
TITLE: ADOPTION OF STRETCHED LIMOUSINE LICENCE CONDITIONS

Committee: Licensing Committee

Date: 19 October 2011

Author: Elizabeth Bailey, Principal Environmental Health Officer (Commercial)
[L156]

1.0 ISSUE

1.1 To adopt the proposed stretched limousine licence conditions for licensed private hire stretched limousines within East Cambridgeshire District Council.

2.0 RECOMMENDATION(S)

2.1 That Members agree for the proposed Stretched Limousine licence conditions to be adopted (Appendix 1).

3.0 BACKGROUND/OPTIONS

3.1 At the licensing committee meeting on 13 April 2011, Members agreed for a consultation exercise to be carried out with the trade, relevant organisations and members of the public with regard to proposed, revised stretched limousine licence conditions.

3.2 Whilst the Council currently has vehicle licence conditions in place for stretched limousines, these are fairly limited and require a review (Appendix 2).

3.3 A twelve week consultation exercise was carried out in relation to a set of proposed, revised stretched limousine licence conditions, and two responses were received from the Association of Stretched Limousines and Cambridgeshire Police (Appendix 3).

3.4 To ensure soundness of the proposed conditions, further clarification and advice was sought from VOSA, who suggested some additional wording to further clarify points within the proposed conditions (Appendix 4).

4.0 ARGUMENTS/CONCLUSIONS

4.1 Public safety whilst travelling as fare paying passengers within Council licensed vehicles is paramount.

4.2 Many stretched limousines have been imported into the United Kingdom from the United States of America. It is extremely important that the vehicle safety, loading and tyres are checked, so as to not compromise safety.

- 4.3 The proposed licence conditions for stretched limousines follow best practice laid down within the Hackney Carriage and Private Hire Vehicle National Inspection Standards document, in addition to suggested licence conditions deemed to be good practice by LGR (formerly LACORS) on the LGR technical website.
- 4.4 VOSA have also been consulted with regard to the proposed licence conditions, as they are the leading authority on vehicle inspections and examinations. A Senior Traffic Examiner at VOSA has advised that the proposed conditions as attached meet best practice.
- 4.5 There are currently no licensed stretched limousine vehicles within the district; therefore the introduction of such conditions is not prohibitive to any existing licensee.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 There are no financial implications related to this report.
- 5.2 Equality Impact Assessment (INRA) completed.

6.0 APPENDICES

- 6.1 Appendix 1 - Proposed Stretched Limousine Licence Conditions.
- 6.2 Appendix 2 - Current Stretched Limousine Licence Conditions.
- 6.3 Appendix 3 - Responses received as result of Consultation.
- 6.4 Appendix 4 - VOSA Senior Traffic Examiner recommendations.
- 6.5 Appendix 5 - Impact and Needs/Requirements Assessment (INRA).

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Taxi and Private Hire Guide, May 2009, Version 5 (The Blue Book)	SF209 The Grange Ely	Mrs E A Bailey Principal Environmental Health Officer (Commercial) (01353) 665555 E-mail: Elizabeth.bailey@eastcamb.gov.uk
Hackney Carriage and Private Hire Vehicle National Inspection Standards, A Best Practice Guide produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group.		

APPENDIX 1

Proposed conditions relating to Imported Stretched Limousines Licensed as private hire vehicles.

1. All vehicles must be less than 10 years old when registered in the UK or when first used in the Country of origin.
2. Vehicles may either be left hand or right hand drive providing they have full proof of full Department for Transport (DfT) Single Vehicle Type Approval (SVA), and must be fitted with at least 4 doors and 4 wheels.
3. The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the Council.
4. There shall be no passengers carried in the front compartment.
5. Every seat shall have fitted a suitable seat belt or restraint.
6. Every seat shall be at least 400mm in width measured along the seat base.
7. The vehicle identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer, and it shall confirm the total vehicle weight.
8. Fitted tyres to the vehicle must be either 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced)
9. DVLA V5 or equivalent shall be produced to authenticate registration.
10. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.
11. All operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, this restriction shall be explained to the hirer.
12. A stretched limousine vehicle will be subject to twice yearly mechanical examinations to the appropriate Class MOT Standard every 6 months at the Council's approved garage. Where a stretched limousine is adapted to carry more than 8 passengers it will then become a Public Service Vehicle (PSV) and be subject to all the regulations of a PSV.

