

AGENDA ITEM NO. 4

LICENSING COMMITTEE

Date **02 MARCH 2012**

Title **LICENSING OF SPECIAL EVENT VEHICLES**

1. PURPOSE/SUMMARY

To seek the Committee's approval to amend vehicle specifications to permit the licensing of special event vehicles, including Stretched Limousine as Private Hire Vehicles

2. KEY ISSUES

- The Council has a duty to ensure that drivers and operators are fit and proper persons to work within the trade and those vehicles are suitable.
- The Council has a duty to balance public safety and confidence in the trade with the economic wellbeing of those businesses which make a living from providing a service to the public.
- The amended vehicle specifications were originally scheduled for a Licensing Committee meeting held on 3 November 2011 but due to time constraints were not presented at that time.

3. RECOMMENDATION

That the Committee debate and consider the implications of this report and decide whether to:

- Continue with the current practice of not licensing special event vehicles including stretch limousines as PHVs, or
- With a view to considering a change of policy, authorise officers to carry out the following actions:
 - Undertake consultation for a 12 week period starting on or around 26 March 2012 to 18 June 2012 to seek the views of the public, businesses owners and the taxi/PHV trade and licensed operators/drivers on the licensing of special event vehicles and stretched limousines as PHVs.
 - Consult with safety organisations regarding the special testing of drivers of such vehicles; and
 - Report back to the Licensing Committee on findings.

Wards Affected	All
Forward Plan Reference No. (if applicable)	Not applicable
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Background Papers	Part II of the Local Government (Miscellaneous Provisions) Act 1976 VOSA document: Guidance for operators of stretch limousines. Department of Transport – Taxi and Private Hire Vehicle Licensing : Best Practice Guidance

1.0 BACKGROUND

- 1.1 The Council has the power under the Local Government (Miscellaneous Provisions) Act 1976 to licence Private Hire Vehicles in the Fenland District Council area.
- 1.2 Private Hire Vehicles are required to be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which, in general terms, allows Councils to licence vehicles which are suitable to be used for private hire and which have less than 9 passenger seats. The Act states that a District Council shall not grant a private hire vehicle licence unless they are satisfied that the vehicle is:-
1. suitable in type, size and design for the use as a private hire vehicle.
 2. not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
 3. In a suitable mechanical conditions
 4. safe, and
 5. comfortable.
- 1.3 Consequently each Council has developed its own set of Private Hire Vehicle licence conditions, which have determined vehicle suitability and any other requirements. Licence conditions cover issues such as the accessibility of the vehicle, the internal condition of the vehicle, luggage space, seating configurations, numbers of passengers and vehicle testing.
- 1.4 The Department of Transport have issued guidance for operators of stretch limousines. It gives an overview of the requirements for PHV licensing and states:
- only vehicles with fewer than 9 passenger seats can be licensed
 - that a vehicle imported into GB for use on the public road must be licensed and registered with the DVLA immediately after arrival
 - the vast majority of limousines imported into GB are exported from the USA. Legislation governing the construction and use of vehicles is significantly different in America and therefore the vehicles will need modifications (significant modifications in the case of larger vehicles) before being compliant with GB requirements.
 - Smaller limousines, those with up to 8 passenger seats, will in almost all cases, not be type approved to British or European standards and thus will need to undergo the Single Vehicle Approval (SVA) scheme. The SVA scheme is a pre-registration inspection for cars and light goods 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 modern safety and environmental standards before they can be used on public roads.
 - It is possible to take a car which is already registered with DVLA and convert it into a Limousine, using reputable coachbuilders here or in the USA.
 - If a vehicle or its chassis has been cut in half and extended, the vehicle would need to be inspected by DVLA and would be assessed as being in one of two categories, either as radically altered from its original specification, or, if a kit of new parts has been used in the build, as a kit conversion.
 - If, following modification, the identity of the vehicle is changed then evidence of type approval will be required in order to register the vehicle

- Before a converter submits his vehicle to VOSA for SVA inspection, he will have to provide evidence to demonstrate the modified vehicle capability to operate at weights higher than the original vehicle maximum gross weight, if this will be exceeded when the vehicle is full of passengers. Key components such as the axles, suspension and brakes may have to be upgraded to take the extra weight of the converted vehicle, compared to the original base vehicle.
- If vehicles with up to 8 passenger seats, including stretched limousines, are used solely for weddings and/or funerals, they are exempt from PHV licensing requirements.

