior fittings
- The screen must be approved by MIRA or other comparable independent product engineering, testing, consultancy and certification organisation.
- Screens should be constructed of PETg or polycarbonate
- The screen should not impede the driver's vision, movement, or communication with passengers
- The screen should not impede driver or passenger access or egress to the vehicle

Consideration should also be given to ensure that:

- Screens must be professionally and securely fitted in accordance with the manufacturer's instructions.
- Certification from the vehicle's manufacturer should be sought to confirm that the screen does not compromise the integrity of the vehicle structure
- Insurers should be notified of any modifications made to the vehicle

Screens should also be cleaned regularly (see Cleaning of vehicles), including between passenger journeys and changes of driver with disinfectant.

Hand and respiratory hygiene for drivers and passengers in taxis and PHCs

Drivers and passengers should wash hands more regularly than normal using soap and water or hand sanitiser for at least 20 seconds. Hand washing is particularly important after using the toilet, after handling money, before eating or handling food, before touching your face, and after blowing your nose, sneezing or coughing. Hands should be washed as soon as drivers or passengers get home. When hand washing facilities are not available, hand sanitiser can be used as a substitute. The use of hand sanitiser is only suitable when hands are not visibly dirty or soiled.

Drivers should keep a bottle of hand sanitiser gel in their vehicle. It is recommended this be a minimum 80 per cent alcohol. Alternatively keep a large bottle of water and a bar/bottle of soap.

Drivers are advised to avoid handling money and take alternative payment methods. If handling money cannot be avoided, drivers should wash their hands with soap and water or hand sanitiser after handling money. The taxi/PHC company should consider equipment which allows alternative payment means AND ask the question at the booking stage about how the payment will be made. This will help in reducing cash transactions.

Drivers and passengers should carry tissues and use tissues to catch coughs or sneezes. Used tissues should be disposed of in a controlled manner in a bin as soon as possible. Hand sanitiser should be used after coughing or sneezing into a tissue.

Use of face coverings by drivers and passengers in taxis and PHCs

It is important to note the difference between face masks and face coverings. Face masks are surgical or medical grade masks that are used in health and social care situations. Face coverings are made from cloth or other textiles that cover the mouth and nose, and through which you can breathe (e.g. a scarf). There is no evidence of benefit to support the use of face masks outside healthcare environments. Scottish Government has issued guidance on the personal use of face coverings. Source: IPC Good hygiene principles for non-healthcare settings.

Physical distancing, hand washing, respiratory hygiene and surface cleaning are the most important and effective measures we can all adopt to prevent the spread of coronavirus, therefore the wearing of facial coverings must not be used as an alternative to any of these other precautions.

The evidence on the use of face coverings is limited, but there may be some benefit in wearing a facial covering when entering enclosed spaces, especially where physical distancing is more difficult and where there is a risk of close contact with multiple people you do not usually meet such as traveling on public transport.

We recommend that individuals consider using face coverings in the limited circumstances described above as a precautionary measure.

Source: https://www.gov.scot/publications/coronavirus-covid-19-staying-at-home-and-away-from-others/pages/face-coverings/

The use of face shields/visors is not accepted as a suitable face covering. A face shield/visor alone would not control the risk from aerosol/droplet transmission. The use of face shields is optional and must be used in addition to having a face covering.

When using taxis and/or private hire vehicles, passengers must wear a face covering.

The following groups are exempt from the mandatory use of face covering in such vehicles namely:

- Under 5-year olds
- Those with breathing difficulties
- Those with physical conditions which make it hard to keep a mask in place

Persons providing a passenger transport service, or an employee of that person, namely the driver of said vehicle, must wear a face covering unless there is a partition i.e. screen, between the person or employee and the members of the public i.e. passenger.

Source: https://www.transport.gov.scot/coronavirus-covid-19/transport-transition-plan/advice-on-how-to-travel-safely/#section-63887

Wheelchairs and passenger assistance

The Equality Act 2010 specifically section 165 which sets out the duties imposed on a driver of a designated taxi for carriage of passengers with disabilities includes:

a) to carry the passenger while in the wheelchair,
b) not to make any additional charge for doing so,
c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair,

d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort,
e) to give the passenger such mobility assistance as is reasonably required

The Coronavirus (Scotland) Act 2020 does not contain any specific provisions that impact upon the above, but Scottish Government guidance on social distancing, etc applies equally to both driver and passenger and requires to be considered. The Equality Act provides a qualifier to the assistance to be provided to a passenger – the use of the word reasonable/reasonably. A driver could assess a particular situation where a wheelchair user wanted to make use of their vehicle, and the driver could decide whether it is possible for them – observing the terms of Scottish Government guidance on distancing, etc – to provide the service. If they believed that social distancing requirements were such as to prevent them being able to provide reasonable assistance, they could state that, but still confirm they could provide the service of carrying the passenger in their vehicle. The reasonability element has to be considered in light of the current climate.

However, having regard to the duties imposed in the 2010 Act, should a driver refuse to accept wheelchair users in their vehicle they would then be breaching the terms of the legislation and local licensing conditions

Cleaning of vehicles

Cleaning vehicles with normal household disinfectant (beware that many household disinfectants contain bleach as an ingredient and as such may cause staining to fabrics etc.) will reduce the risk of passing coronavirus infection on to other people. After each passenger journey, drivers should clean all hard surfaces both inside and outside the car such as door handles, window winders, seat belts, card payment devices, boot access, the rear of the front seats and other surfaces passengers may have touched. Drivers should then wash/sanitise their own hands. There should be an adequate supply of cleaning materials and means of disposal for the shift.

A thorough clean of the vehicle with normal cleaning products should be completed at the end of each shift/working day.

Summary and Conclusion

Drivers, like the general population, should not be working if they are symptomatic or if someone they live with is symptomatic. Drivers in the clinically vulnerable group and extremely clinically vulnerable (shielding) group should follow government advice, as above.

Drivers and passengers should remain at 2m distance. If maintaining 2m distance is not possible, drivers and passengers should face away from each other and face-to-face contact should be minimised. Windows should be kept open if possible and air conditioning/ventilation should be set to extract and not recirculate the air within the vehicle.

Drivers and passengers should wash hands more regularly than normal for at least 20 seconds. When hand washing is not possible, hand sanitiser should be used. Drivers are advised to avoid handling money and to take alternative payment methods. If handling money cannot be avoided, drivers should wash their hands with soap and water or alcohol-based sanitiser after handling money.

Partitions in taxis or PHCs do not provide a fully sealed compartment which completely separates the driver from the passenger. Therefore, whilst it is possible that partitions may reduce the risk of transmission of infection, the risk would not be eliminated entirely and if

installed, they should not be regarded as a measure taken instead of social distancing and other hygiene measures.

In all cases where it is intended to install a partition or screen, the operator should contact the local licensing authority and their insurance company beforehand

Taxis and PHCs should follow guidance on cleaning vehicles as above.

Submitted

The EH-TS Covid-19 Expert Working Group would like to acknowledge the contribution of the following organisations in the development of this guidance

Society of Chief Officers of Environmental Health in Scotland (SoCOEHS)

Society of Chief Officers of Trading Standards (SCOTSS)

Society of Local Authorities Chief Executives (Solace)

Society of Local Authority Lawyers and Administrators in Scotland (SOLAR)

Health Protection Scotland (HPS)

Health and Safety Executive (HSE)

Police Scotland

Transport Scotland