

AGENDA ITEM NO. 5

LICENSING COMMITTEE

Date	31 JULY 2012
Title	LICENSING OF SPECIAL EVENT VEHICLES INCLUDING STRECTCHED LIMOUSINES

1. PURPOSE/SUMMARY

- To advise Members of the outcome of the consultation exercise undertaken following Members’ agreement in principle in March 2012 to licence special event vehicles including stretched limousines
- To request that Members consider whether they wish to adopt the proposed special event vehicle and stretch limousine policy.

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.
- In March 2012 Members considered a report proposing that the Council introduce a policy and conditions for the licensing of special event vehicles including stretch limousines.
- Consultation took place between 11 April and 4 July 2012

3. RECOMMENDATION

That the Committee debate and consider the implications of this report and decide whether to adopt the proposed special event vehicle policy that includes stretched Limousines.

Wards Affected	All
Forward Plan Reference No. (if applicable)	Not applicable

Portfolio Holder(s)	Councillor Kit Owen, tel: 01354 654612 kowen@fenland.gov.uk
Report Originator	Kim Winterton, Licensing Regulatory Officer, tel: 01354 622564, email: kwinterton@fenland.gov.uk
Contact Officer(s)	Dan Horn, Head of Housing and Community Support tel: 01354 622470, dhorn@fenland.gov.uk Alan Pain, Corporate Director, 01354 622302, alanpain@fenland.gov.uk
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 In March 2012 Members considered a report proposing that the Council introduce a policy and conditions for the licensing of special event vehicles including stretch limousines.
- 1.2 The proposals formed part of a wider approach to address the public safety issues and concerns arising from the increased use of such vehicles in a largely unregulated manner.
- 1.3 Similar proposals have been considered by our neighbouring authorities with a view to achieving a uniform approach wherever possible.
- 1.4 At the meeting in March 2012, Members determined in principle that the Council should licence such vehicles and requested officers to undertake appropriate consultation.

2 CONSULTATION

- 2.1 The consultation took place from 11 April to 4 July 2012.
- 2.2 Details of the proposed policy and conditions were sent to:
 - Members of the Council
 - Hackney Carriage & Private Hire trade representatives and Private Hire Operators
 - Cambridgeshire Police
 - Vehicle & Operator Services Agency (VOSA)
 - Limousine operators in Cambridgeshire as identified via the internet and business directories.
- 2.3 The proposals were also posted on the Council's website and at the four One Stop Shops in Fenland.
- 2.4 Five consultation responses have been received. They are summarised in **Appendix A** of this report.

3 POLICE INVESTIGATIONS

- 3.1 Members will be aware from past press reports that officers from the Police, VOSA, and various Licensing Authorities have conducted inspections of event vehicles including stretch limousines at local Prom nights and similar events and found problem vehicles with defective lights, tyres and steering.
- 3.2 **Appendix B** is an article from a publication called Private Hire News (edition 58, Summer 2012) which outlines recent enforcement activity for limousines in the UK.

4 LICENSING OF DRIVERS & OPERATORS OF SPECIAL EVENT VEHICLES AND LIMOUSINES

- 4.1 Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, which were adopted by the Council, a licensed PHV can only ever be driven by a licensed private hire driver.

- 4.2 This means that once a special event vehicle or stretched limousine is licensed as a PHV by the Council, the driver must also be licensed. All applicants for PHV drivers' licences in Fenland are subject to:
- CRB Disclosure procedures
 - Passing the private hire 'Knowledge Test'
 - Passing the Driving Standards Agency (DSA) driving skills certificate.

The same standards will be required for private hire drivers in respect of special event vehicles and limousines, as are required of private hire drivers in respect of 'standard' vehicles.

Similarly, under the same legislation, a PHV can only be booked through a licensed private hire operator. This means that once a special event vehicle or limousine has become a licensed PHV, the operator must also be licensed by the Council.

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Council will only licence a private hire operator if it considers the applicant to be a fit and proper person to hold such a licence. It is not intended to change any of the current licensing requirements for private hire operators in respect of special event vehicles or stretch limousines.

- 4.3 Drivers of Small Limousines must hold a full car (category B) driving licence (providing the vehicle does not exceed 3.5 tonnes). Additionally, for small limousines that are licensed as PHV's the driver must be licensed by the same authority that issued the PHV licence. Large limousines (up to 16 passengers are PSV's and 17 or more passenger seats require a category D licence) are outside the licensing regulations for local authorities.
- 4.4 Some local authorities invite Special Event and Limousine Vehicle Operators to write into the Council with details of a vehicle and service they wish to licence. Those applicants would then attend a hearing and be judged on individual merit. Others are more specific about the conditions of licence. **Appendix C** are sample licensing conditions for limousines and special event vehicles.
- 4.5 **Appendix D** is the Department of Transport Guidance for Taxi and Private Hire licensing and includes information on Stretched Limousines and VOSA Guidance for Operators of such vehicles.
- 4.6 **Appendix E** is a list of proposed amendments to the consultation document for Special Event and Limousine conditions based on additional elements offered in some vehicles.

5 LICENCE FEES

- 5.1 The licence fee for special event vehicles and stretch limousines is yet to be agreed. The fee will likely be set at a level so as to be revenue neutral and will be subject to a report to Committee in due course.

5.2 The current licence fees are as follows:

Licence for 12 months	New Licence	Renewal
Private Hire Driver	£70.00	£70.00
Private Hire Vehicle	£115.00	£115.00
Private Hire Operator	Licence issue + 3 cars £70.00 Each additional vehicle £10.00	Licence issue + 3 cars £70.00 Each additional vehicle £10.00

6 CONCLUSION

6.1 The absence of adequate regulation for special event vehicles and stretch limousines poses significant public safety issues both in terms of the vehicle itself and the fact that the drivers are not currently subject to the CRB checks and driver skill assessment tests. This means that drivers who pose a threat to public safety and who the Council would not consider suitable to do so may currently be driving limousines. The proposed policy is intended to address this.

6.2 An important factor in the success of any licensing regime for special event vehicles and stretch limousines is the adoption of a uniform approach, wherever possible, across neighbouring local authorities. This will minimise the opportunities for operators to simply move their businesses outside of Fenland to avoid regulation. The adoption of a similar policy to that of neighbouring authorities is a key element of this process.

6.3 Similarly, in order to encourage responsible operators to become licensed, the proposed policy and conditions seek to achieve a proper balance between the aims of the regulation (namely, public safety), and the need to avoid overly burdensome or inappropriate requirements, which would adversely impact on their commercial viability.

6.4 The provisions of the legislation are such that, once a special event vehicle or limousine has been licensed it can only be driven by a licensed PHV driver, and can only be booked through a licensed private hire operator. This means that by introducing a system of licensing for special event vehicles and limousines, the full private hire licensing system is invoked regulating the vehicle, driver and operator.

6.5 The proposed policy recognises the specialist nature of the special event and limousine business and aims to retain the customers' unique experience and enjoyment associated with riding in such a vehicle, with the additional comfort of knowing the vehicle, driver and operator are properly regulated.

7 FINANCIAL IMPLICATIONS

7.1 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 and assessments.

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

8 EFFECT ON CORPORATE OBJECTIVES

- 8.1 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.
- 8.2 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.

9 COMMUNITY IMPACT

- 9.1 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 complement our integrated Fenland transport system that local people, businesses and visitors rely on for travelling in and around the District.
- 9.2 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.

10 RECOMMENDATION

- 10.1 That the Committee debate and consider the implications of this report and decide whether to adopt the proposed special event vehicle policy that includes stretched limousines.