- 1.5 The guidance states that each local Licensing Authority in England and Wales may decide which vehicles are suitable for licensing as PHVs in their area. Accordingly, it is for each Licensing Authority to decide for its area whether they wish to licence stretched limousines as PHVs, taking into account local circumstances. The Guidance encourages Local Authorities to consider the licensing of limousines on a case by case basis and not to impose a blanket ban on the type of vehicle. The Guidance also states that the licensing process allows for would-be licence holders, who are refused a licence on the grounds that a vehicle is unsuitable to be licensed as a PHV, to appeal against the authority's decision in the local magistrates' court.
- 1.6 Members will be aware there has been growth in the market for Stretched Limousines in the Fenland area. These vehicles are used to carry passengers to and from special events and to provide pleasure trips. In addition they are also used as executive hire vehicles.
- 1.7 Concern has been expressed by the media and the general public about the fact that a number of these vehicles are not licensed which exposes passengers, who are often young people, to potential risks. Included in these are dangers due to inadequately inspected vehicles, overcrowding, because of lack of restrictions on the numbers carried, and drivers who may have criminal convictions. The inclusion of these vehicles in the licensing regime will address these concerns.
- 1.8 It is in the public interest that these vehicles be licensed to ensure that the vehicles are safe to carry passengers and that the drivers of the vehicle are fit and proper. For these vehicles to operate within the Fenland area they need to be brought within the Private Hire Licensing regime to ensure public safety.
- 1.9 Therefore, should the Council wish to licence such vehicles for use as Private Hire, it must carefully consider what conditions it would impose on the initial licensing of such vehicles and for ongoing inspection. **Appendix A** sets out proposals for such conditions which are based on those drawn up by King's Lynn & West Norfolk Council and adopted by them.
- 1.10 Although much of this scheme is aimed at Stretched Limousines it will also cover any other special vehicles which applicants wish to use as private hire vehicles. This includes ex ambulances, fire engines and military vehicles. Some of these however will be excluded by the condition that the vehicle does not require a PSV or LGV licence to drive it.

2 FINANCIAL IMPLICATIONS

- 2.1 On the information available, there would be no direct additional costs to the Authority in relation to the administration of licensing stretch limousines. There could however be increased fees for applicants in terms of vehicle examinations and special driving tests.

Local Authorities have a duty of care when issuing licenses (see 1.2 above). Should licensing procedures be found to be negligent and an incident occur, then a local authority may be held accountable.

3 EFFECT ON CORPORATE OBJECTIVES

- 3.1 Streets Ahead, Community Safety – by ensuring public safety/protection by the licensing and regulation of certain activities, including those under Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 3.2 Open for Business – by providing an efficient and timely licensing service that assists the operation of individuals and/or businesses or charities requiring a licence.

4 COMMUNITY IMPACT

- 4.1 It is the duty of the licensing authority to be open and responsible to the views of the trade and to listen to the views of the public who use licensed vehicles. The proposed conditions will demonstrate the Council's support for the professional driver's, operator's and proprietors that compliment our integrated Fenland transport system that local people, businesses and visitors rely on for travelling in and around the District.
- 4.2 There are no crime and disorder implications arising from licensing special event vehicles including stretch limousines, providing conditions are properly formulated in relation to other legislation e.g. alcohol availability in special event vehicles.

5 CONCLUSION / RECOMMENDATION

- 5.1 That the Committee debate and consider the implications of this report and decide whether to:
- Continue with the current practice of not licensing special event vehicles including stretch limousines as PHVs, or
 - Consider a change of policy and authorise officers to carry out the following actions:
 - Authorise Officers to undertake consultation for a 12 week period starting on or around 26 March 2012 to 18 June 2012 to seek the views of the public, businesses owners and the taxi/PHV trade and licensed operators/drivers on the licensing of special event vehicles and stretched limousines as PHVs.
 - Authorise Officers to consult with safety organisations regarding the special testing of drivers of such vehicles; and
 - Request that Officers report back to the Licensing Committee on findings.

FENLAND DISTRICT COUNCIL

**Example conditions
for**

SPECIAL EVENT VEHICLES CONDITIONS & PROCEDURES

1.0 Special Event Vehicles

Application in Writing

- 1.1 Any person wishing to apply for a special event vehicle licence will be required to apply in writing to the Licensing Authority stating the type and age of the vehicle they intend to use and the reasons why the vehicle should be considered for this vehicle category.
- 1.2 Vehicles issued with a special event licence must only be used for special occasions and executive business contracts.
- 1.3 Vehicles licensed within this category shall not be used for everyday private hire use, e.g. 'school contracts' but must work under the control of a private hire operator..

