

LICENSING COMMITTEE AGENDA



Wednesday 7th December 2005

at 10.00 am

in Committee Room B

MEMBERS: LICENSING COMMITTEE:

Councillors Cook, Griffin, Hall, Jackson, Kaiser, Morris, Rayner, Rogan, Tumilty

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

3.1 To confirm the minutes of the meeting held on 19th October 2005 (*attached*)

4. **ITEMS REQUIRING DECISION**

4.1 Licensing of Stretched Limousines - *Head of Public Protection and Housing*

5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985”.

6. **ITEMS REQUIRING DECISION**

6.1 Hackney Carriage and Private Hire Drivers Licence LA - *Head of Public Protection and Housing (Para 7)*

6.2 Private Hire Drivers Licence DBB - *Head of Public Protection and Housing (Para 7)*

6.3 Hackney Carriage Driver JMc– *Head of Public Protection and Housing (Para 7)*

- 6.4 Application for a Hackney Carriage Driver's Licence PR – *Head of Public Protection and Housing* (Para 7)
- 6.5 Private Hire Drivers Licence MJS – *Head of Public Protection and Housing* (Para 7)
- 6.6 Hackney Carriage and Private Hire Drivers Licence DCT – *Head of Public Protection and Housing* (Para 7)
- 6.7 Private Hire Driver FCW – *Head of Public Protection and Housing* (Para 7)

7. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

19th October 2005

Present:

Councillor Kaiser (In the Chair)

Councillors: Cook, Griffin, Hall, Rogan and Tumilty

Officers: Ralph Harrison, Head of Public Protection & Housing
Tony MacNab, Solicitor
Pat Watson, Democratic Services Officer
Jo Wilson, Democratic Services Officer

23 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Jackson, Dr Morris and Rayner

24. Declarations of interest by members

None

25. Confirmation of the minutes of the meeting held on 19th October 2005

Confirmed

26. Consultation on Best Practice for Taxi Licensing Authorities *(Head of Public Protection and Housing)*

Purpose of report

To inform Members of a consultation exercise being carried out by the Department of Transport relating to proposed Best Practice Guidance for those local authorities responsible for licensing taxis and private hire vehicles and request comments on various issues, to be fed back to the Department for Transport as part of the consultation process.

Issue(s) considered by the Committee

Members were advised that in 2003 the Office of Fair Trading had published the findings of a market survey of the regulation of taxis and private hire vehicles (PHVs) in the UK. One of the recommendations of that report had been that the Department for Transport should produce guidance on best practice for local licensing authorities. As a result, the Department for Transport had produced a draft best practice guidance document and was consulting with licensing authorities, and other organisations, before the final document is published. The document was attached as an appendix.

The report advised that the draft guidance reiterates that it is for local authorities to reach their own decisions both on overall policies and on individual licensing matters. Whilst this may be the case, it is inevitable that this guidance, if published, will play a significant part in any future challenge to an authority's position on any taxi or PHV licensing matter.

Members were informed that the guidance document stressed the importance for licensing authorities to balance its regulatory role to protect the public whilst ensuring such protection does not restrict the supply of taxis and PHVs. It suggests Council's ensure that taxi industry costs are only incurred where there is a proportionate benefit.

The Head of Public Protection and Housing advised that whilst a number of Hartlepool's current policies and procedures are endorsed or supported by the guidance, there were a number of issues that differed. It was recognised that the guidance was at a draft stage, and therefore subject to change, if these matters were to remain as part of the Department for Transport's suggested Best Practice, it may be necessary for the Council to re-examine its position and ensure this position is robust. These matters were as follows:

1. A suggestion that the licensing of drivers should be at three year intervals and not the annual renewal currently required in Hartlepool. The recommendation is that drivers be given the option of selecting either one or three year licences.
2. The guidance recommends that licensing authorities adopt policies that allow the licensing of stretched limousines. Hartlepool's current licensing policy effectively prevents such vehicles from obtaining a licence due to matters such as the vehicles age, left-hand drive etc. This matter has already been investigated and it is likely that a report will be presented to Licensing Committee at a future meeting.
3. The guidance states that there may be advantages in requiring, or at least encouraging, drivers to obtain qualifications in matters such as customer care and dealing with people with disabilities. No such qualifications are currently required in Hartlepool.
4. The guidance states that the setting of age limits for vehicles may be arbitrary and disproportionate. Hartlepool's policy is that a vehicle may

be no more than three years old when first licensed and, unless it has been exceptionally well maintained, to be replaced after six years.

