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## Licensing and Regulatory Committee

17<sup>th</sup> March 2008

Report of the Director of Neighbourhood Services

### Application of Private Hire Licensing to stretched limousines

#### Summary

1. This report advises Members of the issues relating to the licensing of stretched limousines. It proposes amendments to existing private hire vehicle conditions to facilitate the licensing of limousines.

#### Background

2. In order to operate lawfully, hackney carriage and private hire vehicles, together with their drivers and operators (if applicable) must be licensed by the Local Authority.
3. Both types of vehicles can only be driven by a licensed hackney carriage or private hire driver. Drivers are licensed by the council and subject to a number of control measures, including medical assessment, knowledge test and criminality checks. These are provided for by means of licence conditions.
4. Both types of vehicles are licensed subject to conditions relating to their suitability for use in respect to type, size, design and mechanical condition. Vehicles are subject to a testing regime operated by the council.
5. Any vehicle that is used for the commercial carriage of passengers, with eight or less passenger seats must be licensed as a hackney carriage vehicle, private hire vehicle or a small public service vehicle (PSV).
6. The only exceptions to this are vehicles used exclusively for weddings or funerals.
7. A PSV operator's licence may be granted to small PSV's, i.e. those with less than 8 seats, if the vehicle is used for carrying passengers at separate fares. These licences are granted by the Traffic Commissioners through the Vehicle and Operator Services Agency (VOSA). The following conditions (amongst others) are generally imposed for limousine operators:
  - Not to carry more than 8 passengers
  - Passengers to be carried at separate fares

- Vehicles must pass Single Vehicle Approval test and hold a relevant annual test certificate
  - Subjected to 2 tests by VOSA per annum
  - Require a 10 weekly check by independent garage
  - Subject to a recorded daily self check
8. It should be noted that there is no requirement for the drivers to undergo any form of criminality check to drive a limousine under a PSV operator's licence. No specific drivers licences are required.
  9. The Local Authority is not responsible for licensing passenger carrying vehicles which comprise more than eight passenger seats. This is wholly the responsibility of the Traffic Commissioners.

### **Stretched Limousines**

10. Stretched limousines are extremely popular and are generally available for commercial use. They can be hired for all sorts of special events, most commonly group parties, school proms, hen nights etc.
11. Stretched limousines with eight or less passenger seats can be licensed by a council as a private hire vehicle or by the Traffic Commissioners as a small PSV. It would be up to the applicant to decide which option suited them best.
12. However, the City of York Council's private hire vehicle licence conditions preclude stretched limousines from being classified as private hire vehicles. See annex 1 for Licence Conditions for Private Hire Vehicles for more details.
13. The council does, however, need to be in a position to respond to a licence application for such vehicles should an application be received. Members will therefore have to consider if they wish to amend the existing vehicle licence conditions in respect of stretched limousines. In particular the following issues are problematic or need to be considered:

### **Licence Plates and Company Sideplates**

14. Existing vehicle licence conditions:

The licensed vehicle shall display the following signs: -

- a) The licence plates issued by the Council, which should be securely fixed to the front and rear of the vehicle so that they are clearly visible. The licence plates will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence. Temporary plates shall be affixed to the inside of the front screen and rear window providing they do not obscure the visibility of the driver.
- b) A sign on the rear passenger doors including the name and telephone number of the firm and the words "PRIVATE HIRE VEHICLE - PRE

BOOKED ONLY" in suitable lettering 50mm high. The approval of the Council should be sought before the display of the sign. The sign must **not** include the words "FOR HIRE", "TAXI", or "HACKNEY CARRIAGE".

- c) A statement of fares and the means by which these are calculated placed in a prominent position inside the vehicle.

### **Comment**

- 15. To require plates and signage would damage the character of these vehicles. However, external indication that the vehicle has been licensed is essential to enforcement agencies and to give public confidence.
- 16. The requirement to provide a fare chart is unnecessary as the charging for this type of hire is not done by the mile.

### **Proposal**

- 17. That conditions (a), (b) and (c) are not applied to stretched limousines. That a new condition be imposed:

The licensed vehicle shall display:

- a) in the front window screen, visible to the outside, the licence disc as provided by the council, and
  - b) on the rear of the vehicle, securely affixed to the bodywork/bumper, the licence plate as provided by the council, and
  - c) in the passenger compartment, visible to passengers carried in the vehicle, the internal plate as provided by the council
- 18. In addition, the display of company sideplates will be optional but if displayed, must contain the name and contact telephone number of the vehicle operator. An appropriate company logo may be incorporated into the details of the company sideplates.