Sale or Supply of Alcohol

- 1.4 The licensee shall not facilitate the sale of alcohol unless there is in force an appropriate authorisation under the Licensing Act 2003 (either a premises licence or temporary event notice) permitting the sale of alcohol..

Types of Vehicle

- 1.5 Special event vehicles must be licensed as private hire vehicle and fall into one of the three categories specified below:
 - a. Executive vehicles
 - b. Stretched limousines
 - c. Historic vehicles.

Age Requirements

- 1.6 Executive vehicles presented for licensing for the first time should not normally be older than three (3) years on the day the application is received.
- 1.7 Stretched limousines presented for licensing for the first time should not be older than seven (7) years on the day the application is received.
- 1.8 Historic vehicles presented for licensing for the first time must not have been constructed after 1 January 1973, in accordance with DVLA taxation class for Historic Vehicles.

Licence Plate

- 1.9 The vehicle licence plate must be fixed to the inside of the boot lid on the vehicle.

Communication Equipment

- 1.10 No vehicle shall be fitted with a two-way radio system.

Dress Code

- 1.11 Drivers of special event vehicles will be required to observe a 'smart casual' dress code e.g. NO jeans, NO t-shirts, NO sportswear etc. A minimum acceptable standard for men includes shoes, trousers and a formal shirt (i.e. with collar). For women a minimum acceptable standard includes shoes, trousers or skirt and a blouse or jumper.

Minimum Booking Fee

- 1.12 Vehicles must not be offered for hire for less than a stipulated minimum-booking fee. A receipt must be given to the customer in all cases, unless covered by a contract and receipts and contracts should be available to authorised officers of Council for inspection.

2.0 Stretched Limousines

- 2.1 A “stretched limousine”, is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. An “American stretched limousine” is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
- 2.2 The purpose of this policy and subsequent conditions is to protect public safety. The conditions will apply in addition to the Authorities standard conditions for private hire vehicles and take account of the fact that stretched limousines will:
- a. travel generally at slower speeds than normal licensed vehicle;
 - b. not normally overtake other vehicles;
 - c. be easily recognisable by the hirer;
 - d. be heavier and considerably longer than standard cars;
 - e. be adapted or converted by someone other than the original manufacturer.
- 2.3 For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat must be 400mm (16 inches). In the case of an ‘L’ shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.
- 2.4 In the case of a stretched limousine, or American stretched limousine, where the vehicle has been constructed or adapted to seat up to 8 passengers, originals of the following documentation must be provided to the Licensing Authority before an initial application for a vehicle licence can be considered:
- a. completed importation documentation where applicable and single vehicle approval (SVA) certificate. A Minister’s Approval Certificate will **NOT** be acceptable;
 - b. proof the ‘stretch’ was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer i.e. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles;
 - c. DVLA Registration Document (V5);
 - d. valid certificate of insurance with cover for hire and reward;
 - e. current MOT certificate issued by an approved testing station;
 - f. where applicable, an installation certificate from a Liquefied Petroleum Gas Association (LPGA) approved UK vehicle conversion company, in the case of vehicles converted to run on LPG;
 - g. valid Road Vehicle Excise licence disc.

Replacement Parts

- 2.5 Any replacement parts fitted to stretch limousine vehicles must meet the approved standards of the stretched specifications, i.e. tyres will not only have to meet the size specifications, but must also meet the weight specification.

Window Tints

- 2.6 Stretch limousines are exempt from condition 5.52 in the Hackney Carriage & Private Hire Licensing Procedures and Conditions policy regarding tinted windows fitted to the side and rear window glass of the vehicle. The driver and passenger front side window glass and the front windscreen (cockpit area) must comply with condition 5.52 of the policy.

Private Hire Operator – Additional Requirement

- 2.7 Special event vehicles must be specifically requested by the customer and it is not for the operator to determine which class of vehicle should be assigned to the booking. In addition to the Private Hire Operator records required under 8.15 – 8.21 of the Hackney Carriage & Private Hire Licensing Procedures and Conditions policy, operators of special event vehicles are to maintain a record of the nature of the special event i.e. why the customer requested a special event vehicle.