5. The Council's requirement for taxis and PHV's to undergo a mechanical inspection twice per year is questioned. The guidance suggests that such testing should be restricted to older vehicles – giving the example of vehicles that are more than five years old.

Members expressed their views on each of the items above and the Chairman asked for item 3 to also include the issue of smoking in Hackney Carriage and Private Hire Vehicles. Discussion took place on each item and some additional issues, where Members felt action was needed, were raised. The discussions and decisions are reflected below.

Decision

- (a) That in relation to (1) above Members had no objections to the recommendation that drivers be given the option of selecting either one or three year licences.
- (b) That in relation to (2) above, this issue be deferred until the next meeting to allow the preparation of a more detailed report.
- (c) That in relation to (3) above, Members agreed that drivers should be encouraged to obtain qualifications in matters such as customer care and dealing with people with disabilities. That an offer of assistance, in the form of provision of a room etc, for this purpose, be made. Drivers ID badges could reflect qualifications received.
- (d) That Hackney Carriage and Private Hire owners be informed that this Licensing Committee unanimously consider that smoking in cabs is undesirable. The Head of Public Protection also to look at the possibility, in discussion with cab owners, of providing printed notices to go on the side of cabs indicating that "This is a no-smoking Taxi".
- (e) That the Head of Public Protection also write to the owners requesting that some initial training be given to new drivers on dealing with customers. That a good dress code also be requested.
- (f) That in relation to (4) above, no changes necessary.
- (g) That in relation to (5) above, no changes necessary.
- (h) That the Head of Public Protection should write to the Council section responsible for illegal parking and to the Police, in respect of the parking and illegal u-turns respectively, in and around the Avenue Road taxi rank – indicating that the situation has become unacceptable.
- (i) That arrangements be made for Members of the Licensing Committee to meet with owners, either at a future Committee meeting or at one of the department's regular meetings with owners.

27. Local Government (Access to Information) Act 1985

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined

in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985.

Minute 28 – Private Hire Drivers Licence (RAS) – (Para 7 – Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 29 – Hackney Carriage Driver (MW) – (Para 7 – Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 30 – Private Hire Drivers Licence (BW) – (Para 7 – Information relating to the financial or business affairs of a particular person (other than the Council)).

28. Private Hire Drivers Licence (RAS) – Head of Public Protection and Housing

Members were asked to consider an application for a Private Hire Drivers Licence.

29. Hackney Carriage Driver (WM) – Head of Public Protection and Housing

Members were asked to consider whether a current Hackney Carriage Driver's Licence should be revoked.

30. Private Hire Drivers Licence (BW) – Head of Public Protection and Housing

Members were asked to consider an application for a Private Hire Drivers Licence.

S KAISER

CHAIRMAN

Report of: Head of Public Protection and Housing

Subject: LICENSING OF STRETCHED LIMOUSINES

1. PURPOSE OF REPORT

1.1 To consider the licensing of stretched limousines as private hire vehicles.

2. BACKGROUND

2.1 There has been a marked increase in the number of stretched limousines being imported into the country, particularly from the United States, which are being made available for use as private hire vehicles.

2.2 For licensing and enforcement purposes, stretched limousines can come within the licensing regimes for either private hire vehicles (PHV's) or public service vehicles (PSV's). The main distinction between these two categories is that PHV's may legally carry no more than eight passengers while PSV's may carry nine or more passengers. Private hire vehicles are licensed by local authorities. PSVs are licensed by the Vehicle and Operator Services Agency (VOSA)

2.3 It is the Department for Transport (DfT) view that stretched limousines are more likely to fall within the licensing regime for private hire vehicles.

2.4 Until recent years there has been very few stretched limousines available for hire to the general public. This situation has now changed and limousines are often the vehicle of choice for special occasions such as parties, school proms and 'hen-nights'.

2.5 As the availability of stretched limousines has increased it has become necessary to assess the Council's position with regard to their licensing as private hire vehicles.

2.6 The Council's current taxi licensing policy effectively prevents most stretched limousines from being licensed. The policy requires private hire vehicles to be right hand drive and less than three years old when first licensed. Most limousines are left hand drive and, due to their high cost, are often second hand and more than three years old.

