

Report of	Meeting	Date
Director of Corporate Governance	Licensing and Public Safety-Committee	10/12/2008

## LICENSING OF LIMOUSINES LICENSING PROCEDURE AND CONDITIONS OF LICENCE

### PURPOSE OF REPORT

1. This report is to enable members to consider proposed licensing procedure and conditions of licensing for stretched limousines.

### RECOMMENDATION(S)

2. This report sets out the Council's proposed requirements for the licensing of stretched limousines. Recommendations will follow on a further report to members for determination, following the consultation of these proposals.

### EXECUTIVE SUMMARY OF REPORT

#### LEGAL FRAMEWORK AND BACKGROUND

3. Private Hire Vehicles are required to be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which, allows Councils to licence vehicles which are suitable to be used for private hire and which have no more than 8 passenger seats. Historically each Council has developed its own set of Private Hire Vehicle Licence conditions, which have determined vehicle suitability and any other requirements. For example licence conditions cover issues such as the accessibility of the vehicle, the internal condition of the vehicle, luggage space, etc. Some Council's also impose an age limit restriction on vehicles.
4. The conditions adopted by many Council's for their mainstream Private Hire Vehicle Licence conditions effectively prohibit the licensing of limousines. Issues such as tinted windows, seating capacity and side facing seats have meant that limousines are unable to comply with traditional licensing conditions.
5. It is recognised that in recent years there has been rapid growth in demand for the hire of limousine vehicles. Prior to the introduction of this policy the industry had been largely unlicensed and unregulated, with neither drivers nor vehicles being licensed. However Chorley Council has licensed vehicles and drivers using officer discretion to determine the application.
6. This document provides a transparent and consistent framework for the Licensing of Limousines and has been drawn up in accordance with the guidance of the Department for Transport outlined in their publication 'Taxi and Private Hire Vehicle Licensing – Best Practice Guidance'.

## DEFINITION OF A LIMOUSINE

7. For the purposes of this policy and licence conditions a stretched limousine is defined as follows:

A stretched limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that;

- is capable of carrying up to but not exceeding 8 passengers;

## DRIVER AND OPERATOR LICENSING REQUIREMENTS

8. In addition to the limousine being licensed as a private hire vehicle with Chorley Council, the limousine operator is required to hold a private hire operators licence with Chorley Council. All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator. Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver (this licence must also be issued by Chorley Council).

## RIGHTS OF APPEAL

9. The Local Government (Miscellaneous Provisions) act 1976 sections 48 and 77 details an applicants right of appeal. Where an applicant is aggrieved by the Counsel's decision to refuse a private hire vehicle licence or by any conditions imposed on a private hire vehicle licence the applicant has a right of appeal to the Magistrates Court within 21 days of the applicant being notified of the Council's decision.

## PRE-LICENSING REQUIREMENTS AND LICENSING CONDITIONS

	Issue	Licence Condition	Justification
1	Left Hand Drive Vehicles	Left Hand Drive stretched limousines will be considered for licensing as a PHV.	The majority of stretched limousines are imported from the U.S. and are left hand drive. The Department for Transport has recommended that Councils should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2	Sideways Seating	Stretched limousines with sideways facing seating will be considered for licensing as a PHV.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport's guidance outlined above, the Council will consider the suitability of limousines with sideways seating for licensing.
3	Signage	The signage on limousines will consist of an internal plate fixed to the inside of the windscreen or dashboard on the nearside so as not to obscure the drivers view.	Signage serves to distinguish PHVs from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with

		Limousines do not require Council door signs. The private hire plate has to be fixed in the boot, clearly visible and be able to be produced on demand to any authorised officer or a police officer	a private road user's vehicle. The internal plate must be displayed so that passengers know it is a licensed vehicle and the seating capacity
4	Tinted Glass	Stretched limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine. However, glass in the driver cockpit must satisfy the standards within the Road Vehicles (Construction and Use) Regulations 1986 as amended.
5.	Fare Table/ Taximeter	Limousines are not required to display a fare table or have a taximeter fitted.	Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6	Roadworthiness	The stretched limousine must hold a valid Single Vehicle Approval (SVA) Certificate.	The SVA test comprises a visual examination of a vehicle by VOSA and certifies its safety and roadworthiness.
7	Vehicle Age	Stretched limousines to be licensed in accordance with the Council's current PHV age policy.	To ensure that the limousines licensed by the Council are in a good and safe condition.
8.	Insurance	An appropriate insurance policy must be in place which covers use of the vehicle for hire and reward.	The Council has concerns that some limousines may be operating under insurance policies which do not cover use for hire and reward or take into account that the vehicle has been stretched.
9.	Tyres	The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight.	Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.
10	Vehicle Testing	Licensed limousines must be tested in accordance with the councils current PHV testing policy	To ensure that limousines licensed by the Council are maintained to high standards and remain safe.
11	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Councils can only licence vehicles with a maximum seating capacity of 8.
		No seats in the driver's compartment shall be	This is to ensure that passengers are not carried in the front of the

		used to carry passengers	vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).	This condition will be enforced by Council officers performing spot checks on licensed vehicles, and is in line with legislative requirements.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.
12	Seat Belts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.	As per construction and use regulations.
13	Fire Extinguisher	The vehicle must contain a fully functional portable multi-purpose powder type fire extinguisher which bears a kite mark and a 'last service' sticker. The extinguisher must be securely fitted, accessible and ready for use at all times.	For the safety of the vehicle occupants.
14	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale and supply of alcohol	To comply with requirements of the Licensing Act 2003 and to safeguard the public.
		Alcohol shall only be served while the vehicle is stationary and afterwards, all bottles shall be placed in a secure receptacle.	
		No alcohol should be sold or supplied to any passenger under 18 years of age	

15	Entertainment	The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).	To safeguard child passengers from viewing unsuitable material.
		The limousine operator shall ensure that a performing rights licence is held where appropriate.	Limousines which have the capability of playing recorded media for the entertainment of customers and may be required to hold a performing rights licence.
		The limousine operator shall ensure that a licence under the provisions of the Licensing Act 2003 is held where appropriate.	Entertainment regulated under the Act includes TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.
16	Council Notices	The proprietor shall ensure that the licence plate & internal plate are displayed in accordance with the current requirements of the Council.	To convey information to passengers where appropriate.
17	Advertisements	No other signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.	To ensure that any material displayed in the limousine is suitable for public viewing.

## CORPORATE PRIORITIES

10. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	4

## IMPLICATIONS OF REPORT

10. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

## LEGAL IMPLICATIONS

11. The legal implications are addressed within the report.

ANDREW DOCHERTY  
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

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