13. Tinted glass shall conform to the legal requirements as laid down by the vehicle Operators Services Agency (VOSA)
14. The proprietor shall not use the vehicle, and not permit it to be used when there is not in force for the vehicle a policy of insurance or such security and complied with the requirements of Part VI of the Road Traffic Act 1998 for hire and reward
15. Limousines are not required to display a fare table or have a taximeter fitted.
16. The stretched limousines must hold a valid Single Vehicle Approval (SVA) certificate or an Individual Vehicle Approval (IVA).
17. The Limousines will meet the QVM (Quality Vehicle Modifier) issued by the Ford Motor Company or the CMC (Cadillac Mastercoach Builder)
18. The stretch extension shall not exceed 3 meters in length.
19. The maximum weight of any converted vehicle will not exceed 7,100lbs (3,200kg) when fully loaded.
20. Stretch Limousines must be constructed on the appropriate heavy duty packages as specified by the QVM/CMC
21. All replacement parts must be manufacturer approved.
22. The Operators of a licensed vehicle with side facing seats will not be used to carry passengers under 16 years of age, regardless of whether the vehicle is fitted with or without seatbelts.
23. Notices forbidding children under 16 years of age to be carried in side facing seats must be displayed in prominent positions, on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment,
24. Notices must be displayed inside the vehicle where all passengers can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to all passengers that should the capacity be exceeded then the vehicle will be uninsured.
25. The Private Hire Vehicle licence plate must be carried in the vehicle boot compartment at all times and be available for inspection by an authorised officer or Police Officer.
26. The licensed stretched limousine must only be driven by a valid licensed private hire driver.

**Current Stretched Limousine Licence Conditions,
Taxi And Private Hire Guide, May 2009, version 5**

- 5.4 Stretched limousines are subject to the following licensing criteria:
- (a) All Limousines will meet the QVM (Quality Vehicle Modifier) issued by the Ford Motor Company or the CMC (Cadillac Mastercoach Builder).
 - (b) The stretch extension shall not exceed 120 inches (10 feet)
 - (c) The maximum weight of any converted vehicle will not exceed 7,100 lbs (3,200 kg)
 - (d) Stretch Limousines must be constructed on the appropriate heavy-duty packages as specified by the QVM/CMC.
 - (e) All replacement Parts must be manufacturer approved. Replacement tyres must be of the appropriate size and weight bearing.
 - (f) Side facing seats in limousines will only be permitted if they meet the minimum requirements of lap belts.
 - (g) American Stretched limousines over 7 years of age on the date of first application will not be licensed unless there are strong mechanical representations as to the vehicles fitness.
 - (h) Limousine drivers are required to sign a declaration that they will not carry more than 8 passengers.

APPENDIX 3

Table to show responses received as a result of Consultation exercise regarding the introduction of proposed stretched limousine licence conditions.

Consultee	Comments received.	Response and notes.
<p>Stretched Limousine Operators outside of East Cambridgeshire District Council Area</p>	<p>Dear Elizabeth thank you for giving me the opportunity to contribute to the proposed condition changes for stretch limousines.</p> <p>There are 3 sections I would object to.</p> <p>(13) A stretched limousine vehicle will be subject to twice yearly mechanical examinations to the appropriate Class MOT Standard every 6 months at the Council's approved garage.</p> <p>Limousines only do a Limited mileage compared to other Licensed vehicle I have documented proof over the last 5 years that my 3 Limousines do only 5000 -10000 miles a year compared with PH or Hackney that do anything from 30000 to 100000 miles a year. So is every 6 months really necessary.?</p> <p>23. The Operators of a licensed vehicle with side facing seats will not be used to carry passengers under 16 years of age, regardless of whether the vehicle is fitted with or without seatbelts.</p> <p>24. Notices forbidding children under 16 years of age to be carried in side facing seats must be displayed in prominent</p>	<p>Thank you for your comments. These will form part of the Consultation responses and be forwarded to the relevant committee.</p> <p>Please note that weddings and funerals are exempt from Private Hire work, so any conditions in place for private hire work, would not apply when using the vehicle for a wedding or funeral.</p> <p>Notes.</p> <p>The proposed conditions follow best practice guidance.</p> <p>Wedding and funerals are exempt from private hire vehicle licence conditions.</p> <p>The licensed private hire vehicle operator must be able to demonstrate that they have exercised all reasonable care and due diligence to ensure that</p>