2.7 It is therefore necessary for Members to consider whether an amendment should be made to the current licensing policy to accommodate the unique requirements of stretched limousines or to keep the policy unchanged which

will effectively mean that any stretched limousines based in Hartlepool would not be able to operate or would do so illegally.

2.8 THE LAW RELATING TO PRIVATE HIRE VEHICLES

2.9 In order to assist Members decide whether to license stretched limousines, the law relating to private hire vehicles, which is set out in the Local Government (Miscellaneous Provisions) Act 1976, has been outlined below.

2.10 Under the Act, a private hire vehicle means “a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab, which is provided for hire with the services of a driver for the purposes of carrying passengers”.

2.11 Section 48 of the Act provides that a vehicle licence shall not be granted unless the Council is satisfied that the vehicle is, amongst other things, **“suitable in type, size and design for use as a private hire vehicle; in a suitable mechanical condition; safe and comfortable”**.

2.12 It is the view of the Department for Transport that stretched limousines are capable of satisfying the criteria set out in Section 48 but whether they do or not depends on the particular facts of an individual case and local policy.

2.13 Members are also advised that the Act itself exempts certain private hire work from the private hire licensing regime. For example, if vehicles with up to 8 passenger seats, including stretched limousines, are used exclusively for weddings, funerals or to carry passengers for hire or regard under a contract for a period of not less than 7 days, they are exempt.

2.14 FITNESS FOR USE

2.15 There is little information available from road safety regulators and enforcers relating to the licensing of stretched limousines. In particular there is no guidance to refer to as to whether the conversion and stretching process had, in any way, compromised the vehicle’s integrity and safety.

2.16 As a result, the manufacturer of the original vehicles, generally Lincoln (Ford) and Cadillac have introduced their own assessment and control systems on approved converts. Ford operates the Qualified Vehicle Modifier (QVM) programme whilst Cadillac has the Cadillac Master Coachbuilder (CMC) qualification. These programmes not only impose high standards on approved conversions, which are regularly inspected, but also allow the provision of specialist parts to ensure that the designed weights and limits are adhered to. No conversion is authorised where the resultant vehicle is more than 120 inches longer than the original vehicle (130 inches for the Ford Excursion) and the maximum weight of the resultant vehicle exceeds 3 tons. In addition, vehicles which have undergone a QVM or CMC approved conversion programme are designed to seat no more than 8 passengers.

2.17 It should be noted, however, that there are only about 14 qualified QVM or CMC converters in the US and the range of vehicles which will be authorised for conversion is very small. These are the Lincoln Town Car (which accounts for 90% of all the stretched limousines) the Ford Excursion and the Cadillac Fleetwood and Deville.

2.18 IMPORT AND REGISTRATION REQUIREMENTS

2.19 The import and registration requirements for stretched limousines are complex. VOSA do currently operate the Single Vehicle Approval Scheme (SVA), which is a pre-registration inspection for vehicles that have not been type approved to British or European standards. The main purpose of the scheme is to ensure that these vehicles have been designed and constructed to suitable safety standards before they can be used on public roads.

2.20 VOSA have indicated that they are willing to inspect any vehicle against the current testing regime and produce a report confirming compliance.

3. ISSUES

3.1 Licensing Authorities across England are currently considering the consequences of licensing stretched limousines with approximately half already licensing these vehicles.

3.2 Members may recall being advised at the Licensing Committee meeting of 19th October 2005 that the Department for Transport had issued a consultation document on best practice for taxi licensing authorities, and that this guidance had promoted the licensing of stretched limousines

3.3 Should Members decide to licence stretched limousines, licences would be required for the vehicles, drivers and the limousine operators.

3.4 The licensing of stretch limousine drivers would require them to have a medical and CRB (Police check) carried out. At present, due to these vehicles being unlicensed, drivers do not currently have any such checks. This is of particular concern as stretched limousines are often used for children's parties or other special occasions involving children.

3.5 Consultation has been carried out with both VOSA and Cleveland Police Traffic Division and both are supportive of the authority if it chooses to licence these vehicles. See **Appendices I and II**.

3.6 In addition to this, consultation has been carried out with the National Limousine Association who are also supportive of the adoption of a licensing regime for stretched limousines.

3.7 Should Members resolve to accept this proposal, Licensing Officers will endeavour to work with other neighbouring authorities to encourage the adoption of a similar approach to ensure uniformity in the local area.