### **Tinted Glass**

- 19. Existing vehicle licence condition:

The licensed vehicle shall be fitted with windscreen glass that has a light transmittance of 75% and all other window glass in the vehicle shall have a light transmittance not less than 70%. Any self applied material shall be of the same standard and shall be approved by the taxi licensing office. This condition will not apply to tinted glazing fitted by the manufacturer to vehicles when new in respect of vehicles currently licensed by this Council.

### **Comment**

20. To prohibit tinted glass in the passenger compartment would be impractical due to the nature of the vehicles. However, to vary from the standards we apply to other private hire vehicles and hackney carriages would not bear scrutiny as the very reasons we apply the condition in those vehicles is equally valid for limousines.

### **Proposal**

21. No change.

### **Vehicle Colour**

22. Existing vehicle licence condition:

All private hire vehicles licensed by the Council for the first time shall not be of the colour black.

### **Comment**

23. The rationale for private hire vehicles not to be painted black is to avoid confusion with hackney carriages. It is highly unlikely that a stretched limousine will be confused with a taxi that can be hailed in the street or will be plying for hire on taxi ranks. It would be difficult to justify the imposition of this condition.

### **Proposal**

24. That this condition shall not apply to stretched limousines.

### **Luggage Capacity**

25. Existing vehicle licence condition:

The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a large one measuring 720mm x 460mm x 280mm and a medium one measuring 660mm x 430mm x 280mm) and a folded wheelchair (not at the same time). This condition shall not apply to vehicles already licensed by the Council.

### **Comment**

26. The use of these vehicles is not as a means of essential public transport and as such the requirement to carry luggage is not as important with normal private hire vehicles.

### **Proposal**

27. That this condition shall not apply to stretched limousines.

### **Roadworthiness**

28. Existing vehicle licence condition:

The licensed vehicle must be of a suitable type and be in good condition. The vehicle must be maintained in such a condition as would satisfy the current M.O.T. vehicle safety and exhaust emission standards as prescribed by the Department for Transport.

### **Comment**

29. Due to the nature of these vehicles there needs to be a higher level of approval of the overall suitability and basic roadworthiness for use on UK roads.

### **Proposal**

30. That all vehicles are compliant with UK Type Approval or have attained Single Vehicle Approval.

### **Vehicle Inspection**

31. Existing vehicle licence condition:

Licensed vehicles exceeding five years old on the day of licensing (calculated from the date of first registration), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately six months from the date of the initial grant or annual inspection at a date determined by the Council and can be completed by:-

presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council

or

successfully completing a M.O.T. test within a time scale determined by the Council

### **Comment**

32. These vehicles are subject to significant loadings and unique wear characteristics. There is a need to ensure that these vehicles are maintained in compliance with the relevant legislation and more frequent testing will be required. Vehicles licensed as public services vehicles are required to undergo a full safety inspection by VOSA every 6 months and have an independent examination every ten weeks.

### **Proposal**

33. It is suggested that the VOSA testing regime be adopted.

### **Approved Conversion**

34. Existing vehicle licence condition: None.

### **Comment**

35. This will ensure that a suitable donor vehicle has been used and that the conversion has been carried out to a prescribed standard.

### **Proposal**

#### **American Imports**

36. Any proprietor who wishes to licence an American stretched limousine as a private hire stretched limousine in York will need to prove the vehicle has been converted by an approved converter under the Ford/Lincoln Quality Vehicle Modifier (QVM) programme or on the Cadillac, Cadillac Master Coachbuilders (CMC) programme.

It is the responsibility of the proprietor to prove the stretch conversion has been carried out by an approved converter.

The vehicle must display a QVM or CMC plate which specifies the plated weights of the vehicle, if no plated weight is visible then a weight certificate from a registered VOSA weigh bridge must be produced.

#### **British / European Conversions**

37. Where any vehicle is 'stretched' within the European Union, the proprietor must produce the appropriate 'Low Volume' or 'European Whole Vehicle Type Approval' certification identifying the converting company.