	<p>positions, on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment,</p> <p>The proposal to limit under 16 year olds from using side facing seats would put most operators out of business. How do you expect a driver to police this ask for photo ID which most under 16 year old don't have.</p> <p>It is not acceptable to put a burden of this on a driver, we often don't know the mix of passengers until we arrive, A Grandfather & ,Grandmother, and 6 grandchildren as I had last week, Pick up at a house to take to a Theatre, The Proms would be another type of work Limousines would not be able to participate in, also children's birthday parties, Weddings taking brides maids to the church, often there are more than 4 brides maids under 16 years old. I could go on and state many more occasions that we would carry more than 3 under 16 year olds. This would not be asked of any other Licensed driver,side facing seat are safe , if they were not buses and trains would not be permitted to use them without seatbelts. All Limousines have 8 seat belts.</p> <p>Please contact me if you wish further comments on this or any other Limousine related issue.</p>	<p>passengers are not under 16 years of age. Operators at the time of booking must remind their customers of the condition that persons under the age of 16 cannot be carried in side facing seats. This is a safety measure and follows best practice national guidance.</p>
	<p>Dear Elizabeth It is my understanding that once a vehicle is operating under License weather it is for a wedding or a funeral it still has to work under licensing conditions unless the plate is returned for the day of the wedding.to the licensing department.</p>	<p>Weddings and Funerals are exempt from private hire requirements- so where a vehicle is licensed for Private Hire, it won't need to comply with the licence conditions, when involved in</p>

	Which would stop the Limousine doing a second job that day as it would not be licensed until collection of the plate from the licensing office which would be a problem at a weekend.	weddings and funerals. Local Authorities should not be requiring the vehicle plate to be handed in for the day where a private hire vehicle is used for a wedding or funeral- the licence conditions would just not apply. Most Authorities offer plate exemptions for Private Hire Vehicles that are involved in chauffeuring, so they do not have to display their plate- instead there is a requirement for the plate to be kept in the boot of the vehicle , so that it can be inspected at any time.
Cambridgeshire Police	I have looked through the info and it is so detailed that I don't think that I can add any significant feedback other than in general terms that it will be good to tighten up on the rules surrounding the use of these vehicles.	
Chief Vehicle Examiner, VOSA	Dear Elizabeth, Having looked at the conditions and suggested amendments I consider that from the viewpoint of the Vehicle and Operators Services Agency (VOSA) that the conditions meet best practise with regard to Road Safety and Enforcement of Regulations.	

APPENDIX 4

Additional wording recommended by Senior Traffic Examiner, VOSA to the proposed stretched limousine licence conditions sent out for consultation. (Bold Italics)

Proposed conditions relating to Imported Stretched Limousines Licensed as private hire vehicles.

1. All vehicles must be less than 10 years old when registered *in the United Kingdom or when first used in the Country of origin.*
2. Vehicles may either be left hand or right hand drive providing they have full proof of full Department for Transport (DfT) Single Vehicle Type Approval (SVA), and must be fitted with at least 4 doors and 4 wheels.
3. The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the Council.
4. There shall be no passengers carried in the front compartment.
5. Every seat shall have fitted a suitable seat belt or restraint.
6. Every seat shall be at least 400mm in width measured along the seat base.
7. The vehicle identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- 8. A plate on the door pillar shall conform the total weight of the vehicle.
*Combine with condition 7 as weight will be on VIN plate***
9. Fitted tyres to the vehicle must be either 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced)
10. DVLA V5 or equivalent shall be produced to authenticate registration.
11. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.
12. All operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, this restriction shall be explained to the hirer.
13. A stretched limousine vehicle will be subject to twice yearly mechanical examinations to the appropriate Class MOT Standard every 6 months at the Council's approved garage.
14. Tinted glass shall conform to the legal requirements as laid down by the vehicle Operators Services Agency (VOSA)

15. The proprietor shall not use the vehicle, and not permit it to be used when there is not in force for the vehicle a policy of insurance or such security and complied with the requirements of Part VI of the Road Traffic Act 1998 for hire and reward
16. Limousines are not required to display a fare table or have a taximeter fitted.
17. The stretched limousines must hold a valid Single Vehicle Approval (SVA) certificate. **Or an IVA – Individual Vehicle Approval**
18. The Limousines will meet the QVM (Quality Vehicle Modifier) issued by the Ford Motor Company or the CMC (Cadillac Mastercoach Builder)
19. The stretch extension shall not exceed 120 inches (10 feet) **Convert to metric (3 meters)**
20. The maximum weight of any converted vehicle will not exceed 7,100lbs (3,200kg) **add when loaded**
21. Stretch Limousines must be constructed on the appropriate heavy duty packages as specified by the QVM/CMC
22. All replacement parts must be manufacturer approved.
23. The Operators of a licensed vehicle with side facing seats will not be used to carry passengers under 16 years of age, regardless of whether the vehicle is fitted with or without seatbelts.
24. Notices forbidding children under 16 years of age to be carried in side facing seats must be displayed in prominent positions, on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment,

Notices must be displayed inside the vehicle where all passengers can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to all passengers that should the capacity be exceeded then the vehicle will be uninsured.