4. CONCLUSION

- 4.1 The use of stretched limousines is becoming ever more popular, they are hired to take children to parties and teenagers to school proms. These people are passengers in vehicles where the operators, vehicles and drivers are currently unlicensed and unchecked.
- 4.2 Should stretched limousines be licensed it is proposed that they be required to undergo a mechanical inspection every 4 months rather than the current standard of six months. This reflects the unusual nature of the vehicle and its non-standard construction. The Council's Lynn Street garage has indicated that they can carry out these inspections.
- 4.3 As the cost of mechanical inspections is included in the licence fee, it is proposed that the annual licence fee for stretched limousines be £300 (the current fee for standard vehicles is £250), with the first fee review to be in 2007.
- 4.4 A further amendment to the policy is needed to allow stretched limousines, which are frequently older types of vehicles, to comply with the Council's 'age policy'. Due to the extremely high cost of purchasing stretched limousines, vehicles are often used for many years in order to recover costs, and many have already had a number of years service in the United States.
- 4.5 At present the 'age policy' requires all newly licensed vehicles to be under three years of age and for licences to normally expire when the vehicle is six years old.
- 4.6 There are currently two categories of vehicle that are exempt from the Council's 'age policy'. These are Classic Cars and Purpose Built Taxis such as London style cabs.
- 4.7 Members must consider what an appropriate age policy would be, bearing in mind once again the draft guidance issued by the Department for Transport which stated that age policies in general may be 'arbitrary and disproportionate'.
- 4.8 Members may wish to consider whether age limits are necessary if the vehicle has demonstrated that it has been correctly 'stretched' (by the production of an appropriate certificate detailed in paras 2.16 and 2.19) and that it will be subject to mechanical inspections three times each year.
- 4.9 Attached as **Appendix III** is a suggested amendment to the current licensing policy that addresses the above matters. Members may wish to consider whether this will adequately address the relevant issues should they consider an amendment be necessary.

5. RECOMMENDATIONS

1. That members agree to licence stretched limousines as Private Hire vehicles.
2. That members agree to amend the current policy to incorporate stretched limousines as detailed in **Appendix III**.

APPENDIX I

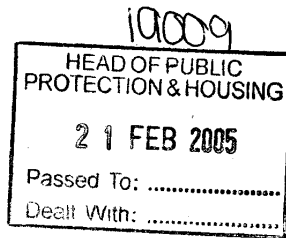


Vehicle & Operator Services Agency

Vehicle Inspectorate Division
Enforcement
GVTS Banks Road
Darlington
Co Durham DL1 1YE
Tel: (01325) 465795
Fax: (01325) 283246

17 February 2005

Mr I Harrison
Taxi Licensing Department
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY



Mr Harrison

Re Licensing Of Limousines

Following our telephone conversation, and previous meetings with your authority, I can confirm that the Vehicle and Operator Services Agency would have no objection to the licensing of limousines that have fewer than 8 passenger seats as private hire vehicles.

The licensing of vehicles with more than 8 passenger seats is currently governed by the Public Passenger Vehicles Act 1981 and we would of course be interested in any vehicles or operators using vehicles for Hire and Reward that comes under the requirements of this act.

I would also like to confirm our continued support of any joint enforcement activities that are to be carried out, please do not hesitate to contact me at the above area office to discuss these operations or if any further information is required regarding the licensing of passenger carrying vehicles or their drivers.

Yours Sincerely

Neil Atkinson

Senior Vehicle Examiner

APPENDIX II

Cleveland Police

Road Policing Unit,
Punch Street,
Cannon Park
Middlesbrough
TS1 5RY
01642 301551
2nd March 2005

Dear Mrs Howley,

RE: Licensing of Stretched Limousines

I wish to offer my support, as Head of Cleveland Road Policing Unit, to Hartlepool Borough Council, in respect of the proposed licensing of Stretched Limousines.

The recent increase in the popularity and use of such vehicles has caused me some concerns, in relation to road safety and public protection issues. Clearly the use of such 'stretched, imported, vehicles' has raised many concerns in relation to the roadworthiness of the vehicles, the suitability of drivers and the numbers/ages of persons carried. I know that many authorities across the country have started to licence 'stretched limos' and I am of the opinion that this can only be a good thing, in relation to the protection of the passengers using the vehicles and the public in general as it will make operators accountable and will formalise the use of these vehicles.

I therefore offer the full support of Cleveland Police and would offer assistance from the Road Policing Unit to Hartlepool Borough Council in relation to any education or enforcement activity that may assist you.