The maximum permissible stretch conversion of any conversion must not exceed 130 inches (3300mm)

#### **Passenger Accommodation**

38. Existing vehicle licence condition:
- a) Where separate seats for each person are provided, one person shall be counted for each separate seat provided.
  - b) Where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be

determined as half the distance from the forwardmost point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms.

- c) All vehicles licensed shall comply with the following minimum standards of internal space:-
- i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm
  - ii) the distance from the foremost front edge of the rear seat to the rearmost part of the seat in front of that seat or other partition shall not be less than 200mm for the purpose of carrying passengers

### **Comment**

39. A vehicle licensed to carry more than eight passengers should be controlled by the Vehicle and Operator Services Agency. A vehicle licensed to carry eight or less passengers but found to be carrying more than eight passengers should be dealt with by enforcement.

### **Proposal**

40. The vehicle will be licensed to carry no more than 8 passengers with a minimum space of 400mm seating available for each passenger. All forward facing seats must be fitted with three point all age inertia reel, lap and diagonal seat belts. All other seatbelts fitted to any other seat by the converting company must be present and working correctly.

Appropriate conformity certification for a seatbelt may be required at the discretion of an Authorised Officer of the Council.

### **Interior Partition**

41. Existing vehicle licence condition: None.

### **Comment**

42. Due to the nature of the work mostly undertaken by this type of vehicle, it is desirable that the driver is able to clearly observe the activities of the passengers in the rear passenger compartment.

### **Proposal**

43. Vehicles with a partition between the driver and passenger compartment must only be fitted with a clear glass partition to enable full visibility into the rear of the vehicle. The glass should meet the relevant British/European Standard or its American equivalent. Solid partitions will not be allowed. Polycarbonate

may be used. If an Authorised Officer of the Council has a concern, the vehicle proprietor may be required to produce appropriate documentation to validate the safety of the glass for use inside a passenger vehicle.

## **Consultation**

44. Discussions have been undertaken with the National Association of Limousine and Chauffeur Association. They have indicated that they encourage their members to licence their operations through VOSA. The department has had contact with four stretched limousine companies working in the York area, all of which have indicated they will proceed along the VOSA route.

## **Options**

45. Option 1 – To consider whether to amend existing private hire vehicle licence conditions which would allow the council to license stretched limousines.

Option 2 – To approve the changes to the conditions as set out in paragraphs 15 to 44 of this report.

Option 3 – To approve any other amendments to the private hire vehicle licence conditions.

## **Analysis**

46. Option 1 – It is considered that the council should be able to respond to any requests to licence this type of vehicle as a private hire vehicle as it will provide the screening of driver suitability which is not present if licensed by VOSA.

Option 2 – The changes recommended by officers as detailed above include an analysis of the reasons why the changes are proposed.

Option 3 – It is recognised that members may wish to vary from the officer recommendations so this option is presented in the report.

## **Corporate Priorities**

47. There are no direct links to the Corporate Strategy.

## **Implications**

48. **Financial:** There are no direct financial implications to this report. Costs associated with taxi licensing are directly recovered through licence fees.

**Human Resources (HR):** None.

**Equalities:** None.



**Legal:** The clear advantage of the council licensing these vehicles is that, unlike the Traffic Commissioners, it then licenses their drivers. Public safety is thereby enhanced.

**Crime and Disorder:** None.

**Information Technology (IT):** None.

**Property:** None.

**Other:** None.

## **Risk Management**

49. Potential risks in implementing the recommendations of this report are those of legal challenge. It is essential that all recommendations are lawful and are reasonable. Legal advice has been taken in making the recommendations which are deemed to meet that criteria.

## **Recommendations**

50. Members are asked to consider to approve the changes to the private hire vehicle conditions for stretched limousines as set out in paragraphs 15 to 44 to enable the council to respond to applications to licence such vehicles.

Reason: This will allow the council to fulfil its statutory obligations and will ensure that the public interest is served as drivers will be required to be licensed also.

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### **Wards Affected:**

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**Report Approved**  **Date** 04/02/2008

**All**

**For further information please contact the author of the report**

**Background Papers:**

Local Government (Miscellaneous Provisions) Act 1976

**Annexes**

Annex 1 – Existing private hire vehicle licence conditions