Add in condition stating that vehicle must be driven by Private Hire licensed driver at all time. This will bring the condition in line with PSV vehicle condition licences, which VOSA are responsible for.

Add in a condition about vehicle licence plate to be in boot of vehicle and available for inspection by authorised officer or Police Officer.

Impact and Needs/Requirements Assessment (INRA)

Name of Policy:	ADOPTION OF STRETCHED LIMOUSINE LICENCE CONDITIONS
Lead Officer (responsible for assessment):	Mrs E A Bailey
Department:	Environmental Services
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date INRA Completed:	3 rd October, 2011

'Policy' needs to be understood broadly to include all Council policies, strategies, services, functions, activities and decisions.

- (a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

The aim of the policy is to ensure that vehicle licence conditions for stretched limousines to be licensed by the Council for Private Hire meet best practice standards to ensure the safety of fare paying passengers, members of the public and other road users.

- (b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

Members of the public, fare paying passengers, young and vulnerable persons will be protected through the introduction of sound vehicle licence conditions.

- (c) **Is the INRA informed by any information or background data (quantitative or qualitative)?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

A twelve week consultation has been carried out in relation to the proposed licence conditions. The Police and VOSA commented on the proposals, in addition to a Stretched Limousine Operator outside of the District Boundary. National Best Practice Guidance has been used to compile and shape the proposed licence conditions.

- (d) **Does this policy have the potential to cause an impact (positive, negative or neutral) on different groups in the community, on the grounds of (please tick all that apply):**

Ethnicity	<input checked="" type="checkbox"/>	Age	<input checked="" type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	Religion and Belief	<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	Sexual Orientation	<input checked="" type="checkbox"/>

Please explain any impact identified (positive, negative or neutral): i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

The revision and update of current licence conditions for stretched limousines will be of benefit to all sectors of the community who use stretched limousines that would be licensed by the Council. In particular the very young will be protected through the adoption of best practice of minimum standards regarding side facing seats.

(e) Does the policy have a differential impact on different groups?	NO
(f) Is the impact <i>adverse</i> (i.e. less favourable) on one or more groups?	NO
(g) Does it have the potential to disadvantage or discriminate unfairly against any of the groups in a way that is unlawful?	NO

(h) What additional information is needed to provide a clear picture of how the activity is impacting on different communities and how will you collect this information, i.e. expert groups, further research, consultation* etc? Where there are major gaps in information that cannot be addressed immediately, these should be highlighted in your recommendations and objectives at the end of the INRA.

* The Consultation Register is available to assist staff in consulting with the Council's stakeholders. If you are consulting on a new or revised policy contact the Principal HR Officer.

(i) Do you envisage any problems with these methods of information collection? i.e. not accessible to all, timescale not long enough to obtain all of the necessary information, translation facilities not available, insufficient resources etc.

(j) If it has been possible to collect this additional information, summarise the findings of your research and/or consultation (please use a separate sheet if necessary).

(k) What are the risks associated with the policy in relation to differential impact and unmet needs/requirements? i.e. reputation, financial, breach of legislation, service exclusion, lack of resources, lack of cooperation, insufficient budget etc.

(l) Use the information gathered in the earlier stages of your INRA to make a judgement on whether there is the potential for the policy to result in unlawful discrimination or a less favourable impact on any group in the community, and what changes (if any) need to be made to the policy.

Option 1:	No major changes, the evidence shows no potential for discrimination.	X
Option 2:	Adjust the policy to remove barriers or to better promote equality.	
Option 3:	Continue the policy despite potential for adverse impact or missed opportunity to promote equality.	
Option 4:	Stop and remove the policy – if the policy shows actual or potential unlawful discrimination it must be stopped and removed or changed.	

(m) Where you have identified the potential for adverse impact, what action can be taken to remove or mitigate against the potential for the policy to unlawfully discriminate or impact less favourably on one or more communities in a way that cannot be justified? Include key activities that are likely to have the greatest impact (max. 6). Identified actions should be specified in detail for the first year but there may be further longer term actions which need to be considered. To ensure that your actions are more than just a list of good intentions, include for each: the person responsible for its completion, a timescale for completion, any cost implications and how these will be addressed. It is essential that you incorporate these actions into your service plans.

This completed INRA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to Nicole Pema, Principal HR Officer.**

All completed INRAs will need to be scrutinised and verified by the Council's Equal Opportunities Working Group (EOWG) and published on the Council's Intranet to demonstrate to local people that the Council is actively engaged in tackling potential discrimination and improving its practices in relation to equalities. Please be aware that you will be asked to attend a half-an-hour session to summarise the findings of the INRA to the EOWG Verification panel.

Signatures:

Completing Officer: _____ **Date:** _____

Head of Service: _____ **Date:** _____