Yours sincerely,

Eric Robinson
Inspector,
Road Policing Unit

Mrs Dawn Howley
Technical Officer,
Civic Centre,
Hartlepool
TS24 8AY

APPENDIX III

In addition to the requirements set out for private hire vehicles detailed elsewhere in this policy, stretched limousines shall comply with the following additional requirements.

INTERPRETATION

For the purpose of licensing a limousine by the Council, a stretched limousine is described as a luxurious vehicle, that has been modified (stretched) to extend the length of the vehicle. The vehicle shall be capable of carrying up to, but not exceeding eight seated passengers. Each passenger seating area will be at least 400mm wide.

TYPE OF VEHICLE

- ❖ The proprietor shall ensure that the limousine is of a type approved by the Council.
- ❖ The maximum length of the vehicle “stretch” shall not exceed 120 inches [3048 millimetres] or 130 inches for the Ford Excursion [3302 millimetres].

TYRES AND ROAD WHEELS

- ❖ The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer i.e. 235/75R 15 108S (BF Goodrich Extra Load or equivalent). Vehicles produced since 1998 should be fitted with 225/70R 16 107T (Reinforced) or equivalent.

WINDOWS

- ❖ Any tinted glass shall conform to the legal requirements as laid down by the Vehicle Operator Services Agency (VOSA).

SEAT BELTS

- ❖ In accordance with Construction and Use Regulations, where seat belts are fitted they must be worn by passengers at all times whilst the vehicle is in motion.

FIRE EXTINGUISHER

- ❖ A fully charged and functional 2 LITRE FOAM Ref EN3/4 – 1996 Fire extinguisher must be provided, securely fitted, easily accessible and ready for use at all times.

ADVERTISEMENTS

- ❖ No other signs, notices, adverts or any other markings will be displayed on or in the vehicle without the written permission of the Council.

PASSENGERS

- ❖ The proprietor shall not permit the limousine vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.
N.B. A babe in arms is classed as a person whatever age.
- ❖ Passengers will not be carried in the front of the vehicle.

COUNCIL NOTICES

- ❖ The proprietor shall, when directed by the Council, cause to be affixed and maintained in a conspicuous position any sign or notices.

DOCUMENTATION

The following documentation in original form (no photocopies) shall be produced prior to licensing

- ❖ Completed importation documentation – Single Vehicle Approval (SVA)
- ❖ or a Qualified Vehicle Modifier Certificate – (QVM). This is issued by the Coach Builder.
- ❖ DVLA registration document (V5)

IDENTIFICATION PLATE

- ❖ The vehicle shall be exempt from the requirement to affix a licence plate to the front of the vehicle and from the requirement to display Council 'roundels' on the side doors.

VEHICLE FITNESS

- ❖ The vehicle will be required to undergo a mechanical inspection every 4 months to ascertain it's fitness to drive. This must be carried out at the garage specifically approved by Hartlepool Borough Council.

ALCOHOLIC DRINKS

- ❖ Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale or supply of alcohol.
- ❖ Alcohol shall only be served whilst the vehicle is stationary and after serving, the bottle shall be placed in a secure receptacle.
- ❖ If the occupants of the vehicle are under the age of 18 then there should be no alcohol in the vehicle for consumption or otherwise.

ENTERTAINMENT

- ❖ The driver of the vehicle shall not play or knowingly permit to be played, any video, DVD or other recorded image that is unsuitable, having regard to the age of the passengers conveyed. In deciding what is suitable, regard shall be had to the classification of the video, DVD etc by the British Board of Film Classification or the Video Standards Council.

AGE POLICY

- ❖ There is no minimum age for a vehicle when first licensed and a licence may remain in force for as long as the vehicle successfully passes the required mechanical and visual inspections as stipulated by the Council.

In addition to the mechanical inspections referred to above, vehicles must also maintain an excellent visual appearance. This shall include, amongst other things, the quality of paintwork, physical condition including the doors, panels, wings, bumpers and interior floor area, all of which shall be in a good condition, free from rust, holes, broken metal and any other visible damage. The interior of the vehicle shall be in a good condition, clean and free from any tears, damage, grease or any other contamination.

An assessment shall be made on the anniversary of the grant of the vehicle licence to determine whether the above criteria (i.e. the mechanical **and** visual inspections) have been satisfactorily met.

A licence may be suspended or revoked if a vehicle is no longer considered, in the opinion of an authorised officer, to comply with this requirement.